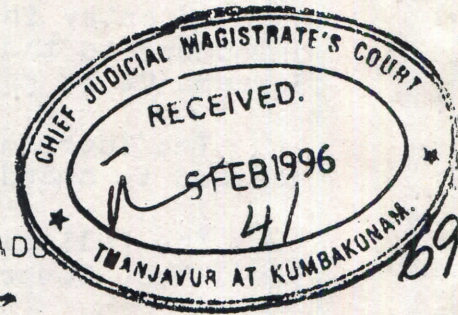


No. 21 / 96 A.1. Dated. 5-2-1996

Copy Communicated to all the Judicial
Magistrates in this Unit.



(c/c)
A.D.J. cum-C.J.Ms
Kumbakonam. *[Signature]*
in
5/2

GOVERNMENT OF TAMIL NADU

ABSTRACT

Rules - Tamil Nadu State and Subordinate Services -- General
Rule 49 - Amendment - Orders issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (S) DEPARTMENT

G.O.Ms.No.388

Dated 27-12-1995

Read also:

1. Letter Ms. No.380, Personnel and Administrative Reforms (S) Department, dated 22-8-90.
2. G.O.Ms.No.395, Personnel and Administrative Reforms (S) Department, dated 15-12-92.

Read again:

3. Judgement of the Supreme Court in Civil Appeal No.5422 of 1994 dated 3rd August, 1994.
4. From the Tamil Nadu Public Service Commission Letter No.3841/RND-D2/95 dated 27-6-95.

* * *

ORDER:

In T.A.No.566 of 1989, the Tamil Nadu Administrative Tribunal ordered that Rule 49 as it stands today will not debar the applicant, who entered into Government service prior to the introduction of the rule namely 24-1-61 from making application for alteration of Date of Birth. Accordingly in the reference first cited it was clarified that the application to be received for alteration of date of birth from members who were appointed prior to the introduction of this rule, that is prior to 24-1-61 may be entertained and examined on merits following the procedure laid down in General Rule 49. Later, in the reference second cited, considering the multiplicity of applications received for alteration of date of birth at the fog end of service, at the time of retirement, the General Rule 49 was amended, by introducing a proviso under rule 49(c) prescribing a time limit of one year before the date of his retirement for making such application for the person who entered into service prior to 24-1-1961.

Now, the Supreme Court of India in the reference third cited observed that rule 49 is to be harmoniously interpreted. The application for correction of date of birth of an in-service employee should be made within 5 years from the date when the rules have come into force that is 1961. If any application is made after expiry of 5 years, the Government employee loses his right to make the application.

3
and
e Court
y be

CHD
23 to 4433
20/6/96

16

69

Services Rules Part II will be applicable irrespective of the date of entry into service, and also observed that necessary amendment to the rules in line with the decision of the Supreme Court may be issued.

The Government considered the matter in detail and decided to amend General Rule 49 accordingly.

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 General Rules in Part II of the Tamil Nadu State and Subordinate Services Rules (Volume I of the Tamil Nadu Services Manual, 1987).

2. The amendment hereby made shall be deemed to have come into force on the 3rd August 1994.

AMENDMENT

In the said Rules, in rule 49, in sub-rule (c), the proviso shall be omitted.

(BY ORDER OF THE GOVERNOR)

M. B. PRANESH,
SECRETARY TO GOVERNMENT.

To

- All Secretaries to Government, Departments of Secretariat, Madras-2.
- All Departments of Secretariat, Madras-9.
- All Heads of Departments including District Collectors/ District Judges and Chief Judicial Magistrates.
- The Secretary, Tamil Nadu Public Service Commission, Madras-2.
- The Registrar, High Court, Madras-104.
- The Registrar, Tamil Nadu Administrative Tribunal, Madras-6.
- The Pay and Accounts Office, Madras-79/35/5/9.
- The Accountant General I & II, Madras-18.
- The Accountant General, Madras-9.
- The Director of Stationery and Printing, Madras-79 (for publication of notification in the Tamil Nadu Government Gazette).
- The Personnel and Administrative Reforms (S) Department, Madras-9 (for issue of correction slips to Tamil Nadu Services Manual).

Copy to:

- All Sections in P & AR Department, Madras-9.
- The Finance (BPE) Department, Madras-9.
- The Tamil Nadu Legislative Assembly Secretariat, Madras-9.
- The Private Secretary to Secretary, P & AR Department, Madras-9.
- The Senior Standing Counsel, TNAT, Madras-6.
- The Principal Commissioner and Commissioner for Revenue Administration, Madras-5.
- The Advocate on Record, Supreme Court, New Delhi-110 001.

/ forwarded by order /

S. K. Tolun Biri

Copy
from
(Fin
to-T

Sir,

Fin

Ap

oc

tw

wh