

Tamil Nadu Essential Services Maintenance (Repeal) Act, 2006

TAMILNADU

India

Tamil Nadu Essential Services Maintenance (Repeal) Act, 2006

Act 11 of 2006

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Tamil Nadu Essential Services Maintenance (Repeal) Act, 2006(Tamil Nadu Act 11 of 2006)Statement of Objects and Reasons. - The Tamil Nadu Essential Services Maintenance Act, 2002 (Tamil Nadu Act 36 of 2002) was enacted to provide for stricter enforcement of discipline among certain essential services. The said Act was amended by the Tamil Nadu Essential Services Maintenance (Amendment) Act, 2003 (Tamil Nadu Act 37 of 2003) so as to amend section 7 of the said Act. The said amended section was taken recourse to dismiss 1,70,000 Government servants who were later reinstated into the service after the intervention by the Supreme Court of India. Even while granting the relief, the Supreme Court of India has made it clear that it has not dealt with the grievances of the employees against various orders issued by the State Government affecting their service benefits. Various Service Associations have also expressed, from time to time, apprehension and reservation regarding the provisions of the Tamil Nadu Essential Services Maintenance Act, 2002. As long as the said Act continues to exist with the amended provisions, there is bound to be apprehension and fear in the minds of the Government servants. Legally also, it has been considered that the provisions of the said Act are draconian in character and has already been challenged in Courts and are liable to be challenged under Article 21 of the Constitution also and thus bristles with unsustainability. Therefore, to instill a sense of confidence and to create a better understanding and congenial working atmosphere, it is considered necessary to repeal the said Act.2. The Bill seeks to achieve the above object.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th May 2006.Published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 7th June 2006.An Act to repeal the Tamil Nadu Essential Services Maintenance Act, 2002.Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Tamil Nadu Essential Services Maintenance (Repeal) Act, 2006.(2)It shall come into force at once.

2. Repeal.

- The Tamil Nadu Essential Services Maintenance Act, 2002 (Tamil Nadu Act 36 of 2002) is hereby repealed.

3. Abatement of action taken and legal proceedings.

- All actions taken under the Tamil Nadu Essential Services Maintenance Act, 2002 (Tamil Nadu Act 36 of 2002) and all proceedings thereunder pending immediately before the commencement of this Act, before any Court or authority shall abate.