

GOVERNMENT OF TAMIL NADU

Letter Ms.No.248,
PERSONNEL AND ADMINISTRATIVE
REFORMS (S) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

DATED: 20-10-97.

From

Thiru K.A. NAMBIAR, I.A.S.,
CHIEF SECRETARY TO GOVERNMENT.

To

All Secretaries to Government, Secretariat, Chennai-9.
All Departments of Secretariat, Chennai-9.
All Heads of Departments.
The Secretary, Tamil Nadu Public Service Commission,
Chennai-2.
The Senior Standing Counsel, Tamil Nadu Administrative
Tribunal, Chennai-6.

Sir,

Sub: PUBLIC SERVICES - Preparation of panel for
appointment by promotion by recruitment by
transfer - Further guidelines - Issued.

- Ref: 1) G.O.Ms.No.360, Personnel and Administrative
Reforms (S) Department, dated 18.10.93.
2) Government Letter No.27336/S/96-1, Personnel
and Administrative Reforms (S) Department,
dated 28.6.96.
3) G.O.Letter No.754/DPD-A1/97, dated 3.2.97
from Chairman, Tamil Nadu Public Service
Commission, Chennai-2.

In the Government Order cited, detailed instructions
have been issued for guidance of the Heads of Departments/
Departments of Secretariat while preparing the panels for
appointment by promotion/recruitment by transfer for State
and Subordinate Services, consolidating the earlier instructions
on preparation of estimate of vacancies, effect of charges,
punishments etc. and prescribing formats for preparing the
estimates and sending particulars, examination of suitability
of the individuals etc.

2) In the Government letter second cited some basic
guidelines adopted by Departmental Promotion Committee at its
Meeting held on 3.4.96 were communicated to all the departments
for uniform compliance while preparing panels. Now the
Chairman, Tamil Nadu Public Service Commission has communicated
revised norms for circulation among the Secretaries and Heads
of Departments.

3) The Government have examined in detail the norms communicated and further points raised by some of the Heads of Departments and Departments of Secretariat with regard to pendency of charges, effect of punishments and effect of adverse remarks etc. in various cases.

4) In continuation of the guidelines issued in para II (iv), (v) & (vi) of G.O.Ms.No.360, Personnel and Administrative Reforms (S) Department, dated 18.10.93 and in supersession of the following specific guidelines are issued with regard to the pendency of Vigilance Enquiry/Charges, effect of adverse remarks in Personal File/Confidential Report and specific punishments for adoption by the Heads of Departments, Departments of Secretariat and Departmental Promotion Committee while preparing panels. The Government further direct that they should be read with the existing guidelines issued in G.O.Ms.No.368, Personnel and Administrative Reforms (S) Department, dated 18.10.93 and not in isolation, uniformly in all cases without giving room for difference in norms from one Department to another.

1. EFFECT OF PENCYENCY OF VIGILANCE ENQUIRY/CHARGES ON INCLUSION IN A PANEL FOR PROMOTION AND RECRUITMENT BY TRANSFER

Nature of Enquiry/Charge	Effect
1) Preliminary or detailed enquiry undertaken by Directorate of Vigilance and Anti Corruption.	Need not be held against the Officer for inclusion in the Panel.
2) Regular cases/Registered cases by Directorate of Vigilance and Anti Corruption.	Mere registration of cases in Courts need not be held against the Officer. But <u>if charge sheet has been filed in the Criminal case, it should be held against the Officer.</u>
3) Trap and Arrest made under the Prevention of Corruption Act by Directorate of Vigilance and Anti Corruption.	It should be treated as a serious offence and held against the Officer.
4) Enquiry by Tribunal for Disciplinary proceedings undertaken by the department or on the recommendation of the Vigilance Commissioner.	This will be equivalent to charges framed under Rule 17(b) of Tamil Nadu Civil Services (Q&A) Rules. Hence it should be held against the Officer.

Nature of Enquiry/ Charge	Effect
5) Remittal orders issued by the Government directing the appropriate authority to initiate disciplinary action on receipt of the report.	Unless specific charges have been framed under Rule 17(b) of Tamil Nadu Civil Services (D&A) Rules, the remittal order issued by the Government need not be held against the Officer. If charges are framed under Rule 17(b) as a result of remittal orders the name need not be included in the panel. Even if the name has been included in the panel, the name should be deleted from such a panel if charges under Rule 17(b) are framed before actual promotion.
6) Pendency of charges framed under Rule 17(a) of Tamil Nadu Civil Services (D&A) Rules.	Need not be held against the Officer, irrespective of the seriousness of the delinquency.
7) Pendency of charges framed under Rule 17(b) of Tamil Nadu Civil Services (D&A) Rules.	It should be held against the Officer and inclusion deferred until finalisation of the disciplinary proceedings.
8) Suspension	If the Officer is placed under suspension on the date of consideration, inclusion may be deferred till finalisation of disciplinary proceedings.

II. EFFECT OF PUNISHMENTS ON INCLUSION IN THE PANEL

- 1) As warning or severe warning is not a statutory punishment and since there is no provision for appeal, it need not be held against the Officer, whether it was awarded after framing of charges Under Rule 17(a) or 17(b) of Tamil Nadu Civil Services (D&A) Rules.
- 2) Any punishment, other than 'Censure', imposed on an officer within a period of five years prior to the crucial date and a punishment of 'Censure' within a period of one year prior to the crucial date should be held against the officer. In such a case the Officer's name should be passed over.

Provided that if the Officer was imposed with any of the punishments within the check period as mentioned above for irregularities/delinquencies which occurred five years prior to the date of punishment, such punishment need not be held against him.

Provided that an Officer passed over once, need not be passed over for the second time on account of the same punishment at the time of subsequent consideration for the next panel.

3) Currency of Punishment:

Whenever an Officer is undergoing a punishment and there is currency of punishment on the crucial date the name should be passed over at the time of first consideration irrespective of the time of occurrence of irregularity. If the currency of that punishment continues at the time of subsequent consideration, for the next panel then the name may be included in the panel, on the basis that a name should not be passed over for the second time on account of the same punishment.

4) It is further clarified that charges framed under Rule 17(b) of Tamil Nadu Civil Services (D&A) Rules and any of the punishments awarded after the crucial date and till the date of issue of the panel, shall also be taken into consideration for assessing the suitability of the Officer for inclusion in the panel.

III. CONSIDERATION OF ADVERSE REMARKS:

The performance of the Officer should be assessed as revealed through the Personal File/Confidential Report over a period of 5 years prior to the crucial date. Any adverse remark relating to a period of 3 years or more during the check period of five years which have not been shown to and acknowledged by the Officer reported upon shall be ignored. Other adverse remarks which have been shown to the Officer and acknowledged by him but not represented against/ not expunged on representation should be considered (with reference to subsequent reports, if any) for taking a decision.

Yours faithfully,

A. Apparkal
20.10.97

FOR CHIEF SECRETARY TO GOVERNMENT.