

Tamil Nadu Town Panchayat Establishment (Qualification and Recruitment of Office Assistants) Rules, 1988

TAMILNADU

India

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Rule

TAMIL-NADU-TOWN-PANCHAYAT-ESTABLISHMENT-QUALIFICATION of 1988

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1. Short title.

- These rules may be called the Tamil Nadu Town Panchayat Establishment (Qualification and Recruitment of Office Assistants) Rules, 1988.

2. Application.

- The rules shall apply to all members of the establishment under a Town Panchayat (other than those in superior service) whether permanent, temporary or officiating whose pay or the maximum pay of the posts held by them does not exceed Rs.720 per mensem.

3. Definition.

- "Basic Service" shall mean and include all services in the following appointments in Town Panchayats unless declared by Government as superior:(a)Services as Office Assistants in Offices, Public Health Maestri, Public Health Worker, Sanitary Worker, Scavengers, Sweeper, Gardener, Watchman, Watchman-cum-Gardner and Waterman-cum-Watchman, etc.(b)Service in posts the

pay of which does not exceed Rs. 720 per mensem.

4. Constitution.

- The service shall consist of the following categories of servants namely: Class I - Category I - Office Assistants in Office. Class II - Category I - Public Health Maistries or Sanitary Maistries. Category 2 - Public Health Workers or Sanitary Workers or Scavengers or Sweepers or Thottis. Class III - Gardner, Watchman, Waterman-cum-Gardner, Waterman-cum Watchman, turn cock.

5. Qualifications and method of recruitment for appointment.

- No person shall be appointed to any of the posts under a Town Panchayat specified in column (1) of the Table below by the methods specified in column (2) against each, unless he possesses the qualifications laid down in the corresponding entry in column (3) thereof:

Name of the post (1)	Method of recruitment (2)	Qualification (3)
Class I -Office Assistants.	By direct recruitment By transfer from among menials paid from contingencies.	(i) A pass in VIII Standard or (ii) Must be able to ride bicycles: Provided that the qualifications prescribed in (1) above and age limit if any prescribed under the rules, shall not apply to persons appointed by transfer from one post to another or from menials paid from contingencies, if such menials had entered service under the town panchayat before they had completed the age of 28 years and served for a continuous period of not less than one year.
Class:II- Category I.Public Health Maestri or Sanitary Maestri.	(1) By promotion from category 2 of class II (2) by direct recruitment.	(i) A pass in III form or VIIth standard. (ii) Must be able to ride a bicycle.
Category 2-Public Health	By direct recruitment	Must be able to read and

Worker, Sanitary Worker, Scavenger,
Sweeper and Thotti.

write in Tamil

Class III -

Gardner, Watchman, Watchman-cum-Gar-dener, Turncock	(1) By direct recruitment (2) By recruitment from write in Tamil among qualified menials paid from contingencies who have put in not less than 2 years of service.	Must be able to read and write in Tamil
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Provided that the following categories of persons shall be exempted from the possession, of the qualification, viz., a pass in VIII Standard specified for Class I and III and Category I of Class II: (a) Ex-Servicemen; (b) Employees borne on contingent establishment of the town panchayat; (c) Existing incumbents in the Tamil Nadu Panchayat Basic Service (This will not include persons who are not regularly holding the posts in the service).

6.

In selecting persons for appointment to the posts the following order of preference shall be observed namely: (1) Candidates who are residents of the State of Tamil Nadu; (2) Candidates who possess higher educational qualifications; (3) Candidates who have rendered war-service; (4) Persons repatriated from South Africa, Pakistan, Burma and Ceylon; and (5) Persons affected by Gold Control Order.

7. Age.

- No person shall be eligible for appointment to the post if he has completed or will complete twenty-eight years of age on the first day of July of the year in which the selection for appointment is made: Provided that the age limit shall not apply to persons appointed by transfer from one post to another or to menials paid from contingencies appointed as Office Assistants if such menials had entered service under the town panchayat before they had completed the age of twenty eight-years or to the Ex -servicemen: Provided further that the age limit may be relaxed in favour of the candidates belonging to the Scheduled Castes and Scheduled Tribes up to thirty-three years.

8. Direct Recruitment.

(a) The appointing authority shall apply to the employment Officer of the area (hereinafter referred to as Employment Officer) for recommending a panel of suitable candidates where any of the post falls vacant and an appointment has to be made thereto. (b) The appointing authority shall ordinarily appoint the candidates recommended by the Employment Officer, provided that such candidates, have applied for the posts. (c) If no candidate is recommended by the employment Officer or if no suitable candidate is available from the list recommended by the Employment Officer the

appointing authority shall proceed to fill up the vacancy temporarily in accordance with the instructions issued in this regard after intimation of the fact to the Employment Officer concerned.(d)Where a person appointed on the recommendation of the Employment Officer is discharged for want of vacancy; the appointing authority shall forthwith send a report to Employment Officer together with full particulars regarding the service, work and conduct of the person discharged.

9. Probation.

(a)Every person appointed to the post shall from the date on which he joins duty, be on probation for a total period of one year on duty within a continuous period of three years.(b)Every person appointed to the post shall be entitled to count towards his probation in that post his service, if any rendered subsequently in another post, appointment into which involves the assumption of duties and responsibilities of equal or greater importance than those attaching to the former post.

10. Termination, completion or Extension of Probation.

(a)The appointing authority, may at any time, before the expiry of prescribed period of probation, for reasons to be specified in writing, terminate the probation of any person and revert him to his permanent post if he is already a permanent servant or discharge him from the service in other cases.Explanation. - In cases where the appointing authority proposes to terminate the probation of any person for specific charges in addition to or distinct from general inefficiency or incapacity he shall frame specific charges and follow the detailed procedure for imposing penalties laid down in rule 4 of the rules relating to the Tamil Nadu Town Panchayat Establishment (Punishment and Appeal) Rules, 1988.(b)A person who has completed his period of probation shall be confirmed at the earliest opportunity, and if a vacancy existed from a date previous to the date of issue of the order he may be so appointed with retrospective effect from such date or as the case may be from such subsequent date from which he was continuously on duty as a member of the service in such post, or in a post the appointment to which involves the assumption of duties and responsibilities of greater importance than those attaching to the former post.(c)If at the end of the prescribed period of probation the appointing authority considers that a probationer is not suitable for declaration of probation the appointing authority may extend his probation by a period which in no case shall be longer than one year from the date of expiry of the period of probation prescribed in rule 9. In case, where the probation is extended, a condition shall, unless there are special reasons to the contrary, be attached to the orders of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation and such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he is declared to have satisfactorily completed his probation.

11. Discharge and re-appointment of probationers and approved probationers.

(a)(i)The probationers and approved probationers shall be discharged or reverted for want of vacancies in the order of juniority.Explanation. - For the purposes of this sub-rule juniority as between probationers in a post and as between approved probationers in a post, shall be determined with reference to the date of first appointment. Where the date by which seniority is determined is the same as in the case of two or more persons in a post their seniority inter shall be determined by the order of preference, if any, previously laid down in their case. If no such order of preference has been laid down in their case, or in case of doubt, seniority shall be determined by the appointing authority.(ii)Probationers and approved probationers who have been discharged or reverted for want of vacancies under clause (i) shall be reappointed as and when vacancies arise, in the inverse of the order laid down in that clause:Provided that nothing contained in this sub-rule shall be deemed to give any such persons a right to be reappointed in preference to another who has been discharged or reverted subsequently under clause (1) sub-clause (ii) of that sub-rule.(b)(i)When any post or posts are abolished, the orders in which persons shall be selected for discharge or reversion from the post concerned shall be in order of juniority:Provided that no person shall be discharged on the abolition of any post unless he cannot be provided for otherwise;Explanation (1). - Appointment the pay of which is reduced, shall be deemed to be abolished within the meaning of this clause.Explanation (2). - For the purpose of this clause juniority or seniority shall be determined in cases of probationers and approved probationers according to the date of first appointment in the post concerned:Provided that where the date by which seniority is determined is the same in the case of two or more persons in a post their inter-se seniority shall be determined in the order laid down in the Explanation to clause (i) of sub-rule (a); and(ii)Where a person to be discharged under clause (i) holds a post to which promotions are normally made from a lower post, he shall, if he so desires instead of being discharged, be reverted to such lower post and be placed at the top thereof and shall accordingly be treated for purpose of selection of persons for discharge or reversion from such lower post;(iii)Before a permanent servant is discharged under this sub-rule, notice of not less than three months shall be given and if the period by which the notice actually given, falls short of three months and the servant has not been provided with other employment on the date on which his services are dispensed with a gratuity not exceeding his emoluments for the period falling short of three months shall with the sanction of the authority competent to dispense with the service of the servant concerned, be paid to him in addition to the gratuity, if any to which he may be entitled under the rules in that behalf;(iv)Persons, who have been discharged or reverted from such post under this sub-rule, shall, so long as such persons desirous of such appointment are available, be appointed in the inverse of the order in which they were discharged or reverted against the vacancies that may subsequently arise:Provided that if the appointing authority considers it is not desirable that any person should be appointed under this rule he may for reasons to be recorded in writing and communicated to the person concerned refuse to appoint him and an appeal shall lie from such refusal as if it were an order of dismissal.

12. Service Rolls.

- A service roll shall be maintained for such servants. The appointing authority shall be responsible for the correct and up-to-date maintenance of the service roll of every servant and he shall record an annual certificate of verification in the service roll as early as possible after the end of every year.

13. Superannuation.

- No person shall be retained in service after the end of the month he has completed the age of 60 years: Provided that with the previous sanction of the State Government a person who has been suspended pending enquiry into serious charges against him may be retained in the service beyond 60 years up to the date on which orders are passed on the charges.

14. Temporary Appointments.

- Notwithstanding anything contained in these rules where it is necessary in the public interest or for administrative reasons to fill immediately a vacancy in the post and there would be delay in making such appointment in accordance with these rules or any other rules governing such appointment the appointing authority may for reasons to be clearly recorded in writing temporarily appoint a person otherwise than in accordance with the said rules: Provided that in respect of such appointment the prior approval of the appointments committee, if any, shall be obtained as in the case of regular appointments: Provided further that in respect of appointments to the post in Public Health and Medical Institutions under the control of Town Panchayat the previous approval of the authority specified by the Government shall be obtained when the period of such appointment exceeds three months. As soon as any such posts fall vacant and an unqualified candidate is appointed the appointing authority concerned shall promptly intimate the fact to the said appropriate authority: Provided also that in respect of appointment in any post other than the one mentioned in the said rules the previous approval of the Director shall be obtained when the period of appointment exceeds 3 months: Provided also that the appointment made under this rule shall not exceed one year at a time. (b) A person appointed under sub-rule (1) shall be paid either his substantive pay or the minimum pay in the time scale of pay applicable to the posts as the case may be whichever is higher. The period of services rendered in the post under sub-rule (a) shall not count for increment in that post. (c) A person appointed under sub-rule (a) shall not be regarded as a probationer in that post. (d) The services of a person appointed under sub-rule (a) shall be liable to be terminated at any time without notice and without any reasons being assigned.

15. Savings.

- Nothing contained in these rules shall adversely affect the incumbents who held the posts regularly prior to the issue of these rules.