



ABSTRACT

Public Services - Tamil Nadu Panchayats Subordinate - Service -
Commissionerate of Town Panchayats - Amendment to the Special Rules for
the Tamil Nadu Town Panchayats Subordinate Service - Orders - Issued
Municipal Administration and Water Supply (TPI) Department

G.O.(Ms)No. 62

6793

Dated: 18/04/2009.

Read:

1. G.O.(Ms).No.270, Rural Development Department Dated 4.4.1990.
2. Tamil Nadu Administrative Tribunal order dated 25.4.1994 in O.A.No.2526/90.
3. The Director of Town Panchayat Letter No. 7915/2005/ A1, dated 27.5.2008 and 5.2.2009.

ORDER:

In the Government Order first read above, the Special Rules for Tamil Nadu Town Panchayat Subordinate Service have been issued. In the said Rules, rule 6 stipulates that the State shall be the unit for the purpose of appointment, reversion or discharge for want of vacancies and re-appointment or probationers and approved probationers and appointment as full members for all the categories except Executive Officers, Grade - I and II (Town Panchayats) and the Revenue District shall be the unit concerned for the categories of Executive Officer, Grade - I (Town Panchayat) Executive Officer Grade II (Town Panchayat). Against this rule 6 as many as 5 Original Applications were filed before the Honourable Tamil Nadu Administrative Tribunal by different Service Associations and individuals.

2.The Tribunal in its order second read above has directed as follows:

" (1) If the State wide cadre cannot be made applicable to all categories in the Town Panchayat Subordinate Service commencing from Executive Officer Grade - II and such State wide unit will be brought into effect only for the Selection Grade Executive Officers appointments to such Selection Grade Posts should be based on seniority with reference to the total service from the date of entry into the

category in the Ministerial Service, in which persons are initially appointed in all the District. Persons directly recruited as Executive Officer Grade - II will be fitted into this seniority with reference to their date of appointment on the basis of Rule 35 (aa) of the General rules for the Tamil Nadu State and Subordinate Services Rules,

(2) The date of effect of the Rule should be common 7.5.1981 and appointment of Executive Officer Grade - II from the Ministerial categories should be protected by appropriate saving provision in the rules. Rule 10 of the Tamil Nadu Town Panchayat Subordinate Service Rules issued in G.O.(Ms)No. 270, Rural Development Department, Dated 4.4.1990 states that "nothing contained in these rules shall adversely affect the persons holding any of the posts referred to in these rules on the date of issue of these rules". This would protect appointments of Executive Officer Grade - II from the Ministerial categories, if different dates are adopted in respect of Grade II, Grade I and Executive Officer Selection Grade, the same provision will have to be invoked in respect of appointments made to the category of Selection Grade Executive Officer till 5.2.1985. Therefore, there is no particular need to prescribe different dates, merely because appointment to the post of Executive Officer Grade - II were made from the former Town Panchayat Service and not the Ministerial Service as provided in the rules".

3. Aggrieved by the above orders of the Honourable Tamil Nadu Administrative Tribunal second read above, the Tamil Nadu Town Panchayat Ministerial Staff kazhagam filed a Special Leave Petition before the Supreme Court of India in NO. 17335/1984 with a prayer to grant Special Leave to appeal against the orders of the Tamil Nadu Administrative Tribunal in Original Application No. 2526/90 second read above. The Supreme Court finally dismissed the above Special Leave Petition in their order dated 14.3.1987.

4. The Government after careful examination have decided to implement the orders of the TAT as stated in para 2 above as upheld by the Supreme Court of India. Accordingly, the Government have now decided that necessary amendments issued to the Special rules for the Tamil Nadu Town Panchayats Subordinate Service.

5. The appended Notification, shall be published in the Tamil Nadu Government Gazette:-

(By order of the Governor)

NIRANJAN MARDI
SECRETARY TO GOVERNMENT

To

The Works Manager, Government Central Press, Chennai - 79.

(for publication of notification in the Tamil Nadu Government Gazette)

~~The~~ Director of Town Panchayat, Chennai - 108.

All Collectors, Except Chennai.

All Assistant Directors of Town Panchayats.

The Accountant General, Chennai - 108.

The P & AR Department / Law Department, Chennai -9.

All Departments of Secretariat.

All Sections in Municipal Administration and Water Supply

Department, Chennai - 600 009.

Private Secretary to Secretary to Government, Municipal Administration and Water Supply Department, Chennai -9.

SF/SC.

/Forwarded by order/

J. S. S. S.
18/4/09
Section Officer.

APPENDIX.
NOTIFICATION - I.

In exercise of the powers conferred by the proviso to Article 309 of the *Constitution of India*, the Governor of Tamil Nadu hereby makes the following amendment to the Rural Development Department Notification No SRO B-185/90, Published in Part III - Section 1(b) of the Tamil Nadu Government Gazette, the 16th May 1990.

2. The amendment hereby made shall be deemed to have come into force on the 16th May 1990.

AMENDMENT.

In the said Notification in the preamble in Paragraph 2, the expression "except the posts of Executive Officer, Grade I and Executive Officer(Accounts) and Executive Officer, Grade II will come into force on the 5th February 1985" shall be Omitted.

NOTIFICATION - II.

In exercise of the powers conferred by the proviso to Article 309 of the *Constitution of India*, the Governor of Tamil Nadu hereby makes the following amendments to the Special Rules for the Tamil Nadu Town Panchayat Subordinate Service (Section 52 in Volume III of the Tamil Nadu Services Manual, 1970).

2. The amendments hereby made shall be deemed to have come into force on the 7th May 1981.

AMENDMENTS.

In the said Rules,

(1) in rule, 2, in the Table under sub - rule (a), for the proviso in column (2), against the category 3 in column (1) thereof, the following proviso shall be substituted, namely:-

" Provided that appointment to the post of Executive Officer Grade I or Executive Officer (Accounts) by promotion from the post of Executive Officer, Grade II and recruitment by transfer from the post of Head Clerks of Town Panchayats or Assistant in Town Panchayats offices / Directorate of Town Panchayats in the Tamil Nadu Ministerial Service. In the ration of 1:1 shall be made with reference to their state - wide seniority."

(2) for rule 6, the following rule shall be substituted, namely:-

"Unit for appointment, reversion, discharge of probationers / approved probationers and full members."

For the purpose of appointment, reversion or discharge for want of vacancies and reappointment, of probationers and approved probationers and appointment as full members, the State shall be the unit for all the categories".

AMENDMENT

**NIRANJAN MARDI
SECRETARY TO GOVERNMENT.**

/true copy/

Jr 0015
18/4/09
Section Officer.