

Section Officer (Construction works):

- Setting out the plans and drawings on the ground to the dimension, supervising the works to the standards and specifications, taking measurements then and there sequencing, getting it check measured and preparing bills for the works, rendering materials and financial accounts, preparation of completion plan and completion report and making final rest of accounts with respect to the works in the Section
- Attend various meetings with his own superiors and other Department functions, meeting in connection with the Governmental policies, programmes, etc.

Section being the basic fundamental unit of the organisation, all the works and finance related documents and records emanate from the Section level only. Therefore, apart from his technical works, he has to originate basic accounts in M Book, L.F. Books, N.M. Rolls, Hand Receipts. Permanent Account Book, Unstamped receipt, O.T.E.Os, T.E.Os, Imprest cash account, etc., and he is responsible for rendering monthly accounts of finance, works and on his records also and as well as monthly returns on materials at site account and on Tools and Plant.

Sub Divisional Officer (Assistant Executive Engineer):

- Main link between the Public, Section Officer, Inter-Department and works to the Divisional Officer
- Inspects and check measures all the works of his Sub Division with equal responsibilities as a Section officer
- Each with functional finance, accounts and work related matters
- Responsible for all the correctness of leads in the estimate, measurement and standards in works
- Responsible for the equitable distribution of all resources within his Sub Division
- Decides the priorities on works and removes the impediments that are crippling in the execution of works
- A certain amount of floating of tenders, conclusion of tenders, drawing up of agreements, etc., comes under his power and proviso as stipulated in Codal Rules
- Prepares all the financial statements as required by the Accountant General (A&E) for compilation and reconciliation with Comptroller and Auditor General of India
- Carries out all the reconciliation of accounts with Treasuries and Banks
- Maintain all the personnel management records like Service Registers, Record Sheets, incumbent Register, legal matters, etc., for the Sub Divisional establishment. He is responsible for collection and realization of revenues, wherever applicable
- Empowered to protect the landed properties of the Department with the use of Encroachment Eviction Act.

Executive Engineer :

- The sole authority to execute all the works on behalf of the Government and Governor of Tamil Nadu within his functional jurisdiction
- Responsible for all the financial accounts within his Division
- Directly answerable in all the financial matters with the Accountant General (A&E), and Finance Department

Sl. No.	Name of Post	Staff strength under			No. of vacant posts		Scale of pay
		W.R.O.	Buildings	Total	Permanent	Temporary	
1.	2.	3.	4.	5.	6.	7.	8.
Posts under Tamil Nadu Engineering Service							
1.	Chief Engineer	12	1	13			16400-450-20000
2.	Superintending Engineer / Joint Chief Engineer	55	15	70			14300-400-18300
3.	Executive Engineer / Deputy Chief Engineer / Deputy Superintending Engineer	190	70	260			10000-325-15200
4.	Assistant Executive Engineer / Dy. Executive Engineer / Asst. Director	710	266	976			8000-275-13500
5.	Assistant Engineer	1555	466	2021			6500-200-11100
6.	Head Draughting Officer	25	11	36			9100-275-14050
7.	Research Officer	5		5			6500-200-11100
8.	Computer Programmer	1		1	1		8000-275-13500
	Total	2553	829	3382	1		
Posts under Tamil Nadu Engineering Subordinate Service							
9.	Junior Engineer	350	250	600			5500-175-9000
10.	Spl. Gr. Draughting Officer	14	3	17			8000-275-13500
11.	Sr. Draughting officer	105	48	153			6500-200-10500
12.	Draughting officer	145	53	198			5500-175-9000
13.	Junior Draughting Officer	425	176	601			4500-125-7000
14.	Asst Draughtsman	213	71	284	54		4000-100-6000
15.	Overseer	60		60			4500-125-7000
16.	Blue Print Operator	73	20	93	3		2610-60-3150-65-3540
17.	Senior Research Asst.	2		2			6500-200-11100
18.	Junior Research Asst.	11		11			5500-175-9000
19.	Science Assistant	1		1			6500-200-10500
20.	Asst. Programmer (Computer)	3		3			5900-200-9900
21.	Driver	1052	87	1139	58		3200-85-4900
	Total	2454	708	3162	115		

Personnel in Administration (Job Description):

Sections :

The Section Office is headed either by Assistant Engineer or Junior Engineer. He will be assisted generally by Irrigation Inspectors and Irrigation Assistants. Wherever the Section is having head works and machinery equipments, he will be provided with members like Drivers and Cleaners, Fitters, Tuners, Mechanics, Smiths, Electrician, Plumber, Gardener, Sweepers, etc. In all the above categories, the Irrigation Assistant is the backbone of irrigation maintenance and operation.

Irrigation Assistant :

He takes up the general maintenance of canals and banks, against bank erosion, formation of ruts and goslings, wild growth of prickly pears, jouliflora, weeds, unwanted vegetative growth, etc. He maintains the screw-gearing shutters, paddle shutters, etc. in excellent operational condition. He is responsible for the upkeep of all the plantations along the banks of rivers and canals which form part of the miscellaneous properties of the Department. He leads the water in the canal to the required level, place and time for the agricultural activities within his jurisdiction up to the hundred acres limit, the cross masonry structure. But in reality he is expected by the farmers to take up the water up to the field channel limit, which function he has to perform in addition. In the developing scenario of the society, he is the primary and vital link between the farmers and the Water Resources Organisation. He is assigned with the job of operating the sluice and shutters according to the instructions given to him and to take up the water level reading in head works and as well as in canals and sluice. He takes up the weekly cultivation statistics of the fields for the extents of dry ploughing, wet ploughing, sowing seeding, raising, transplanting, flowering and harvesting stages of crops. By that way he is the key man to assist the Section Officer to assess the crop to water requirement and thereby planning up water regulations and releases. Normally he will be assigned with length of reach of canal at about 10 K.Ms. He is supposed to look after and maintain the cross masonry works like sluices, outlets, weirs, siphons, etc. Therefore, he will have to traverse a length of about 20 to 40 K.Ms a day including his walk through the head reaches and fields. Irrigated wise, he will be having jurisdiction of 2500 acres. In general terms, this much area will be covered in 4-5 Revenues villages. During the summer he takes up the maintenance work of the structure with hard labour. For investigating and estimating works, he assists the Section Officer in field surveying works.

Irrigation Inspector:

He compiles all the irrigation statistics of the Section and documents as record. He helps the Assistant Engineers / Junior Engineers in equitable distribution of water to the fields. He helps the Assistant Engineer / Junior Engineer in the application efficiency of the irrigation. He assists the Section officer in estimation of works for maintenance and repairs and for original works. He inspects the day-to-day works of the Irrigation Assistant and reports to the Section Officer.

Work Inspector :

In Water Resources Organisation the job description will be on the same line as Irrigation Inspectors. When works are executed they are assisting the Section Officers to see that the works are progressed as per standards and specifications.

Chapter VI - Service Matters

Appointment (Recruitment):

No appointment shall be made in deviation to any of the provisions of these service rules. The officer responsible for such deviation is liable for disciplinary action.

TNPSC Appointment:

A candidate selected by TNPSC shall join duty within three months. If not, his name will be removed from the list with the concurrence of TNPSC. The appointing authority may extend the time limit upto six months on valid reasons – G.O. Ms. No. 857 P&AR, dated 18.9.1983 and Government letter No. 18215/86-1, P&AR (Per.M), dated 10.3.1986.

Physical Fitness :

The candidates selected by TNPSC or appointed directly through Employment Exchange should produce Certificate of Physical Fitness within two weeks as directed by the competent authorities. – G.O. Ms. No. 528 P&AR dated 16.5.1981. Rule 12(b)(b) Qualified eligible junior shall be considered for probation. If the person is a direct recruit and fails to acquire the prescribed qualification within the maximum period of five years. His services shall be terminated. Explanation under Rule 26 introduced in G.O. Ms. No. 1168 Per(P), dated 20.11.1981.

(b) On completion of the prescribed period of probation, an order to that effect will be issued by the appointing authority immediately – Rule 27(b). There should be no delay in issuing orders completing the probation. If no orders are issued within six months from the date of completion of probation, the probationer shall be deemed to have completed his probation on that date. In such cases, it is enough if the appointing authority issues formal orders – Rule 27(b) and Government letter No. 96271/79-1 P&AR, dated 8.1.1980.

Seniority :

(a) The seniority of a candidate is determined based on the rank obtained by him in the list of approved candidates drawn by the TNPSC or by other appointing authorities subject to the rule of reservation wherever it applies – Rule 35(b).

(b) The seniority has nothing to do with the commencing of probation. Or a person cannot claim to be a senior because he has joined earlier. Hence the date of joining duty has nothing to do with the seniority – Rule 35(a).

Preparation of Panel (Approved list for Promotion):

Introduction :

The panel is prepared by the appointing authority for promoting qualified persons to higher posts. It is prepared annually on a crucial date determined for this purpose. Separate panel shall be prepared for each post. A panel shall include the candidates both for promotion and

appointment by transfer according to special rules. The appointing authority shall assess the estimated vacancy that may arise due to retirement, due to promotion, due to leave reserve, due to creation of new posts, etc. The vacancies so assessed is known as estimated vacancy – (Rule 4). In addition to estimated vacancy, 50% will be added as reserve – G.O. Ms. No. 907 P&AR, dated 16.9.1986.

How the panel is prepared?

Where there is provision for making panel from two or more feeder categories and where the pay scales of the feeder categories are different, the person holding the post carrying a higher scale of pay in the feeder category shall be considered first and then, if no qualified persons are available, in that feeder category, the person holding posts carrying the next higher scale of pay in descending order in the feeder categories shall be considered (effective from 13.10.1984) – G.O. Ms. No. 450 P&AR, dated 17.4.1985.

Who are the persons to be included in the Panel?

The candidates who are included in the previous year panel but not got their promotion and candidates who are overlooked in the previous year and eligible in the current year will also be considered for inclusion in the panel according to seniority. Due to this, there may be possibility of a candidate who had been included in the previous year panel but not got promotion to be pushed to junior position while the claim of the seniors are considered in the current year. Therefore, mere inclusion in the previous year panel does not confer on the candidate any preferential right, whatsoever, in current year panel to consider him first for promotion – G.O. Ms. No. 1309 Public (Services) Department, dated 22.4.1976.

Communication / Publication of Panel :

(a) The panel prepared by the appointing authority for Group (A) and (B) shall be published in the Tamil Nadu Gazette – G.O. Ms. No.707, P&AR (Per. M) Department, dated 3.7.1981.

(b) The panel should also be communicated to all the persons concerned by Registered Post including the persons whose names have not been included in the panel – G.O. ibid and G.O. Ms. No. 999 P&AR (Per. P) Department, dated 2.10.1983.

Appeal against the panel:

A person (A and B) who wishes to prefer an appeal against the panel, shall do so within a period of two months from the date of publication of the panel in the Gazette – G.O. Ms. No. 707 P&AR (Per. M) Department, dated 3.7.1981.

How long the panel will be valid?

(a) The panel will be valid for one year from the date of approval of panel by the competent authority – Explanation I under Rule 4(a).

(b) If the candidates included in the panel have not got their appointment, their names will be considered in the next year panel provided they possess seniority according to the position prevailing at that time.

Whether persons on long leave are eligible for promotion?

(a) An employee who is on continuous leave for more than 3 years, shall not be considered for promotion – G.O. Ms. No. 288 P&AR, dated 28.3.1984 and G.O. Ms. No. 863 P&AR, dated 2.9.1986.

(b) Where an employee is on leave for higher studies and research work, he shall not be considered for promotion if he is on leave for more than four years G.O. *ibid*.

(c) The above employees shall be considered for promotion after completion of one year from their rejoining to duty – G.O.

Whether pending charges are a bar for promotion?

Where it is necessary to promote an officer against whom an enquiry into allegation is pending, the appointing authority may promote him temporarily pending enquiry. In suitable cases, the competent authority shall have the discretion to make regular promotion – Rule 39(d). The meaning of this provision is that ... if a turn comes to a person for promotion according to panel should be given promotion temporarily notwithstanding the charges pending against him. The appointing authority may give regular promotion also if he considers him otherwise fit.

Whether punishments are a bar for promotion?

The appointing authority should exercise the discretion judicially and they should not be guided merely by the number of punishments received by an individual but should examine the lapses for which punishments were imposed and then decide the fitness for promotion based on the punishment orders available in the record sheet / personal files – G.O. Ms. No. 289 P&AR, dated 12.3.1980.

Departmental Test – Exemption from passing :

(a) He should have completed 53 years;

(b) He should have attempted the examination five times (Hall ticket and service book entries are necessary);

(c) His performance should be satisfactory – G.O. Ms. No. 1120 P&AR, dated 20.10.1984.

Date of Birth (D.O.B):

(a) If the DB entered in the Service Book is different from the S.S.L.C. Book, the error may be rectified at any time. This is called "Correction of D.O.B". If the D.B. entered in the S.B. and S.S.L.C. Book are the same and the employee wants them to be changed, it is called "Alteration of D.O.B".

(b) When the S.B. is opened, a declaration should be obtained from the employee that the D.O.B., to be noted in the S.B. is correct one and if there is any discrepancy, it will get corrected within a period of five years from the date of joining – G.O. Ms. No. 1047, P&AR, dated 21.10.1980.

(c) If an employee who is due for retirement has filed a writ petition, he shall be retired from service notwithstanding to the pending Writ Petition. But an undertaking should be given to the

Court that he will be paid all dues of pay, etc., if the writ is disposed off in his favour – Govt letter No. 14805/84 P&AR, dated 10.2.1984.

Correction of Date of Birth :

(a) If an employee finds the D.O.B. entered in his S.B., is different from the one entered in the S.S.L.C. Book, which may be due to the some clerical error or otherwise, the candidate may apply to the appointing authority. The appointing authority may straightway rectify the defect without referring the issue to anybody – Rule 49A inserted in G.O. Ms. No. 855 P&AR, dated 28.8.1986 and G.O. Ms. No. 770, P&AR, dated 12.8.1987.

(b) Where the correction of D.O.B. is due to clerical errors while entering the S.B. with reference to the one indicated in TNPSC list, it can be corrected without consulting the TNPSC – Government memo. No. 30285/48-7, P&AR, dated 3.3.1979.

Alternation of Date of Birth :

(a) Application for alteration of D.O.B. should be made within five years from the date of joining the service. If applied after five years, the application will be rejected – Rule 49(b).

AEs – Sanction of Second Increment before completion of probation

Public Works (D1) Department G.O. Ms. No. 632, Dated 18.9.1996

Amendments:

In the said Special Rules in Part-II, (1) under the heading “Branch I Public Works”, for rule 10, the following rule shall be substituted, namely:-

“10. Test for Assistant Engineers: Every person appointed as Assistant Engineer shall, within the period of his probation pass the Account Test for Public Works Department Officers and Subordinates. He shall not be liable to be discharged or reverted for failure to pass the said Test within the period of his probation but his probation shall be extended upto a maximum period of five years and his second and subsequent increments shall be stopped without cumulative effect till he passes the said Test. The probationer who has passed the said Test within the above stipulated period shall be eligible for sanction of the second and subsequent increments on normal dates irrespective of the fact that no formal orders for the declaration of satisfactory completion of probation after having passed the said Test have been issued. If he does not pass the said Test even within the maximum period of five years he shall be reverted in the case of appointment by recruitment by transfer and his probation shall be terminated, in the case of appointed by direct recruitment.”

Note : Identical amendments are also issued for AE (Electrical) & AE (Mechanical) in the same G.O.

Guidelines for Handing Over of Section Charges

Office of the Engineer-in-Chief, WRO and Chief Engineer (GI), PWD, Chepauk, Chennai-5

Memo No. CII(2)/2730/97-1, dated 24.3.1997

Sub : Public Servants – PWD – Shortage of materials to huge value – Making good the loss – Delay – Avoidance of the shortage of materials – Instructions issued – Regarding.

Of late, the Chief Engineer (General), PWD, WRO has observed with much concern that not a single day passes without a case of shortage of materials. Such cases brought to the notice of the Chief Engineer (General) are pertains to several years and for a huge amount, this rendering it impossible to make good the value of the shortage from the persons who are actually responsible.

Accordingly to Para 340 of TNPW “A” Code, “if the Gazetted Officer or subordinate in direct charge of work is transferred before the accounts of it are closed, **the unused materials at site of the work should be verified by relieving officer co-jointly with the relieved officer and the report prescribed in Para 337 should be prepared by the Assistant Executive Engineer and submitted to the Division Office.**”

The Chief Engineer (GI), PWD has reasons to believe that the said codal provisions is observed more in breach than in practice and no Assistant Engineer or Junior Engineer hand over his Section charges to his successor as prescribed above at the time of his relief from the Section on transfer / leave, etc. He simply leaves the Section and his successor joins duty without verifying any accounts or the materials at site and after considerable delay, the Superintending

Engineers / Executive Engineers sends reports to the Chief Engineer (GI), PWD about the shortage of materials. This kind of attitude is bolting the stable after the horses had flow out on the part of the Superintending Engineer / Executive Engineer will not serve any useful purpose. In some instances the Superintending Engineer / Executive Engineers have brought out the cases of shortage of materials at the time of the retirement of the concerned officials, placing the officials under mental agony and also placing the Chief Engineer (GI), PWD in a tight spot, as there will be a little time to process the cases. In such events the Government as the Chief Engineer (GI), PWD to initiate disciplinary action against the Executive Engineers / Superintending Engineers who have failed to detect the shortages and sending their reports to the competent authority in time.

In some other cases, the Tamil Nadu Administrative Tribunal struck down the recovery orders passed by the Executive Engineers / Superintending Engineers on the ground that the charges were framed very belatedly and were vague. In such cases also the Government orders for initiation of disciplinary action against the Executive Engineers / Superintending Engineers who have framed vague charges without any investigation.

In order to streamline this issue and in order to avoid the unpleasant events explained above, the Chief Engineer (GI), PWD desires to issue the following guidelines to be followed by Executive Engineers / Superintending Engineers in the cases of shortage of materials.

1. Immediately after the relief of an Assistant Engineer / Junior Engineer from his Section, the successor may be directed to check the details of materials with reference to the accounts and report the shortage, if any, **within a week.**
2. If there are shortages, the relieved officer may be informed of them, and he may be directed to attend the Section to reconcile the discrepancies. A copy of such instructions may be sent to Chief Engineer (GI), PWD along with a detailed report without fail so that the Chief Engineer (GI), PWD would be able to issue suitable instructions to the erring officer.
3. If the relieved officer fails to do so, a draft charge sheet may be prepared with all the relevant details and sent to the Chief Engineer (GI), PWD for further action. **The value of the shortage of materials thus arrived at should be correct, and beyond any dispute.**
4. If the relieving officer, failed to bring the shortage to the Executive Engineers / Superintending Engineers notice within the prescribed time, disciplinary action should also be initiated against him for dereliction and negligence in his duties.
5. As far as possible the Executive Engineers / Superintending Engineers may insist the relieved officer to hand over his Section charges in a complete shape and then to issue him the relief order and **even sending the L.P.C. also may be decided for the concerned officials in the above matter.**

The Chief Engineer (GI), PWD is particular that tangible steps are to be taken to save the situation from further worsening to safeguard the Government property as well as the interests of the PWD officials so that they would be able to get their promotion / retirement in time.

Engineer-in-Chief, WRO and Chief Engineer (GI), PWD

Avoidance of shortage of materials

Amendments to Circular Memo dated 24.3.1997

Confidential :

Office of the Engineer-in-Chief, WRO and Chief Engineer (GI), PWD Chepauk, Chennai-5

Memo No. CII(2)/273/97-2, dated 8.7.1997

Sub : Public Servants – PWD – Shortage of materials to huge value - Making good the loss – Delay – Avoidance of the shortage of materials – Instructions – **Amendment – Issued – Reg.**

Ref: From the Chief Engineer (GI), PWD Circular Memo No. CII(2)/2730/97-1, dated 24.3.1997

The following amendment is issued to the above Chief Engineer (General), PWD's Circular memo.

1. Immediately after the relief of an Assistant Engineer / Junior Engineer from his Section, the successor may be directed to check the details of materials with reference to accounts and report the shortages, if any, **within the time limit prescribed by the Government in G.O Ms. No. 1975 PWD dated 7.10.1987.**
2. As far as possible the Executive Engineers (the **word Superintending Engineers deleted**) may insist the relieved officer to hand over his Section charges in a complete shape, and then to issue him the relief order.

The following sentence appearing against item No 5 in the Circular Memo cited is deleted.

“and even sending the L.P.C. may be decided for the concerned officials in the above matter”.

G Ganapathi Subramanian

Engineer-in-Chief, WRO and Chief Engineer (GI), PWD

Handing over of charges at the time of Relief – Review of old cases – Instructions Issued

Public Servants- Public Works Department – Stores – Handing over of charge at the time of relief – Review of old cases – Instructions Issued.

G.O. 3(D) No. 38 Public Works (E2) Department, dated 23.5.1997

Order :

Of late, cases of shortages of materials in Public Works Department are brought to the notice of the Chief Engineer (GI), PWD / Government after a prolonged delay of 5 to 10 years, that too at the fag end of service of the erring officials. Because of the delayed initiation of disciplinary action, the Accused Officers escape from the clutches of recovery proceedings. So, in order to curtail this practice, all the Chief Engineers are directed to review the accounts / files of the Divisions under their control immediately and to bring the cases of shortage of materials / non-handing over of charges etc., which are pending for more than one month to the notice of the Chief Engineer (General) for initiating suitable departmental disciplinary action or criminal action against the concerned Junior Engineer / Assistant Engineer / Assistant Executive Engineer without any delay. The Chief Engineers should send a completion report in this regard within 3 months from the date of this order.

2. The Chief Engineers are also directed to instruct their subordinates that the reconciliation of accounts should hereafter be done at the time of handing over of charge, that grace time of one month may, however, be allowed, after which it should be invariably brought to the notice of the Engineer-in-Chief, WRO and Chief Engineer (GI), PWD who will take disciplinary action against the defaulters and that failure to adhere to these instructions would be viewed very seriously and the relieving officers will be taken into task.

3. Receipt of this order should be acknowledged immediately.
(By order of the Governor)

N.P. Gupta
Secretary to Government

Guidelines for intimation of Financial Misappropriation or Irregularity to the AG :

Government letter No. 32590 / Salaries / 97-1 dated 15.6.1997 from Thiru L.S. Ranjan, B Sc, Joint Secretary to Government, Finance (Salaries) Department, Fort St. George, Chennai-9 to all Heads of Departments.

Sub : Audit – Misappropriation / Financial irregularity of Government money – Delegation and intimation to audit – Instructions – Issued.

Ref : From the Accountant General (Audit I), Chennai-35 letter No. AG(A)/CC/VII/Misc/96-97/663, dated 17.4.1997

1. Accordingly to Article 294 of Tamil Nadu Financial Code Volume I, whenever misappropriation / financial irregularity occurs in Government Departments, the Head of Office should bring it to the notice of the Heads of Department / Government and also to the Accountant General. The Accountant General in his letter has pointed out that there has been inordinate delay in bringing such fraudulent activities to the notice of the Accountant General, Tamil Nadu. Several cases are reported after several years after their occurrence which is not in accordance with the provisions in the Tamil Nadu Financial Code. Hence, the Accountant General has requested that all the Heads of Departments may be instructed to adhere to the provisions envisaged in Tamil Nadu Financial Code

Volume I regarding the detection and intimation of financial irregularity / misappropriation which has taken place in the transaction pertaining to the Government and to prevent inordinate delay in the finalization of the departmental / legal proceedings and recovery of losses from the Government servant atleast before their retirement.

2. I am to request you to ensure that whenever misappropriation / financial irregularity is detected in Government Departments, it should also be immediately brought to the notice of the Accountant General (Audit I), Chennai, and follow up action initiated immediately. These instructions should be followed scrupulously. I am also to request you to bring the above instructions to all your subordinate officers for strict adherence.

Confidential:

Office of the Engineer-in-Chief, WRO and Chief Engineer (GI), PWD, Chepauk, Chennai-5

Endorsement No. CII(2)/7940/97 CR, dated 4.8.1997

Copy of the Government letter read above is communicated to the Chief Engineers , PWD and Regional Chief Engineers , WRO for information and necessary action to instruct the subordinates suitably.

Er. G. Ganapathi Subramanian

Engineer-in-Chief, WRO and Chief Engineer (GI), PWD

10 years of stay at Chennai for AEs :

Government letter No. 2293/A2/84-2, dated 27.7.1984 from Thiru K Madhava Sarma, IAS, Commissioner and Secretary to Government, Public Works Department, Chennai-9 addressed to the Chief Engineer (GI), PWD, Chennai-5.

Sir,

Sub: Establishment – PWD – Assistant Engineers / Junior Engineers - Retention in Madras City upto 10 years – Allowed – Postings in Native District – Certain Instructions – Issued.

Ref : i) Your letter No. ADI(I)/87629/84, dated 24.5.1984
ii) Your letter No. EII(1)/100539/84-3, dated 7.6.1984

I am directed to state that the Assistant Engineers and Junior Engineers may be allowed to serve in Madras City including Madras Metropolitan Area for a maximum period of 10 years as in the case of Mofussil districts subject to the condition that no one should be retained in a station for more than three years.

The receipt of this letter may be acknowledged.

Yours faithfully
Sd/- K Madhava Sarma
Commissioner and Secretary to Government

AEs – Sanction of Second Increment before completion of Probation

G.O. Ms. No. 632 Public Works (D1) Department, dated 18.9.1996

Amendments :

In the said Special Rules in Part-II, (1) under the heading “Branch I Public Works”, for rule 10, the following rule shall be substituted, namely:-

“10. Test for Assistant Engineers: Every person appointed as Assistant Engineer shall, within the period of his probation pass the Account Test for Public Works Department Officers and Subordinates. He shall not be liable to be discharged or reverted for failure to pass the said Test within the period of his probation but his probation shall be extended upto a maximum period of five years and his second and subsequent increments shall be stopped without cumulative effect till he passes the said Test. The Probationer who has passed the said Test within the above stipulated period shall be eligible for sanction of the second and subsequent increments on normal dates irrespective of the fact that no formal orders for the declaration of satisfactory completion of probation after having passed the said test have been issued. If he does not pass the said Test even within the maximum period of five years he shall be reverted in the case of appointment by recruitment by transfer and his probation shall be terminated, in the case of appointed by direct recruitment.

Note : Identical amendments are also issued for AE (Electrical) and AE (Mechanical) in the same G.O.

Transfer & postings of Technical Officers to Native District – Orders issued

Establishment – PWD – Transfer and postings of Technical Officers to Native District – Orders Issued.

G.O. Ms. No. 1211 Public Works (A2) Department, dated 20.6.1989

Read :

- 1) G.O. Ms. No. 955, PWD, dated 4.8.1978
- 2) G.O. Ms. No. 549, PWD, dated 18.3.1983
- 3) G.O. Ms. No. 712, PWD, dated 27.4.1988

Order :

In the G.O. first and second read above, certain guidelines for the transfer of technical officers in PWD were issued. According to the above instructions, Engineers of PWD should not be posted to their Native District or to places where they have landed properties. Subsequently in the G.O. third read above, orders were issued to the effect that technical officers of PWD working in certain research stations like Ground Water Investigation, Planning and Designs and Designs Circle, Madras, Institute of Hydraulics and Hydrology, Poondi, etc., be exempted from the ban on posting them in their native places or places where they have landed properties.

2. Public Works Department Engineers Association have represented that Engineers in PWD may be allowed to work in their Districts. The Government have decided to accept the request of the Association subject to the following condition.

3. In partial modification of the orders issued in the G.Os read above, the Government lift the ban on posting the Engineers of PWD, ie. Junior Engineers , Assistant Engineers, Assistant

Executive Engineers , Executive Engineers , Superintending Engineers in their Native District subject to the following conditions :

- 1) that they should not be posted in their native taluks, and
- 2) that they should not be posted in a taluk where they have immovable (landed) properties.

(By order of the Governor)

V. Sankarasubbaiyan
Commissioner and Secretary to Government

**Retention of Technical Officers in various offices upto 5 years –
Instructions issued.**

Establishment – PWD – Retention of Technical Officers in various offices in Public Works Department upto five years – Further Instructions – Issued.

G.O. Ms. No. 988, Public Works (A2) Department, dated 23.5.1989

Read :

- 1) G.O. Ms. No. 126, PWD, dated 13.1.1987
- 2) G.O. Ms. No. 1117, PWD, dated 3.6.1987
- 3) From the Chief Engineer (GI), PWD Ir. NO. E2(1)/134844/86-6, dated 17.6.1987 ad 21.9.87
- 4) From the Chief Engineer, Ground Water letter NO. EII(2)/272/88, dated 6.1.1988
- 5) From the Chief Engineer (GI), PWD Ir. NO. EII(1)/134844/86-19, dated 8.3.1988 and 10.10.88

Order :

In G.O. Ms. No. 126, Public Works Department, dated 13.1.1987 orders were issued to the effect that the Technical Officers working in the I.H.H., Poondi and engaged in research work of Reservoir Sedimentation be retained in the same station upto five years subject to the condition that the research work undertaken by them should be completed within five years. Subsequently in the G.O. second read above, certain categories of technical officers ie. Executive Engineers /Assistant Executive Engineers / Assistant Engineers / Junior Engineers working in Institute for Water Studies, Public Works Staff Training Institute, Trichy, Irrigation Management Training Institute, Madras, etc., were ordered to be retained in the same station upto 5 years that they can discharge their functions without any interruption.

2. In the reference third read above, Chief Engineer (General) has reported that orders issued in G.O. Ms. No. 126 Public Works Department, dated 13.1.1987 are not applicable to the technical officers engaged in the fields of Hydraulics and Hydrology, Coastal Engineering and Central Aided Scheme under Institute of Hydraulics and Hydrology, Poondi. He has requested that he may be permitted to retain the Technical Officers, ie. Executive Engineers / Assistant Executive Engineers / Assistant Engineers / Junior Engineers engaged in the research works of Hydraulics, Hydrology, Coastal Engineering and Central Aided (C.B.I. & P, ICARS) schemes under control of the Director, Institute of Hydraulics and Hydrology, Poondi and under the Deputy Director at Madras and Pollachi upto 5 years in the same station. The Chief Engineer (GI), PWD has also recommended to permit him to retain the technical officers i.e. Executive Engineers / Assistant Executive Engineers / Assistant Engineers / Junior Engineers of Tamil

Nadu Public Works Department serving in the office of the Chief Engineers upto 5 years in the same station as in the case of others ordered in G.O. Ms. No. 1117, PWD, dated 8.6.1987.

3. The Government have examined the proposal of Chief Engineer (General), PWD and direct that the technical officers i.e. Executive Engineers / Assistant Executive Engineers / Assistant Engineers / Junior Engineers engaged in the research works of Hydraulics, Hydrology, Coastal Engineering and Central Aided (CBIP & ICARS) Schemes under the control of the Director, I.H.H., Poondi and under the Deputy Director, Madras and Pollachi be retained in the same station upto five years. The Government also permit the Chief Engineer (General), PWD to retain the Technical Officers i.e. Executive Engineers / Assistant Executive Engineers / Assistant Engineers / Junior Engineers of Tamil Nadu Public Works Department serving in the offices of the Chief Engineers upto five years in the same station as in the case of others ordered in G.O. Ms. No. 1117, PWD, dated 3.6.1987.

4. The Government however do not accept the proposal of the Chief Engineer (Ground Water) contained in the reference fourth read above for the retention of the Ground Water Wing Officers i.e. Technical Expert (Hydrology), Technical Expert (Geophysics), Deputy Director (Geology) and Deputy Director (Photogeology) for the retention upto 5 years in the same station in view of the fact that it is not reasonable and harmful for good administration.

(By order of the Governor)

V. Sankarasubbaiyan

Commissioner and Secretary to Government

Transfers of Engineers before completion of 3 years

Copy of letter No. EI(1)/97027/91/CR, dated 3.9.1991 from Chief Engineer (GI), PWD addressed to the General Secretary, Association of Engineers, Madras-5.

Sir,

Sub: Establishment – PWD – Transfer of Engineers after the start of academic year and before the completion of three year period in a station – to be avoided.

Ref : Your letter No. 004/GS-AOE/91, dated 27.8.1991.

With reference to your letter cited, I have to state that the Engineers who have not completed three years as contemplated in G.O. Ms. No. 549, PWD, dated 18.3.1983 and G.O. Ms. No. 288 P&AR (Per.S) Department, dated 15.6.1990 are not disturbed as far as possible unless para-wise some adverse remarks are noticed or any such contingencies resorting to inevitable transfers.

Chief Engineer (General), PWD

Transfer within three years – Observation of Tamil Nadu Administrative Tribunal

Govt. U.O. Note No. 42596/91-3, Personnel and Admn. Reforms (Per-S) Dept, Chennai-9.

Sub : Personnel – Transfer of Government servants from one station / post to another once in three years – violation of the orders – observation of the Tribunal – Regarding.

Ref : G.O. Ms. No. 288, Personnel and Admn. Reforms, dated 15.6.1990

A case of transfer of Government servants was filed before Tamil Nadu Administrative Tribunal. It has been placed before the Tribunal that any violation in the matter of implementation of the instructions cited by way of failure to obtain the approval would be a matter for the Government to deal with as violation of its instructions but that shall not confer on the concerned employee a right to question the transfer on the ground that such prior approval has not been obtained.

2. The Tribunal has observed that all the cases in which orders of transfers have been issued without conforming to the orders issued in G.O. Ms. No. 288, Personnel and Administrative Department, dated 15.6.1990 by obtaining the orders of the Government will be referred to the concerned Heads of Department for action in accordance with the Government orders and further instructions issued by the Government. They should examine each case, pass orders within 3 months from the date of receipt of the order and also take necessary action to ensure strict compliance with the orders of the Government which will necessarily include taking due adverse notice of failures. Till then, status quo as on date will be maintained.

3. All the Departments of Secretariat may therefore be requested to examine (i) whether there are any cases of transfers already approved by them in which orders in circulation were not obtained in consultation with the Personnel and Administrative Reforms Department and (ii) whether there are cases in which Government's permission was not obtained at all by the Heads of Department. If there are any such cases, they may be reexamined and final orders issued not later than 15.7.1991.

Sd/- Lakshmi Pranesh

Secretary to Government

Guidelines for Transfer and Mutual Transfer :

Govt. letter No. 107279/91-5 P&AR (Per-S) dept., dated 23.9.1992 sent to all Heads of Departments.

Sir,

Sub : Public Services – Transfer of Government servants from one Station / Post to another station / post once in three years – Request transfer, mutual transfer and transfer of husband and wife to the same station – further instructions – issued.

Ref : 1) G.O. Ms. No. 288 P&AR, dated 15.6.1990
2) Government letter No. 55504/90-1 P&AR, dated 27.6.1990
3) Government letter No. 67337/90-1 P&AR, dated 1.10.1990

1. In the Government order cited, it has been ordered that for transferring A, B and C Group Officers from one station / post to another before completing a period of three years in the same station / post or to retain them for more than three years in the same station / post, prior permission of the Government should be obtained. In the letter second cited, it has been clarified that Heads of Departments will consider with sympathy and take decision regarding retention beyond 3 years of the cases whose continuance in the same station / place is considered necessary. In the letter third cited, exemption from the above said Government order for transfer of Government servants before completing three years in a station / post were allowed for the reasons indicated therein.

2. It has been represented to Government that exemptions from the three year condition may be allowed for the requests for transfer to a vacant post, mutual transfer and transfer of husband

and wife in the same station, also before completion of three years in a particular station. The request has been transfer to a vacant post, mutual transfer and transfer of one of the spouses to the same station where the other is working before completion of three years in a station, can be effected by the Heads of Departments or appropriate transferring authority, subject to the condition that the individuals should have completed atleast one year in the present station / post on the date of their application for such transfer i.e. Government servants are eligible for transfer if they have served atleast for one year in the present station/post. Prior permission of the Government should continue to be obtained for transfer of personnel before completion of one year in the present station / post.

3. I am therefore directed to request that in addition to the instructions in the letter third cited the above instructions on transfer of Government servants may be allowed scrupulously with immediate effect.

Yours faithfully
G.B. Harinath Gupta
Chief Secretary to Government

Request Transfer during Non-Transfer Period:

Copy of letter **No. 94572/S/94-10, dated 25.1.1996** from Thiru S. Sivasubramanian, IAS, Secretary to Government (I/c), Personnel and Administrative Reforms (S) Department, Government of Tamil Nadu

Sir,

Sub : Public Services – Transfer of Government servants from one station / post to another once in 3 years – Request transfer during the non-transfer period – Issued.

Ref : 1) G.O. Ms. No. 10, P&AR (S) Department, dated 7.1.1994

2) Government letter No. 3013/94-1 P&AR (S) Dept., dated 17.1.1994.

I am directed to invite your attention to the orders issued in the G.O. cited in which a revised procedure of transfer to Government servants from one station / post to another once in 3 years have been issued. In the letter second cited, the format for submission of application requesting transfer by the Government servants have been prescribed and the procedure to be followed on receipt of the application for transfer was indicated. Transfer on request have also to be registered and such transfers should be effected during the transfer period.

2. The Government on reconsideration, have decided to remove the restriction of giving effect to "Request Transfer" only during the transfer period i.e. from 1st April to 30th June of the year. They accordingly direct that the request transfer be effected during the non-transfer period also by imposing the following restrictions.

- i) The Government servant should have completed one year of service where he is working
- ii) The request transfer should be only to a vacant post
- iii) Request transfers should be made only with reference to seniority of registration made in the register
- iv) Request transfer should not be to a native place / district, if the departmental rules prohibit such transfers to native place / district.
If the request is made for appointment to a specific post

If it is considered that it would not be desirable to post the applicant to the requested station for reasons of public interest

If the applicant has worked in the requested station either (a) for more than 2 year during the last four years (or) (b) he had been punished for any irregularity while working in that station.

- v) Specific orders of Government should be obtained in such cases.
3. The receipt of the letter may be acknowledged.

Yours faithfully
A.M. John Britto
For Secretary to Government

Guidelines and Model Form for Framing Charges under Rule 17(b) of TNCS Rules :

Government letter Ms. No. 124 dated 27.2.1996 from Thiru S. Sivasubramanian, IAS, Secretary to Government, Personnel and Administrative Reforms (N) Department

Sir,

Sub : Disciplinary proceedings – Intimation of proceedings under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules – Model form for framing charges – Guidelines – Issued.

- Ref :**
- 1) Govt. letter No. Ms. No. 1118, P&AR (Per. N) Dept., dated 22.12.1987
 - 2) Govt. letter No. Ms. No. 371, P&AR (Per. N) Dept., dated 24.6.1988
 - 3) Govt. Circular No. 14353/Per.N/93-1, dated 11.3.1993
 - 4) From Tamil Nadu Public Service Commission letter No. 7419/C1/94, dt. 16.11.1994
 - 5) From Director of Vigilance and Anti-corruption Ir. No. 8921/VAC.4/95, dated 1.6.95

In the Government letter (Ms) No. 1118, Personnel and Administrative Reforms (Per. N), dated 22.12.1987, it has already been reiterated that the choice of Rule 17(a) or 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, under which disciplinary proceedings are to be initiated is very important. In the Government Circular dated 11.3.1993, instructions were issued that the disciplinary authority should frame charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules only when they are of the firm view that the charges, if framed and proved, would result in the imposition of any of the major penalties, namely, dismissal from service, removal from service, compulsory retirement or reduction to a lower rank in the seniority list or to a lower post or time scale. The cases of indiscipline, moral turpitude, corruption, bigamous marriage, unauthorized absence, etc. would attract action under 17(b) of the said Rules. For the delinquencies other than the above, a simple show cause notice under Rule 17(a) would be quite adequate instead of framing specific charges under Rule 17(b) unless a major punishment is really warranted. (A model form of such a show cause notice for use in 17(a) proceedings was given in Annexure IV to the Government Circular dated 11.3.1993).

2. In order to maintain uniformity and to avoid defects a model format for framing of charge letter / memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has been prepared as suggested by the Tamil Nadu Public Service Commission on 16.11.1994 and is appended. All the department of Secretariat, the Heads of Departments, etc., are

requested to follow the model format while framing charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

Ü-ê»ñç Ü-êòÉ æéíçŒŒççè÷ç òÉéç°íòç æíÉíòçòÉÙ ììò òììì-òè÷ç

ì-ò-ñòç æðÉòìòÉ÷òç (æðÉŒ) Ü½òòèñç, æðÉŒòçòìììçŒŒ-ò, æèùç-ù-600 005 °òìòçòÉ-í àíç. Ýìçêì 4(3)/66335/85 ì.ò., ìÉ÷ç 21,3,1985

æðÉ¼÷ç: ìñìòçìÉ´ Üòðç òììòÉ÷òç ììç-ì òìììè÷ç 1973 – Ü-ê»ñç / Ü-êòÉ æéíçŒŒççè÷ç òÉéç°íòç òììòçòòç ìùçæ-ì / Ùùçò÷ìòç¹ æðÁíòç - èìùç æéíçŒŒççè÷ç òÉéç°íòç êñçòìçìñÉ ŒŒŒç ì-òòòìùç Üòèìùç ÜÁñì æðç¹íòç «èìç´ òìììòçòòç ÜÁðç¹òŒ òòçòìò Üòì¼-òè÷ç.

Ü-ê»ñç ñòçÁñç Ü-êòÉ æéíçŒŒççè÷ç òÉéç°òììòçÉÉ ìñìòçìÉ´ ÜòðçòììòÉ÷òç ììç-ì òìììè÷ç 1973 ùç èìòç ŒŒŒçì-òòòìùç ÜÁñì «èìòì æòÉ-ñÉÙ òìììòçòòçè÷ç Üò² Ü½òòèçè÷ç òììòÉ÷ççè÷ììì¼ìçŒŒ °-ò òòìòÉ ì-ò-ñòç æðÉòìòÉ÷òç (æðÉŒ) Ü½òòèçììòç ììùñç òìçŒŒ °òìììùç. Üçèùñç òòòçæðÁñç òìììòçòòçè÷ç Ýòç¾ æèòììòç ÜòòçÁ÷ç æð¼ñçòÉòÉÙŒ «èìçì / òìçì Ü½òòèçììòç ìùç° òòììò-ù æèòòòçòìÉñ½ñç «òìçìòçòìçì °èçèìòñÉÙ òììòèçè÷ç òòçòÉñ½ñç Ýòìç èìùçÁè÷ç ÜèòÉè«òÉ ìèòÉè«òÉ ò-ìèçèòçòìÉñ½ñç ÜÁðçòòçòìç´÷ç÷ ù àùçÁ æìòìòìçŒŒ÷ç÷Œ. òìùç òì-òÉÉ «ñòçòò òììòèçè÷ç ÜÁðçòèç «èìç´ ì-ò-ñòç æðÉòìòÉ÷òç (æðÉŒ) Ü½òòèçììòç¼ìçŒŒ °òìòçòÉ-ìè÷ç ÜÁðçòòçòìç´ ÜòòçòììòçÉÙ òììòçè÷ç èì-ìèçèòçæðÁñç ò-ò ÜÁñìò÷ìèç°ñç òììòìçììòç ììçìèÉò ìÉñìñç æòçòì «ìòì èìòŒŒ. «ì-òòòç èòìòç «òÉéç°òòìçŒŒ æòçò¹òŒ ñìç-ñììùçòì ÜÁñì èñçòìçìñÉÙ «èìòç¹è÷ç òì-òòìòç ììòç¾ æèòò °òòÉì ì-ò»ñç æòçò¹èìòŒŒ. àù«ò ÜÁñì «èìòìèç-è òìììòçòòçè÷ç ò½òòìòç ì-ò-ñòç æðÉòìòÉ÷òç (æðÉŒ) ¾èç° °-òòòìòÉ ÜÁðçòòçò¹òìòç° è¹òçò¼ñç Üòì¼-òè÷ç Ü-ùìçŒŒ èìçèÉìòç¹òç æðÉòìòÉ÷¼èç°ñç òòèçèòçò¹èììùç.

1, ÜÁñì «èìòìèç-è òìììòçòòçŒŒ ùç òìììòçòììòçè-ìèìòÉ èñòçòçòììçŒŒ÷ç÷ æéíçŒŒ òììò Üòìèç-èòìùç ÜìçìÉìçêì æðòç ìè-ò ò-ìèçè «òìç´ñç.«ñòçòò ìèòç «òæŒ¼ Ü½òòòòç «àìç-ñ ìèòç» àùçÁ ÜìçìÉìçêì æèòòòçòìç¼èçè «òìç´ñç.

2, òìç´ñ-ù / òììèÉò ììòñç / òì´ «òÉùçò Ü-êòÉ æéíçŒŒççè÷ç èñçòìçìñÉÙ èòç«ò àíç. ñ-ù àíç, èìòìèçè àíç, ñÉòìçì / ìÉ½èçèÉ / ìèòç / èìòÉññç / áòç æðòòç, æéíçŒŒìùç òòòçò÷¾ (èŒò Üòòìòç ÜòçòŒŒ èŒò ñìçìòìòç ÜòçòŒŒ æéìçè÷ìòç) °òìòçòì «òìç´ñç.

3. Ü-ê»ñç, Ü-êòÉ æéíçŒŒççè÷ç òììòçòòòç òÉéç°òòòìùç æðòòç, °èòòì, æìòìòç ñòçÁñç òìììòçòòç¼èç°ñç Üò¼èç°ñç à÷ç÷ Ü½òòòç ìòçòñÉÙ æíÉíòç¹ òòçòìò òììòñç ìòòçòì «òìç´ñç.

4. Ûùçð÷ðç¹ ìùç²è£-ì òìç® Ûòçò¶ òìç®òðçò£ èìùç² è£´ìçì¶ / ò£éçèðò¶ èñçðìçìñ£ù Ýòìèç è£ùçÁè-÷ Ûèò£è«ò£ Ûòçò¶ Ûìçì£ìçèð² àðççò ìèò£è«ò£ Ò£ Ò-ììç¶ ÛÁðçððçðì«òìç´ñç. Ò¶ èñçðìçìñ£ è òðìçìðçðì£ò¼èç°ñç ñççò ìðòçèÀèç°ñç à÷ç÷ Û½òòç Ìóçòñ£ù àì£ìóç¹ ðççð² òðçðìòç «òìç´ñç.

5. Û-èò£ àè£ìç¶èçè-÷ ò£éçè / òðççè àìç«ìèðçèðçðìç´÷ç÷ «ììèç° òùçð£è ò-òìçì ðìçèñç à¼ ñ£ììçìðçç° òùçð£è ì-ò-ñðç² àð£ððò£÷òç (àð£¶) Û½òòèìçìðçç° òìç¶ «è¼ñ£Á òðìçìðçðìç´ ò-òòòðò£è ÛÁðçððçðì«òìç´ñç.

6. ì-ò-ñðç² àð£ððò£÷òç (àð£¶)ùç òùç ÛÁñìðòðùçð² Û-èò£ àè£ìç¶èçè-÷ ò£éç°ò«ì£, òðççð-ù² àèòçò«ì£ ò-òòòçç² àèòò£°ñç. àù«ò òùç ÛÁñì àðð£ñòç à«ìÁñç Û-èò£ àè£ìç¶èçè-÷ Ûò² àòðòòç ò£éçè «ìòðìçìòç Ûìòçè£ù è£òììç-ì òð÷èçèñ£è Áð² òðìçìðçðìç´ ÛÁðçððçðì«òìç´ñç.

7. àðòðùòðìñ²¼ìç«ì£ Ûòçò¶ «òÁ ìðòðìñ²¼ìç«ì£ ìùç²è£-ì / Ûùçð÷ðç-ð² àó£éçèñ£è«ò£, àð£¼÷£è«ò Ûòçò¶ Û-è»ñç / Û-èò£ àè£ìç¶èçè÷£è«ò£ àðÁòìòç° Ûò² àð£¶ðçðìçìç¶-òòðùç òùç ÛÁñì àðð² «òìç´ñç. Ûéçèùñç àðð£òðìçìòç Ûìòçè£ù è£òììç-ì òð÷èçèñ£è Áð² òðìçìðçðìç´ ÛÁðçððçðì«òìç´ñç.

8. òéçèð² Áìç´ò¼ òéçèð² ì£ìç´ì-ñ² Ýèçèðçðìç´÷ç÷ òéçèð²÷ç Áìç´ò¼ ìðì ìðÁòùèçè÷ðìñ²¼ìç¶ òìç®èç° èìùç² ò£éç°òòç°ñç Ûòçò¶ ìéçè÷ç «èñðç¹ àì£-è-ò «ñçðð® ìðÁòùèçè÷ðìç´ ðð£ìç´ -òðçðìòç°ñç ÛÁñì «ì-òòðòç-ò. ñççðð® ìù² ìðòç Ûòçò¶ ìù²òòç ìðÁòùèçè÷ðìç´ òìç®èç° èìùç² àè£´ðçðìòç°ñç ò£éç°òìòç°ñç àðòðùòçè÷ç / ììçðòçè÷ðìñ²¼ìç¶ òìç® Ûòçò¶ òìç®òðçò£èñòç èìùç² ò£éç°òìòç°ñç àè£´ðçðìòç°ñç Ûò² àð£¶ðçðìçìç¶-òòðùç òùç ÛÁñì-òèç «è£òðç² àðð²«òìç´ñç. Ûòçò£Á òùç ÛÁñì àðð£òðìçìòç Ûìòçè£ù òð«èì è£òìéçè-÷ Ýòìèç è£ùçÁèÀìùç òð÷èçèð²èç Áð² «òìç´ñç.

9. ìðòç Òóìçì£òðòìç¶èç° «ñçðìç´÷ç÷ òð-ò ñìðç¹-ìò Û-è»ñç àè£ìç¶èçè-÷ ò£éç°òìòç° òùç ÛÁñì àððìç «ì-òòðòç-ò. Ýù£òç Ûòçç-ò ò£éçèðò¼ìùç Ûòçò¶ ò£éçèðò «ììèç° ðð² à¼ ñ£ììçìðçç°÷ç ì-ò-ñðç² àð£ððò£÷òç (àð£¶) ¼èç° Ò¶ ðççð² àìòðìç¶ Ûòòðùç àðç¹ì-òðç² àðð²«òìç´ñç. Ûéçèùñç àðç¹ìòç «è£òð² òðìçìðçðìç´ ÛÁðç¹ñç«ð£¶ è-ìèçè£òòç ììç¶÷ç÷ Òóèììùç ìèòç, ò£èùìçììùç ñ£ìòç ðì²¼ àìç² òì£ù àòçò£ òðòóéçè-÷»ñç «ð£¶ñ£ù Ýòìèç è£ùçÁèÀìùç òðìçìðçðìç¶ ÛÁðçð² «òìç´ñç.

10. òì´ èìç´ò¶ èñçðìçìñ£è ÛÁñì «è£¼ñç òðìçìðçðìç¶ Û¶ èñçðìçìñ£ù òðòóéçè÷ç ò-òòÀèçèðçðìçì ðòòñç 6ñç (ñ£ìð£² ðòò ìèòç Ò-ìéçèðçðìç´÷ç÷) Ìóçìç² àèòç¶ Ò-ììç¶ ÛÁðçððçðì «òìç´ñç. Áìç´ò¼ òéçèð² èìùç², àòç.ä.è² ð£òðè² ñì¶ èìùç², ì-èèçèìùç Ûóèðìñ²¼ìç¶ èìùç² àð£¶-òðç¹ ìðìðòð²¼ìç¶ (ìð.ðð.ðç) àðÁñç òùç ðìñç Ûòçò¶ ð²ì ÒÁìðç ðìñç Ìòñç àèòòðìç¶ òì´ èìç´òì£è Áððçðìç®¼ìçìòç Ûìòçè£ù Ýòìèç è£ùç-ò Ò-ììç¶ ÛÁðçð² «òìç´ñç.

(2) No Government servant shall make or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises as to whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (a) No Government servant shall, save in the ordinary course of business with a bank or a firm of standing duly authorized to conduct banking business either himself or through any member of his family or any other person acting on his behalf:-

(i) lend or borrow money, as principal or agent to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(ii) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided further that a Government servant may, give to or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee:

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

8) Government servants of every class may place deposits in, and purchase debentures of, the Tamil Nadu Co-operative State Central Land Development Bank Limited, but shall not hold any office therein or take any part in the management thereof.

9) A Government servant may, with the previous sanction of the Head of his Department, become a member of a Land Mortgage Bank provided that he already owns land in the area within the jurisdiction of such bank, but shall not hold any office therein or take any part in the management thereof;

10) Government servants of every class including those employed in the co-operative Department may become members of Co-operative House-Building Societies or House Mortgage Societies, Co-operative Housing Societies;
[G.O. Ms. No. 336, P&AR (Per. A), dated 21.3.1980]

Explanation: Co-operative Housing Building Societies aforesaid shall include all types of co-operative societies whose object is the construction of houses for their members or the grant of loans for such construction by their members.

11) Notwithstanding anything contained in this rule, a Government servant may borrow money from a co-operative society of which he is a member, provided that where the borrowing is on personal security, the surety shall be of a status equal to, or higher than that of the borrower.

12) The prohibition against lending and borrowing of money applies to all loans, credits, advances, supply of articles or accommodation at unduly low rates, or for insufficient consideration and to sales of property for inordinately low price.

13) The fact that a Government servant lending money is acting as an executor administrator or as a trustee without profit or advantage to himself shall not exempt him from the operation of this rule.

14) A Government servant who belongs to a joint Hindu family carrying on the business of money lending as an ancestral profession is exempted from the prohibition, provided he takes no active part in the business and is not employed in a district in which the business of the joint Hindu family is carried on.

Commentary : This rule corresponds to Rule 16 and 17 of the Central Civil Services (Conduct) Rules, 1964. The Government of India decisions on the said Central Rules are given hereunder as those decisions can be followed in interpreting this rule.

Supreme Court Decision : (1) Meaning of the words "likely to have official dealings":- A Government servant had borrowed Rs.2,500/- from a representative of a firm on June 23, 1956. The representative of the firm had on 14.6.1956 applied for five licences and the applications were received by the Industries Act Section. The Government servant was not however, working in that section and was working in Steel and Cement Section. The representative knew that his applications would go to Steel and Cement Section also. It was held by the Supreme Court that where a Government servant borrowed money from the representative of the firm a few days earlier, it is clear that the former has placed himself under pecuniary obligation to a person who was likely to have official dealing with him. The words "likely to have official dealings" take within their ambit the possibility of future dealings between the officer concerned and the person from whom he borrowed money.

Government of India decisions:

(1) Wherever any rule stipulates the obtaining of prior permission from Government in any matter, such prior sanction must invariably be obtained by Government servants before making any move. Requests for ex-post-facto sanction to be severely discouraged.

(2) **Interpretation of the rule regarding lending and borrowing of money by Central Government servants :-** Sub-rules (4), (5) and (6) of Rule 13 of the Central Civil Services (Conduct) Rules, 1955 (now Rule 16), regulate the lending and borrowing of money by Government servants. Doubts have often been raised in regard to the provisions of these sub-rules and the advice of the Ministry of Home Affairs has been obtained. The clarification given by them on various points is summed up below for information and guidance.

(i) In case of officers who do not have a definite territorial jurisdiction, the term persons "within the local limits of his authority" would mean the persons with whom the officer has official dealings.