

## **Chapter – VII : Important G.Os, Circulars and Conduct Rules**

### **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**

**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”.**

**Er. G Ganapathi Subramanian**

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

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### **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 HODs and 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/II/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

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## **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**

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**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**

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## **Transfer within three years – Observation of Tamil Nadu Administrative Tribunal**

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**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 :**

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**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

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## **Request Transfer during Non-Transfer Period:**

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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 1<sup>st</sup> April to 30<sup>th</sup> 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

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

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**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) or 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.

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**°ððçðð£-ì àìç. Ýìçèð 4(3)/66335/85 ì.ð., ì£÷ç 21,3,1985**

**æð£¼÷ç:** ìñðòçì£´ Üó²ðç ðìðò£÷òç ììç-ì òðìðè÷ç 1973 – Ü-ê»ñç / Ü-êò£ æê£ìç¶èç÷ç ò£éç°ìòç òððçðòç ìùçæè£-ì / Üùçð÷ððç¹ æðÁìðç - èìùç æè£´ìçìòç ò£éç°ìòç êñçðìçìñ£è ¶-òìç ì-òòòðùç Üóèðùç ÜÁñìð àðç¹ìòç «èìç´ òðìçìðçðñç ÜÁðç¹ò¶ ððçððò Üðð¾-òè÷ç.

Ü-ê»ñç ñðçÁñç Ü-êò£ æê£ìç¶èç÷ç ò£éç°ìòçè£è ìñðòçì£´ Üó²ðçðìðò£÷òç ììç-ì òðìðè÷ç 1973 ùç èìòç ¶-òìçì-òòòðùç ÜÁñìð «è£óð àò£÷ñ£ù òðìçìðçðèç÷ç Üó² Ü½òòòçè÷ç ðìðò£÷£ç÷÷ðìñ¾ìç¶¶ °-ò òððò£è ì-ò-ñðç æð£ððò£÷òç (æð£¶) Ü½òðèìçìðòç ìðùñç òìç¶ °ððèðùçðù. Üéçèùñç òòðç¹ðÁñç òðìçìðçðèç÷÷ Ýòç¾¾ æèðçìñðòç ÜððçA÷ç æð¼ñçðð£ò£ù¶ «è£ìçì / òìçì Ü½òðèìçìðòç ìùç° ðòðèìò-ù æèðçððçðì£ñ½ñç «òìçìðçðìçì °èçèðòñ£ù òðòòéç÷ç ðòçð£ñ½ñç Ýòìèç è£ùçÁè÷ç Üèò£è«ò£ ìèò£è«ò£ ð-ìèçèðçðì£ñ½ñç ÜÁðçððçðìç÷÷÷÷ àùçÁ æìòðòìç¶÷÷¶¶. ðìùç òð-÷ò£è «ñðçðò òðòòéç÷÷ ÜÁðçðèç «èìç´ ì-ò-ñðç æð£ððò£÷òç (æð£¶) Ü½òðèìçìðò¾ìç¶¶ °ððçðð£-ìè÷ç ÜÁðçððçðìç´ Üððçððçè£ù ðìðòçè÷ç èð-ìèçèðç¹ðÁñç ò-ò ÜÁñìðò÷÷÷÷ñç òðùòìçìðòç ììçìè£ò ì£ñìñç àðçðì «ìòðèð¶¶. «ì-òòòð èòìðç «ð£èç°òòìç¶ àðçð´ò¶ ñìçñðùçðð ÜÁñìð





3/4-ñç ñÃèçè÷-÷ èìçèíìðç¹ ¢ð£ððð£÷óç Üõ½èòìçìðç Ýó£òçìç¶ ððùç ðéç°  
ÜÃðçð «òìç ñç.

3) ðìçì °ððçðð£-ì-òðç ¢ðçÁèçªè£ìçìðçè£ù ãðç¹ êìç®-ù ðð-óðððç  
ÜÃðç¹ñ£Áñç Üóóçè÷ç «èìç´èç ¢è£÷ç÷ðçð´èð£óçè÷ç.

ªð£ðððç èð. «è£ð£òèð¼ùçìùç  
ì-ò-ñðç ¢ð£ððð£÷óç (ªð£¶)  
ªð£Áðç¹

### The T.N. Civil Services (Conduct) Rules:

**Rule 6: Investments, lending and borrowing :** (1) No Government servant shall speculate in any stock, share or other investment.

**Explanation :** The habitual purchase or sale or both of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(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.

**Certain Applications to be sent directly to CE (General), PWD**

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**(Through the EE concerned without routing through AEE and SE)**

G.O. Ms. No. 146 PWD, dated 31.01.1979.

1. All applications grouped below can be sent to the concerned Executive Engineer directly and the Executive Engineer send them directly to the Chief Engineer (General) with a copy to the Superintending Engineer concerned.
  - i) All applications for higher studies, refresher courses and training.
  - ii) All applications relating to appointments in Government of India and their undertakings and other State Government.
  - iii) Applications for registering their names in the foreign assignments section of Govt of India; and
  - iv) All applications for deputation inside and outside India.
2. All applications for transfer and redressal of grievances and administrative matters should be routed through proper channel.

**CE (General), PWD Circular memo. No. AD(I)/47705/87, dated 20.02.1987**

1. Application and proposals for the purchase of housing plot or flat, construction of house, permission to acquire property, etc.,
2. Applications for obtaining “**No Objection Certificate**” for getting Passport.
3. Applications for the purchase of cars, scooter and other vehicles and movable property.
4. Applications for rectification of anomaly in the pay under “Junior Getting More”.

The above orders are also applicable to all other employees of P.W.D. where action has to be taken at Chief Engineer (General) PWD level.

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**Classification of Government Employees into 4 Groups**

**(Extract of G.O. Ms. No. 280 Personnel & Admn. Reforms (S) Department, dt. 24.11.1998)**

**Group A** - Persons in the posts on the Scale of Pay, the minimum of which is **Rs.10,000 and above.**



- Group B** \_ Persons in the posts on the Scales of Pay, the minimum of which is **Rs.5,500/- and above but below Rs.10,000/-**
- Group C** - Persons in the posts on the Scales of Pay, the minimum of which is **Rs.2,610/- and above but below Rs.5,500/-**
- Group D** - Persons in the posts on the Scales of Pay, the minimum of which is **below Rs.2,610/-**.
- Explanation** Persons holding posts in Selection Grade or Special Grade shall come under the respective groups under which such posts in the ordinary grades are classified.