

Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013

TAMILNADU

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Rule

TAMIL-NADU-VILLAGE-PANCHAYAT-SECRETARIES-CONDITIONS-OF of 2013

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Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013Published vide Notification No. G.O. Ms. No. 72, Rural Development and Panchayat Raj (E5), 9th July 2013 - No. SRO A-20/2013In exercise of the powers conferred by sub-section (1) of Section 102 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the Governor of Tamil Nadu hereby makes the following Rules:

1. Short title and commencement.

(a)These Rules may be called the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.(b)They shall come into force on the 9th day of July 2013.

2. Definitions.

- In these Rules, unless the context otherwise requires,(1)"Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994):(2)"Collector" means the Collector of the District concerned;(3)"Executive Authority" means the executive authority of a Village Panchayat appointed by the Government under Section 83 of the Act;(4)"Village Panchayat Secretary" means the Secretary of a Village Panchayat;

3. Appointment.

(1) Appointment to the post of Village Panchayat Secretary shall be made by direct recruitment through Employment Exchange. (2) The Personal Assistant (Development) to the Collector shall call for a list of suitable candidates from the District Employment Office for appointment to the post of Village Panchayat Secretary duly indicating the qualifications and the name of the Village Panchayat. (3) The District concerned shall be the unit for applying as per law orders in force in the State for appointment on the basis of communal/women reservation for the post of Village Panchayat Secretary. (4) A Village Panchayat Secretary shall be appointed through the Appointment Committee consisting of Personal Assistant (Development) to the Collector, the Assistant Director (Panchayats) and the Block Development Officer (Village Panchayats, of the Block Concerned).

4. Appointing Authority.

- The appointing authority for the post shall be the Personal Assistant (Development) to the Collector.

5. Qualifications.

(1) Age: No person shall be eligible for appointment to the post if he/she has not completed 18 years and if he/she has completed or will complete 30 years of age on the first day of July of the year in which the selection for appointment to the post is made. In respect of candidates belonging to Backward Class/Most Backward Class/Scheduled Caste/Scheduled Tribe, the upper age limit shall be 35 years. (2) Other Qualifications : (i) No person shall be eligible for appointment to the post, if he/she has not passed S.S.L.C issued under the authority of the Government of Tamil Nadu or any other equivalent examination prescribed by the Government to be equivalent there to; (ii) No person shall be eligible for appointment to the post unless he/she is a resident of the Village Panchayat concerned. (iii) If no qualified and suitable candidate residing in the Village Panchayat concerned is available for selection for appointment to the post, eligible candidate from the adjoining Village Panchayats within the block shall be appointed.

6. Service Register.

- A Service Register shall be opened and maintained in respect of each Village Panchayat Secretary and kept in the custody of Block Development Officer (Village Panchayats) concerned.

7. Probation.

- Every person appointed to the post shall, from the date on which he/she joins duty, be on probation for a total period of two years on duty within a continuous period of three years. During the period of probation, he/she shall undergo basic foundation training for a period of one month at regional Institute of Rural Development or such other institution as ordered by the Government and pass the prescribed test conducted at the end of training.

8. Termination of probation.

- The Appointing Authority shall, at any time before the expiry of the prescribed period of probation, for reasons to be recorded in writing, terminate the probation of any person and discharge him/her from the service.

9. Regularisation.

- The appointing authority shall issue orders regularizing the services of the individuals with effect from the date of his/her joining the post. Each District will be the unit for fixing the seniority for the post.

10. Administrative Control.

(1) Every person appointed to the post shall be under the control of the Executive Authority of the Village Panchayat concerned. The Block Development Officer (Village Panchayats) shall exercise overall administrative control in respect of the post at the Panchayat Union level. (2) The Annual increment to person holding the post shall be sanctioned by the Block Development Officer (Village Panchayats).

11. Transfer.

(1) Transfer of a person holding the post shall be made only on administrative grounds supported by valid reasons and after proper enquiry by the authorities concerned. (2) Transfer and postings within the Block shall be made by the Block Development Officer (Village Panchayats) of the Panchayat Union concerned. Transfer and postings to other Blocks within the District shall be made by the Personal Assistant (Development) to the Collector. All transfers and postings within the Block and the District shall be done in consultation with the Executive Authority of the Village Panchayat concerned. The Commissioner / Director of Rural Development and Panchayat Raj is the competent authority to make transfer from one District to another District based on the specific report from the Collector.

12. Leave eligibility.

(1) A person holding the post is: - (a) eligible for twelve days of casual leave in an year at the rate of one day of leave per month which can be availed with the prior permission of the executive authority of the Village Panchayat concerned. The Executive authority shall intimate the same to the Block Development Officer (Village Panchayats) concerned. (b) eligible for medical leave and the maximum period of leave admissible on medical grounds shall be limited to ten days at a time and three months with salary in total. The Personal Assistant to collector (Development) is the competent authority for sanction of leave on medical grounds. (c) eligible for thirty days of leave without pay and allowances per year which shall be sanctioned by the Block Development Officer (Village Panchayats). (2) A female Village Panchayat Secretary is eligible for ninety days of maternity leave

with salary and not more than ninety days of leave on medical grounds without salary and allowances.(3)The Tamil Nadu Leave Rules applicable to Government Servants shall have no application to a Village Panchayat Secretary.

13. Retirement.

- No person holding the post shall be allowed to continue in service after his completion of 58 years of age.

14. Discipline and Appeal Rules.

- When a person holding the post is found guilty of -(a)negligence;(b)indiscipline;(c)fraud;(d)breach of Rules or Orders; or(e)any other act which causes pecuniary loss to the Village Panchayat or Government.The appointing authority may, in addition to an order for the recovery of the whole or a portion of the loss from him/he, impose any of the following penalties, namely:-(i)Censure;(ii)Stoppage of increment with or without cumulative effect;(iii)Dismissal.

15. Authority competent to impose the penalties.

- The authority competent to impose any of the above penalties shall be the Personal Assistant (Development) to the Collector. However, the Block Development Officer (Village Panchayats) may initiate disciplinary action on the Village Panchayat Secretary and remit the papers to Personal Assistant (Development) to the Collector for passing final orders.

16. Procedure to be followed before imposing penalty.

- In every case where a person holding the post is found guilty of any negligence, indiscipline fraud, breach of Rules or Orders etc, in consequence of which any pecuniary loss may or may not have been caused to the Village Panchayat/Government and it is proposed to impose any of the penalties specified in rule 14, the authority shall give him/her a reasonable opportunity of making any representation that he/she may desire to make to defend himself/herself, and he/she shall take such representation, if any, into consideration before passing any order imposing such penalty.

17. Suspension.

(1)The appointing authority may place a person holding the post under suspension, if it is necessary in public interest, where, -(i)an inquiry into grave charges against him/her is contemplated or is pending; or(ii)a complaint against him/her of any criminal offence is under investigation or trial.(2)A person holding the post who is detained in custody whether on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended under this rule.(3)Review on extension of suspension of the persons holding the post shall be done by the Personal Assistant (Development) to Collector for every quarter.(4)During the period of suspension, a person holding the post is eligible for subsistence allowance of 50% of the last pay and allowances

drawn.

18. Appeal.

(1)An appeal shall lie with the Collector within thirty days from the date of receipt of the order, imposing the penalty by the appointing authority.(2)Second appeal shall lie with the Commissioner/ Director of Rural Development and Panchayat Raj within sixty days from the date of receipt of the orders of the Collector.(3)While passing an order in appeal, the Appellate Authority shall consider - (i)whether the facts on which the order was based have been established;(ii)whether the facts established afford sufficient ground for taking action; and(iii)whether the penalty is, adequate or inadequate or excessive and pass such orders, as it may deem fit.

19. Power of revision.

- Notwithstanding anything contained in these rules, the State Government may, at any time, call for the records of any inquiry, revise any orders passed in any disciplinary proceedings or appeal under these Rules and pass such orders as they deem fit.

20. Savings.

- Nothing contained in these rules shall adversely affect the persons holding the post on the date of coming into force of these Rules.