

12. NO. 110382-1/DA/92/SA dated 8.12.92 to the effect of  
of public service & administrative reforms, Madras

Copy of G.O.Ms.No.367, Personnel and Administrative Reforms  
(Per-S), Department dated 12.11.1992.

**Abstract:** Public Services - Preparation of panel of  
names fit for appointment/promotion to higher  
posts - Personnel against whom charges are  
pending or charge sheet framed - Guidelines -  
Issued.

**ORDER:**

1. The question of issuing guidelines in the matter of promotion/  
appointment of persons against whom charges are pending or contem-  
plated/specific charges are framed after enquiry has been engaging  
the attention of the Government for some time past.

2. According to General Rule 39(d), where it is necessary to  
appoint/promote an Officer against whom an enquiry into allegations  
of corruption or misconduct is pending, the appointing authority may  
appoint/promote him temporarily pending enquiry into the charges  
against him and the competent authority (appointing authority) shall  
have discretion to make regular appointment or promotion in suitable  
cases.

3. The Government have carefully examined the matter. The  
recent judgment of the High Court, Madras, the Supreme Court and  
orders of the Tamil Nadu Administrative Tribunal in the matter have  
also been taken into consideration. The Government issue the follow-  
ing guidelines for promotion/appointment of Government Servants,  
against whom charges/enquiry are pending or specific charges have  
been framed:

1) In the case of pending enquiries including vigilance enquiries  
and in the case, where specific charges have not been framed promotion/  
appointment of such persons shall be considered on the basis of their  
performance as on the date of consideration for promotion/appointment  
as revealed through their personal files and seriousness of the  
punishments, if any, previously imposed; and

ii) In cases, where specific charges have been framed or charge  
sheet has been filed in criminal case, promotion/appointment of such  
persons shall be deferred till the proceedings are concluded.

(BY ORDER OF THE GOVERNOR)  
Sd/-xx T.V. VENKATARAMAN,  
Chief Secretary to Government

/true copy/

*[Signature]*  
Superintendent.

v.v.11.12.

11/12

16/12/92