

8.3 ESTABLISHMENT - Town Panchayats - Sanitary Inspectors of Town Panchayats - Constitution of separate service Tamil Nadu Sanitary Inspectors of Town Panchayats - Rules published.

Rural Development & Local Administration Department

G.O. (Ms.) No. 1420

Dated :16.10.1982

Order :

The appended notification will be published in the TamilNadu Government Gazette.

(By order of the Governor)

S.A. SUBRAMANI

Additional Secretary to Government

Appendix

Notification

In exercise of the powers conferred by sub-sec., (1) of section - 58 and section - 61 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) and in suppression of the notification issued with G.O.Ms. No. 775, Local Administration, dated the 7th June 1955, the Governor of Tamil Nadu hereby makes the following rules.

RULES

1. Short Title :

- a) These rules may be called the Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982.
- b) They shall be deemed to have come into force on 16.09.82.

2. Definition:

In these rules, unless there is anything repugnant in subject or context:

- i) A person is said to be "Appointed to the service" when in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of the service or commences the probation, instruction or training prescribed for the members thereof;
- ii) "Approved Probationer" means a member of the service who has satisfactorily completed his period of probation and awaits appointment as full member of the service;
- iii) "Cadre" means the sanctioned strength of the service;
- iv) "Discharge of a probationer means reverting his to permanent post or dispensing with his service as the case require.
- v) "Full member of the service" means a member of the service who has been substantively appointed to a permanent post borne on the cadre thereof;
- vi) "Member of the Service" means a probationer, approve probationer or a full member of the service.
- vii) "Probationer" means a member of the service who has not completed the period of his probation;
- viii) Period of probation of a member of the service means the period of probation prescribed in these rules.
- ix) "Military duty" includes whole time duty connected with Armed Reserve Police measures and other duties connect with Civil Defence or in any post created for the efficient prosecution of the war with the approval of a competent authority in any post associated with training of war technicians the cost of which is borne by the Government of India.
- x) "Service" means the Tamil Nadu Town Panchayat Sanitary Inspectors service.

3. Appointment

- a) Appointment to the posts shall be made by the Collector by recruitment by transfer by selection from such qualified and eligible candidates already in service in Panchayats in the district or by direct recruit to if no suitable candidate is available in the district.
- b) No person, who has been dismissed from Service Union or the State Government or of any local authority who has been removed from such service on account of in solve or who has been debarred from employment in the service of Government, shall be entertained to the service except with previous sanction of the Director of Town Panchayats.

4. Production of Certificate during appointment:

- a) Certificates of age, health and vaccination shall obtained by the collector from the persons to the posts in first time;
Provided that the Collector may dispense with the production of Certificate in respect of a person appointed to the post, if the period of appointment does not exceed three months.
- b) The certificates referred to in sub-rule (a) shall be as prescribed for the other members of the establishment of the Panchayats.

5. Temporary Appointments:

Where it is necessary in the public interest to fill a vacancy immediately in post borne on the cadre of the service, a person may be temporarily appointed by the Collector and the person so appointed shall not be tracted as a probationer and shall not, by reason of only such appointment, have any preferential claim to future appointment to the post in the service.

6. Reservation of appointment:

The rule of reservation of appointments (rule - 7 of the Tamil Nadu Panchayat Establishment Rules) shall apply to the appointment to the posts by direct recruitment.

7. Qualifications:

- a) Age : No person shall be eligible for appointment to the post by direct recruitment if he has completed or will complete 30 years of age on the first day of July of the year in which the appointment is made;

Provided that the total period of services shall be entitled to deduct from the age of the candidates who have rendered epidemic or festival duty or served under the National Small Pox Eradication Programme, Malaria Eradication maintenance phase, National Filaria Control Programme, Guinea Worm Eradication Programme, Yaws Eradication Programme.

Provided further that the period so deducted shall not exceed five years.

- b) Other Qualifications: No person shall be appointed to the posts unless the possesses a Sanitary Inspectors Certificate granted by the Director of Public Health, Madras, or a Sanitary Inspector's Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi.

8. Probation:

- a) Every person appointed to the post shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years.
- b) The Collector may extend the period of probation for such further total period not exceeding one year on duty as he may think fit. In cases where the probation of a probationer is so extended a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation in the grade concerned, such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments, after he is declared to have satisfactorily completed his probation.
- c) A probationer, who has been or may be deputed for military duty, shall be entitled to count the period spent on military duty towards the period of probation in such post.
- d) The period, if any, rendered subsequently by a person as Sanitary Inspector appointed temporarily on epidemic or other duty under a local authority or as Health Inspector under the Government subject to the condition that but for such subsequent appointment he would have continued in his former post shall be eligible to count for probation.
- e) The Collector may, before the expiry of probation as prescribed in sub-rule (a) or as extended under sub-rule for the reasons to be specified in writing, terminate the probation of any person and revert him to the lower grade or his permanent post, as the case may be, if he is already a permanent officer or servant in the grade or post, or to a lower post if he is not a permanent officer or servant but is a probationer or approved, probationer in such lower post and if there is a vacancy in such lower post on if a person junior to him is holding such lower post or discharge him from service in other cases.
- f) At the end of the prescribed or extended period of probation, the Collector shall consider the probationer's suitability for full membership of the service and if he decides that the probationer is suitable for full membership, shall as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation on date of the expiry of the prescribed or the extended period of probation.
- g) (i) If the Collector decides that the probationer is not suitable for full membership he shall, unless the period of probation is extended under sub-rule (b) by an order, revert him or discharge him from service as provided in sub-rule(e) for cases of termination of probation.
- g) (ii) No order passed under this clause shall be based, either wholly, or in part, upon the probationer's work or conduct after the expiry of the prescribed or extended period of probation.

- h) (i) A member of the service, who has not completed 50 years of age, shall undergo such course of training and pass such the examination at the end of the course, as may be prescribed by Government from time to time. Failure to pass the examination, at the end of the course of training shall be in the case of a person drawing the maximum pay of his time scale, entail reduction of pay by one increment which shall be continue till he passes the examination and in the case of the others entail stoppage of increments which shall continue till they pass the examination but shall not have the effect of postponing future increments after they have passed the examination.
- (ii) A member of the service, who has completed 50 years of age, will have the option to undergo the training or not and need not sit for the examination mentioned in this rule.

9. Discharge of Reversion for want of vacancies:

- a) The order in which persons who are on probation and persons who have completed their period of probation, shall be discharge or reverted for want to vacancy, shall be first the person who are on probation in the order of juniority and second, the persons, who have completed their period of probation in the order of juniority. Explanation - 1 : For the purpose of this rule, juniority as between persons who are on probation and as between persons who have completed their probation shall be determined with reference to the date of his first appointment in the respective district other than an appointment referred to in rule - 4.

Explanation - 2 : Where the date by which the seniority is determined is the same in the case of two of more members of a grade in the district concerned, their inter-se-seniority shall be determined by the order of preference, if any, previously laid down in their case. If no such order of preference has been laid down in the case of doubt, seniority shall be determined by the collector.

- b) Persons who have been discharged or reverted for want of a vacancy shall be reappointed in the district as vacancies arise in the reverse of the order laid down in sub-rule (a):

Provided that nothing contained in this rule shall be deemed to give any such person a right for reappointment in preference to another who has been discharged or reverted later, owing to the abolition of posts and is entitled for reappointment.

- (c) The order of discharge, reversion or re-appointment laid down in sub-rules(a) and (b) may be departed from that for special reasons or in case where such order would involve administrative inconvenience.
- (d) When a person is reappointed under sub-rule (b) and if he fails to joint duty on such reappointment he shall be called upon to show cause before a specified date against the removal of his name from the list of probationers or approved probationers, as the case may be. If no cause is shown against such removal or if the grounds advanced are not acceptable, the Collector shall, by order in writing remove his name from the list recording the reasons therefore and communicate a copy of order of removal to him. An appeal against such order of removal shall lie to the Director of Town Panchayats.

Such appeal shall preferred within two months from the date on which the appellant received the order.

10. Pay :

The members of the service shall be paid as per the scale of pay prescribed by the Government from time to time.

11. Appointment of full members

A person who has completed his period of probation in a grade shall be confirmed at the earliest opportunity according to his seniority determined with reference to the date of his first appointment in that grade other than an appointment under rule - 4 and if a vacancy existed from a date previous to the order of confirmation he may be so confirmed with retrospective effect from such date or as the case may be, from such subsequent date from which he was continuously on duty as a member of the service;

Provided that where a person who is on probation or who has completed his period of probation in a grade is deputed for military duty, he shall be confirmed at the earliest opportunity as soon as substantive vacancy arises while he is in military duty or after his return from such duty in preference to all persons whose date of first appointment in that grade other than an appointment under rule - 4 is

later than his, subject in the case of person on probation to the condition that he shall after the completion of his military duty, if any, of the prescribed probation as remains after counting the period of military duty under sub-rule (c) of rule - 6.

12. Transfer and Postings:

The authority competent to order postings and transfers shall be the Collector.

13. Superannuation and Retirement:

No member of the service shall be retained in service after he has completed 58 years of age;

14. Maintenance of records of service :

- (a) A service book shall be maintained by the Collector in such form and manner as may be laid down in respect of other members of the Panchayat Establishment from time to time.
- (b) The date of birth of a member of service already entered in the Service Book shall not be altered except with the previous sanction of the Director of Town Panchayats.
- (c) The Collector shall be responsible for the correct and up-to-date maintenance of the Service Book and he shall record an annual certificate of verification in the Service Book as early as possible at the end of every year.

15. Conditions of Service:

- (a) The Members of the service shall be governed mutatis mutandis by the rules applicable to the other members of Town Panchayats, as regards Provident Fund, gratuity, the

personal conduct and discipline and discharge on account of retrenchment and the appointment of the retrenched personal or any other matter.

- (b) Except to the extent expressly provide in these rules, the Fundamental Rules issued from time to time under the authority of Government of Tamil Nadu shall apply to the members of the service.
- (c) Any powers assigned to the Provincial Government and the head of the Department in the provisions applicable to Government Servants shall be exercised by the Collector unless otherwise provided for in these rules.

16. Discipline and Control:

- a) In all matters relating to his official duties, the Sanitary Inspector shall be immediately subordinate to the Executive Authority of the Town Panchayat in which he is servicing and shall carry out all the orders lawfully passed by the Executive Authority in due exercise of his powers. In matters affecting the discipline and conduct he shall be under the control of the Collector.
- b) The penalties such as censure, stoppage of increment and recovery of losses caused to the Town Panchayat shall be imposed upon the members of the service by the Divisional Development Officers.
- c) The following penalties shall be imposed upon the members of the service by the Collectors, namely:
 - (i) Reduction of a lower rank in the Seniority list or lower grade or to a lower stage in the time scale;
 - (ii) Removal from service; and
 - (iii) Dismissal from service.

Explanation - 1: The discharge or reversion to lower grade of a person appointed on probation during the period of probation does not amount to removal or dismissal within the meaning of this rule.

Explanation - 2: Discharge or reversion of a person appointed to hold a temporary appointment on the expiration of the period of appointment does not amount to removal, dismissal or reduction within the meaning of this rule.

Explanation - 3 : If a Sanitary Inspector employed in a Town Panchayat has been suspended or cancelled by the Director of Public Health, the Collector shall suspend, or dismiss from service such Sanitary Inspector. The provision of rule - 23, 24 of Tamil Nadu Panchayat Establishment Rules shall not apply under this clause.

In every where it is proposed by the Collector to impose on a member of the service any of the penalties mentioned in items (i), (ii) and (iii) above such member of the service shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

- d) In every case where it is proposed to impose on a member of the service any of the penalties mentioned on items (i), (ii) and (iii) above such member of the service shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
- (d) In every case where it is proposed to impose on a member of service any of the penalties mentioned in items. (ii) and (iii) of sub-rule (c), the grounds on which it is proposed to take action shall, except where such action is proposed to him take action shall, except where such action is proposed to be taken on facts which have led to his conviction in a Court or by a Military Court Marital be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegation on which each charge is based and of any circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time to put in his written statement of his defence and to state whether he desires on oral enquiry or only to be heard in person, on oral enquiry shall be hold if such an enquiry is desired by the person charged or if a Collector considers it necessary. At that enquiry oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross - examine the witnesses called as he may wish, provided that the Officer conducting the enquiry may for special and sufficient reason to be recorded in writing, refuse to call witness. After the enquiry has been completed the person charged shall be entitled to put in if he so desires any further written statement of his defence.

If no oral enquiry is bold and the person charged desired to be heard in person a person a personal hearing shall be given to back. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and grounds therefore.

- (e) After the enquiry referred to in sub-rule (d) has been completed and after the Collector has arrived at provisional conclusion in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the enquiry authority and be called upon to show cause within a reasonable time, not ordinarily exceeding one month against the imposition of the particular punishment proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.
- (f) The requirement of explanations 2 and 3 shall not apply while the person concerned absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the said rules may be exceptional cases for special and sufficient reasons to be recorded in writing be waived where there is a difficulty in observing exactly the requirements can be waived without injustice to the person charged.

17. Suspension:

- (a) A member of the service shall be placed under suspension by the Collector pending enquiry into the grave charges where such suspension is necessary in public interest. During the period of suspension, such member shall be paid a subsistence allowance

at such rates as the suspending authority may direct, subject to the limits fixed by the Government in respect of Government Servants.

- (b) No member of the service who is convicted of an offence involving moral turpitude shall be retained in service except with the special sanction of Government; Provided that in the case of any member who is found to be guilty by a competent Court of an offence under the Tamil Nadu Prohibition Act, the punishment to be awarded in respect of a first conviction shall be decided on merits by the Collector and in respect of a second conviction the punishment shall be dismissal from service.
- (c) The Collector shall not impose a fine on any member of the service.

18. Appeals:

- (a) A member of, the service shall be entitled to appeal to the Director of Town Panchayat against an order of the Collector imposing any of the penalties in items (i) (ii) and (iii) of sub-rule (c) of rule - 15.
- (b) No appeal shall lie against the order of the Divisional Development Officer awarding a censure to a member of service or against an order of the Collector suspending a member of service pending enquiry.
- (c) All orders passed by the appellate authority shall be given effect to forthwith.
- (d) Every Member of the service preferring an appeal shall do so separately and in his own name.
- (e) No appeal preferred under these rules shall be entertained unless it is preferred within two months from the date on which the appellant received the order;

Provided that the appellate authority may entertain an appeal after the expiry of such period if it is satisfied that there was reasonable cause for the delay.

Explanation : Where the person concerned has absconded or where it is for any other reason impracticable to communicate with him, the period of two months referred to shall be counted from the date of order.

- f) Every appeal preferred under these rules shall contain all materials statements and arguments relied on by the appellant, shall not contain any disrespectful or improper language and shall be complete in itself. Every such appeal shall be addressed to the authority to whom it is preferred and shall be submitted through the head of Office, to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred;

Provided that a copy of the appeal may be sent direct to the appellate authority.

- g) An appeal may be with held by an authority not lower in rank than the authority from whose order it is preferred if:
 - (i) It is an appeal in a case in which under these rules no appeal lies or is provided for; or
 - (ii) It does not comply with the provisions of sub-rules (d) and (f) above;

- (iii) It is not preferred within the time limit prescribed in sub-rule (e) above and no reasonable cause is shown for the delay; or
- (iv) It is a repetition of previous appeal and is made the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for reconsideration of the case; or
- (v) It is addressed to an authority to which no appeal lies under these rules;

Provided that in every case in which an appeal is with held, the appellant shall be informed of the fact and the reasons therefore;

Provided further that an appeal with held under Clauses (i) and (ii) may be resubmitted at an time within one month from the date on which the appellant has been informed of the with holding of the appeal and if resubmitted to the appropriate appellate authority in a form which complies with the provision of sub-rule (e) and (f) of this rule.

Explanation : Where the person concerned has absconded or where it is for any other reasons impracticable to communicate with him, the period of one month referred to in this rule shall be counted from the date of the order with holding the appeal.

- (h) No appeal shall lie against the with holding of an appeal by a competent authority.
- (i) Every appeal which is not with held under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.
- (j) A list of appeals with held under sub-rule (g) with the reasons for withholding them shall be forwarded quarterly by the withholding authority to the appellate authority.
- (k) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and pass such orders thereon as it thinks fit.
- (l) The Divisional Development Officer or the Collector, as the case may be, shall not cancel or modify any order of punishment whether passed by himself or by any of his predecessors in Office.

S.A. Subramani
Additional Secretary to Government