

**6.9 Amendment to rule 36(1) (iii) power to review - Six months time limit prescribed applicable to the Appellate Authority**

Personnel and Administrative Reforms (N) Department

G.O. (Ms) No. 63

Dated : 02.02.1996

Read :

G.O. (Ms) No.406, Personnel and Administrative Reforms (Per-N),  
dated : 23.12.1992.

**ORDER**

Prior to issue of orders in the G.O. read above, the power to review the orders passed in disciplinary cases were vested with the authorities concerned under rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. In G.O. Ms. No.406, Personnel and Administrative Reforms dated : 23.12.1992, the above said rules have been amended introducing new rules 36 Revision (in the place of review under old rule 36) and 37 Review.

2. In its Judgement in T.A. 217/91, dated : 13.08.1991, Tamil Nadu Administrative Tribunal has held that under rule 36(1) (iii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Government while exercising the power of review (revision under the amended rule) as the appellate authority, could pass orders under the said Rules only within a period of six months as specified in the said rule. It has also further observed that if the intention of the rule maker is that six months time will not apply to the State Government, then specific mention would have been under rule 36(1) (iii) of the said Rules mentioning, appellate authority other than the Government. Subsequently, in another Judgement in T.A.141/91, dated : 31.10.91, which is subsequent to above Judgement, the Tamil Nadu Administrative Tribunal has held that the time limit of six months does not apply to the State Government or the Head of Department specified in the said rule 36 (1) (i) and (ii). The time limit of six months or such time as may be prescribed in such general or special order is applicable only to the appellate authority or any authority covered by the said rule 36(1) (iii) and (iv). "Though the latter Judgement which holds the field provides that the six months time limit will not apply to the State Government, in order to make the position clear and to avoid ambiguity, it has been decided to amend rule 6(1) (iii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to exclude the State Government so that the six months time will not apply to the State Government.

The following Notification will be published in the Tamil Nadu Government Gazette :

**NOTIFICATION**

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 Tamil Nadu Civil Services (Discipline and Appeal) Rules.

2. The amendment here by made shall come into force on the 2nd February 1996.

**AMENDMENT**

In the said Rules,

In rule 36, in sub-rule (1), for clause (iii) the following clause shall be substituted, namely; -

"(iii) the appellate authority, other than the State Government, within six months of the date of the order proposed to be revised; or".

(By order of the Governor)

**S. SIVASUBRAMANIAN**  
SECRETARY TO GOVERNMENT