

## 8.27 Public Services-Tamil Nadu Ministerial Service-Appointment to posts of Junior Assistant/Junior Assistant-cum-Typist by recruitment by transfer from other services-Revised Qualifications-Issued.

Personnel and Administrative Reforms (Per.B) Department

G.O. (Ms) No: 43

Dated : 15.02.1994

Read :

1. G.O. (Ms) No:621 Public (Services) dated 26.3.1941
2. G.O. (Ms) No:90 Personnel and Administrative Reforms (Per.J) dt. 12.3.1991
3. G.O. (Ms) No:257 Personnel and Administrative Reforms (Per B) dt. 1.8.1992
4. Government letter No: 86631/92 Personnel and Administrative Reforms (Per B) dt. 12.11.1992
5. Government letter No: 103515/92-1 Personnel and Administrative Reforms (Per B) dt.s 19.1.1993
6. From the Secretary, Tamil Nadu Public Service Commission letter No: 5512/B.A1/93 dated 25.8.1993

### ORDER:

Rule 3(g) of the Special Rules for the Tamil Nadu Ministerial Service provides hat for special reasons, appointment may be made to the categories of Junior Assistants inter-alia by recruitment by transfer from any other service. In the absence of any indication in the rule or elsewhere as to what constitute "Special Reasons" each appointing authority was left to interpret the term in his own way and make appointments by transfer. In order to prevent an absue of the rule, the Government in their order first read above stipulated that the following be regarded as typical instance of special reasons which would justify the making of appointments by transfer:

- i) Good work and conduct in the post held, coupled with long service and lack of any other opening of prospects.
- ii) High educational qualification such as a B.A., degree
- i) Want of approved candidates in both the departmental and the Collector's lists:
- ii) Ineligibility for admission to the competitive Examination due to being a full member or an approved probationer in antoher service.
- iii) Conversance with the work of the office or department and the need for a persons possessing previous experience of the work of that office or department.
- iv) Special consideration for being the son of a person who had rendered a long and faithful service under the Government, and
- v) Physical disability or unfitness for executive work which does not render a person unsuitable for ministerial work.

2. In the Government Order second read above, orders among others, have been issued that appointment to the category of Junior Assistant in the Tamil Nadu Ministerial Service by

recruitment by transfer should not exceed 10% (ten percent) of vacancies in the said category. IN the Government Order third read above, orders have been issued for enhancement of the above 10% reservation of vacancies to 20%

3. The Tamil Nadu Administrative Tribunal in its order dt. 12.2.1992 in O.A.Nos:3436/90 and 3683/90, among other things, has observed as follows:

- (1) Only such of those persons as are doing clerical work in the cadre of Record Clerks etc., should be considered for appointment as Junior Assistants
- (2) It should be kept in view hat the appointment of Record Clerk and others doing clerical work should not be detrimental to the regular intake of Junior Assistants by competitive recruitment by the TamilNadu Public Service Commission
- (3) Persons holding the post of Office Assistants etc.,who do not have any experience in the clerical work should not be considered for appointment as Junior Assistants without gaining experience in posts like Record Clerks having clerical duties.
- (4) The Office Assistants with the requisite educational qualification should first acquire experience as Record Clerk to become eligible for appointment as Junior Assistants.
- (5) Such is necessary to ensure that appointment of Office Assistant as Junior Assistants directly is not made a back door entry in clerical cadre without competing in the selection by the Tamil Nadu Public Service Commision.

By a subsequent order dated 11.12.1992 in O.A.No: 1790/90, the Tribunal has made the following observations which are slightly different from its own observations made in its earlier order dated 12.2.1992:-

- 1) The Department of Social Defence should evolve a policy for consideration of persons eligible for appointment as Junior Assistants from different categories, particularly if those categories have no further avenues of promotion and even after more than one promotion, they would still be in a category carrying a scale of pay lower than that of a Junior Assistant.
- 2) It can be said that such category of personnel may have no acquaintance with office procedure in which case there should be a regular pattern of appointing such persons as Record Clerk and thereafter as Junior Assistant.
- 3) There should be no direct appointment as Record Clerk

4) Among the special reasons for appointment in the Ministerial Service by transfer is absence of promotional avenues. The Special reasons mentioned in the Government Orders for such appointment by transfer could lead to arbitrary action. Once a percentage is prescribed for appointment by transfer, it will be proper that such appointment is considered as a normal avenue of advancement dispensing with the special reasons, and all persons qualified should be considered.

5) If experience and acquaintance with office work is considered necessary, a term of appointment as Record Clerk can be prescribed.

6) An Office Assistant cannot be expected to have any acquaintance with office procedure.

If such acquaintance is considered essential, such acquaintance is considered essential Office Assistants and other categories who have no avenue of advancement are similarly placed.

7) It will be desirable that such appointment by transfer is made from the category of Record Clerk and not directly from the category of Office Assistant.

The Tribunal finally directed the Director of Approved Schools and Vigilance Service (now Director of Social Defence) to formulate a policy to consider all category of personnel in the department who have no avenues of advancement and are in scales lower than the scale of pay of Junior Assistants and obtain orders of the Government for a rational system of consideration of procedure for appointment by transfer as Junior assistant to provide equal opportunities to all persons and ensure fair consideration of claims of all categories of persons.

4. The Government have examined the matter carefully in the light of the orders and observations of the Tribunal and the remarks of the Tamil Nadu Public Service Commission and they direct that the following procedures shall be followed in the matter or movement of persons to the higher posts of Junior Assistants/Junior Assistants-cum-Typists/Typists till the orders of Government integrating the posts of Junior Assistant and Typist in G.O.Ms.No: 387 Personnel and Administrative Reforms (Per.B) Department dt. 27.10.1993. are actually implemented from lower categories in other services under rule 3(g) of the Special Rules for the Tamil Nadu Ministerial Service, in supersession of all earlier orders in this regard:-

1. Persons in services other than the Tamil Nadu Ministerial Service who are in categories having no promotional opportunities or even after more than one promotion in the respective service would still be in a category carrying scale of pay lower than that of Junior Assistants/Junior Assistant-cum-Typists/Typist alone shall be considered for appointment by transfer as Junior Assistant/Junior Assistant cum-Typists/Typists in the Tamil Nadu Ministerial Service subject to the possession of the required qualification, i.e. qualifications as prescribed for direct recruitment.

2. The sphere of appointment by recruitment by transfer shall be limited to the persons in the lower categories in other services within the purview or control of the Unit Officer concerned.

3. While making such appointment, it should be ensured that the recruitment by transfer from the lower categories should not exceed 20 per cent of the vacancies in each of the categories of Junior Assistants or Junior Assistant-cum-Typists or Typists.

4. 4 person to be eligible for appointment as Junior Assistant/Junior Assistant-cum-Typist/Typist should have rendered not less than 7 years of service in the lower categories as the Tamil Nadu Administrative Tribunal has observed that the method of recruitment by transfer should not be made the means for by-passing recruitment by the Tamil Nadu Public Service Commission which could be ensured by prescribing a longer period of qualifying experience as against the existing qualifying service of 5 years.

5. For those who are holding posts like Record Clerk and others who are having clerical duties, there shall be no fresh training for them in clerical work.

6. The Tribunal has observed that a term of appointment as Record Clerk can be prescribed for movement to the post of Junior Assistant. The Tamil Nadu Public Service Commission has also

observed that the appointment to the post of Junior Assistant/Junior Assistant-cum-Typist/Typist may be made from the post of Record Clerk only. As there will be only a few posts of Record Clerks as compared to a large number of persons in other categories like Office Assistants etc., it will not be possible to post each of them as Record Clerk for a specified period. Instead, the Office Assistant, Watchman, Gardeners, etc., who are in possession of the required educational qualification shall be given training in clerical work for a period of one year i.e. they shall discharge the duties of Record Clerk for atleast 2 hours a day for a period of one year without detriment to their normal work.

7. Such training in clerical duties is not necessary for appointment to the post of Typist as the work of Typist is only mechanical

8. While selecting persons in lower categories for training in clerical work, strict seniority should be adhered to.

9. Number of persons to be given training each year shall not exceed 20% of the estimated vacancies in the category of Junior Assistant including Junior Assistant-cum-Typist. For filling up vacancies in 1995, the persons to be given training should be decided even now.

10. So far as persons holding posts on identical scales in the Tamil Nadu Ministerial Service itself are concerned, they can be considered for appointment by transfer to the post of Junior assistants/Junior Assistant-cum-Typists/Typists subject to the possession of requisits educational and technical qualifications if there are existing provisions in the special rules relating to the Tamil Nadu Ministerial Service for such transfer.

11. However, persons holding posts of identical scales in other services like the Tamil Nadu General Subordinate Service, Tamil Nadu Educational Subordinate Service etc., need not be considered for appointment by transfer as Junior Assistants/Junior Assitant-cum-Typists/Typists as such transfer will block the promotional opportunities of persons in lower categories

12. Persons appointed as Junior assistant/Junior Assistant-cum-Typist by recruitment by transfer from the post of Record Clerk, Office Assisant etc., shall undergo training I the Civil Service Training Institute, Bhavanisagar for the period that may be prescribed by the Governmnt from time to time.

13. There shall be no direct recruitment to the post of Record Clerk.

5. For the existing vacancies reserved for recruitment by transfer to the posts of Junior Assistant/Junior assistant-cum-Typist/Typists, the persons in lower categories shall be appointed without undergoing the training as the posts cannot be kept vacant till they undergo the training subject to other requirements being fulfilled. From 1995 onwards, the posts should be filled up only after giving training to the persons in the lower categories.

2. Necessary amendments to the Special Rules for the Tamil Nadu Ministerial Service and the Special Rules for the Tamil Nadu General Subordinate Service will be issued separately.

(By order of the Governor)

**T.V.VENKATARAMAN,**  
Chief Secretary to Government