

The Chennai Corporation Officers Service Rules, 1975

TAMILNADU

India

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Rule

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Part I

Preliminary

1. Short title.

- These rules may be called the [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996.] Corporation Officers Service Rules, 1975.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(1)A person is said to be "appointed" to a service when in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time duties of a post born on the cadre of such service or commences the probation, instruction or training prescribed for members thereof;(2)"approved candidate" means a candidate whose name appears in a authoritative list of candidates approved for appointment to any service, class or category;(3)"approved probationer" in a service, class or category means a member of that service, class or category who has satisfactorily completed his probation and awaits appointment as a full member of such service, class or category;(4)"Backward Classes" [For the purpose of this rule

Backward Classes includes Most Backward Classes and denotified communities also.] means the communities classified as such in the Tamil Nadu State and Subordinate Service Rules, as amended, from time to time;(5)"Commissioner" means the Commissioner, Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(6)"discharge of a probationer" means, in case the probationer is a full member or an approved probationer of another service, class or category reverting him to such service, class or category and in any other case, dispensing with his services;(7)A person is said to be "on duty" as member of a service-(a)when he is performing the duties of a post borne on a cadre of such service or in undergoing the probation, instruction or training prescribed for such service;(b)when he is on joining time; or(c)when he is absent from duty during vacation or authorised holidays or on casual leave issued by the State Government having been on duty immediately before and immediately after such absence;(8)"full member" of a service means a member of that service who has been appointed substantively on the cadre thereof;(9)"General Rules" shall mean the rules in Part II of these rules;(10)"member of a service" means a person who has been appointed to that service and who has, not retired or resigned, been removed or dismissed, been substantively transferred or reduced to another service or been discharged otherwise than for want of vacancy. He may be a probationer, an approved probationer, or a full members of that service;(11)"military duty" means-(i)duty of any kind (including a course of training) involving subjection to Naval, Military or Air Force Law; or(ii)duty (including a course of training) with a liability to serve overseas or in any operational area in Naval, Military or Air Force Units or formation or under Military Munitions or Stores Authorities or in factories; or(iii)whole time duty in-(a)the Civil Pioneer Force, the Madras Civil Labour Units or the Madras Labour Units for Ceylon, or(b)the A.R.P. or any other Civil Defence Organisation specified by the Central Government, or(c)any post created for the efficient prosecution of war of 1939-46, or associated with the training of war technicians, if duty in such post is declared by the Central Government to be military duty;Explanation. - No duty shall be treated as military duty unless either of the following conditions is satisfied-(i)it must have been rendered within the period commencing on the 3rd September 1939 and ending with the 21st November 1948:Provided that if it commenced on or after 22nd April 1946 it shall not be reckoned as military duty; or(ii)it must have commenced on any date within the period commencing on the 26th October 1962 and ending with the 10th January 1968.(12)"probationer" in service means a member of that service who has not completed his probation;(13)"promotion" means the appointment of a member of any category or grade of a service or a class of service to a higher category or grade of such service or class;(14)A candidate is said to be "recruited direct" to a service, class or post when, in case his first appointment thereto is made by inviting applications for the recruitment and in any other case at the time of his first appointment that he is not in the service of the Corporation:Provided that for the purpose of this definition, a person shall be deemed to be not in the service of the Corporation-(i)if a period of five years has not elapsed since his first appointment to a service in the Corporation; and(ii)if he belongs to the Scheduled Castes or Scheduled Tribes or [Backward Classes] [For the purpose of this rule, Backward Classes includes Most Backward Classes and Denotified Communities also].(15)"Scheduled Castes" means the communities classified as such in the Tamil Nadu State and Subordinate Service Rules, as amended from time to time;Explanation. - No person who professes a religion different from Hinduism shall be deemed to be a member of Scheduled Castes;(16)"Scheduled Tribes" means the communities classified as such in the Tamil Nadu State

and Subordinate Service Rules, as amended from time to time;(17)"Service" means the service constituted in respect of the posts included in Class I-A, Class I-B, Class II of the Corporation Establishment';Explanation. - Where the context so required, "service", means the period during which a person holds a post or a lien on a post or is a member of service as above defined;(18)"Special Rules" shall mean the rules applicable to each service or class or category;(19)"war service" means-(a)service of any kind in a unit or formation liable for service overseas or in any operational area or in the Indian National Army (I.N.A.);(b)service in India under Military, Munitions, or Stores Authorities or in factories with a liability to service overseas or in any operational area;(c)all other service involving subjection to Naval, Military or Air Force Law;(d)a period of training with a Military Unit or formation involving liability to service overseas or in any operational area;(e)valuable service rendered to the fighting force in other ways e.g. byway of recruiting;(f)Service in Air Raid Precaution or any Civil Defence Organisation specified in this behalf by Central or State Government;(g)(1) any service connected with the prosecution of the-war which a person was required to undertake by a competent authority under the provisions of any law for the time being in force.(2)Service in any of the following-(i)National War Front Organisation;(ii)Camouflage Organisation;(iii)Special Origination for the production of war supplies through Small Scale Industries;(iv)any post associated with the training of war technicians, if duty in such post is declared by the Central Government to be "military duty";(v)Post of Special Constable on coastal patrol duty; and(vi)Survey of India if the service was temporary and involved liability for service overseas.Explanation. - (1) Only whole-time service of any of the kinds specified above will be recognised as war service.(2)Service in the Civil Pioneer Force, Tamil Nadu Civil Labour Units for Ceylon will be deemed to fall within the scope of clause (c) above.(3)Persons whose service of kinds specified above has been characterised.in their discharge certificate or other documents as "indifferent" or "bad" shall not be eligible for the concessions allowed by these rules;(4)Persons who have been discharged from the Army, Navy or Air Force or from any other kind of war service for any reasons other than those specified below shall not be eligible for the concessions allowed by these rules.(i)Medical invalidation;(ii)Demobilisation;(iii)Completion of engagement;(iv)Unlikely to become an efficient soldier or Airman, etc.:(v)Services no longer required;(vi)Character not tested;(vii)Compassionate grounds;(viii)Unfit for service; and(ix)Below standard;(5)The service shall be in connection with the war of 1939-46.

3. Pay allowances, leave salary, pension and other conditions of service.

- The [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Service (Classification, Control and Appeal) Rules 1970, the rules regulating, the pay of the services included in the Corporation establishment, the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Servants Conduct Rules, 1968, the Fundamental Rules, 1970, the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Superior Service Leave Rules, 1960 and the Pension Rules, for the time being in force shall, in so far as may be applicable and except to the extent expressly provided in these rules, govern members of every Corporation Service in the matter of their pay, allowance, leave, leave salary, pension and other conditions of service.

4. Cadre.

- The permanent cadre of each service, class, category and grade shall be determined by the State Government in consultation with the Corporation Council whenever necessary.

Part II

[Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Officers Service General Rules

1. Scope of the General Rules. - The rules in this Part shall apply to all the holders of the posts in Class I-A, Class I-B, Class II of the Corporation Service and to the holders of the posts of. Commissioner (non-IAS), Assistant Commissioners (non-IAS) and Personal Assistant to the Commissioner in the Corporation Establishment, whether temporary or permanent appointed by the competent authority. They shall also apply in respect of holders of such posts appointed on contract or by agreement subsisting between any such person and the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] in respect of matters not specifically provided for in the contract or agreement. They shall not apply to the holders of the posts included in Class III and Class IV of the Corporation Establishment.

2. Relation to the Special Rules. - If any provision in the General Rules contained in this Part is repugnant to a provision in the Special Rules applicable to any particular Corporation Service, the latter shall, in respect of that service, prevail over the provisions in the General Rules in this Part.

3. Appointment to service. - All first appointments to a Corporation Service and to the posts of Commissioner, Assistant Commissioner and Personal Assistant to the Commissioner shall be made by the competent appointing authority.

4. Method of recruitment. - Where the normal method of recruitment to any service, class or category is neither solely by direct recruitment nor solely by promotion and by appointment on deputation, but is both by direct recruitment and by promotion and by appointment on deputation-

(a)the proportion or order in which the special rules concerned may require vacancies to be filled by persons recruited direct and by those recruited by promotion and by appointment on deputation shall be applicable only to substantive vacancies in the permanent, Cadre;(b)a person shall be recruited direct only against a substantive vacancy in such permanent cadre and only if the vacancy is one which should be filled by a direct recruitment under the special rules; and(c)recruitment to all other vacancies shall be made by promotion and by appointment on deputation basis:Provided that nothing in this rule shall adversely affect any person who, on the date of issue of the special rules referred to in clause (a), was a probationer in such service, class or category, as the case may be.

5. Right of probationers and approved probationers to re-appointment. - A vacancy in any service, class or category not being vacancy which should be filled by direct recruitment under the special rules referred to in rule 4 shall not be filled up by the appointment of a person who has not yet commenced his probation in such services, class; or category when an approved probationer or a probationer therein is available for such appointment.

6. Discharge and re-appointment of probationers and approved probationers. - (a)(i) In cases falling under rule 5, probationers and approved probationers who were recruited, direct shall not be discharged for want of vacancies. Other probationers, and approved probationers shall be discharged for want of vacancies.

(ii)In other cases, the probationers and approved probationers shall be discharged for want of vacancies in the order of juniority.(iii)The order of discharge laid down in clauses (i) and (ii) may be departed from in cases where such order would involve exceptional administrative inconvenience.(b)Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as vacancies (not being vacancies which should be filled by direct recruitment under the Special Rules arise) in the inverse of the order laid down in clause (i) or (ii) of sub-rule (a):Provided that the said order may be departed from in cases where such order would involve exceptional administrative inconvenience.

7. Members absent from duty. - The absence of a member of a service from duty in such service, whether on leave or on foreign service or on deputation or for any other reason and whether his lien in a post borne on the cadre of such service, is suspended or not, shall not, if he is otherwise fit, render him ineligible in his him-

(a)for re-appointment to a substantive or officiating vacancy in the class, category or post in which he may be probationer or an approved probationer;(b)for promotion from a lower to higher category', in such service; or(c)for appointment to any substantive or officiating vacancy in another service if according to the rules governing appointment to such other service, he is entitled such

appointment, as the case may be, in the same manner as if he had not been absent. He shall be entitled to all the privileges in respect of appointment, seniority, probation and appointment as full member which he would have enjoyed, but for his absence subject to his completing satisfactorily the period of probation on his return.

8. Temporary appointments. - Notwithstanding anything contained in these rules, if a temporary post is created as addition to the cadre of any service, class or category and the holder thereof is required by the State Government or the Corporation [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] to possess any special qualifications, knowledge or experience, any person possesses such qualifications, knowledge or experience and is considered to be the best fitted to discharge the duties of such post may, irrespective of other considerations, be appointed to that post by the appointing authority, but the person so appointed shall not, by reason only of such appointment, be regarded as probationer in such service, class or category nor shall be acquired thereby any preferential right to future appointment to such service, class or category.

9. Appointment by agreements. - (1) When, in the opinion of the State Government or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], special provisions inconsistent with any of these rules or of any other rules made under the Proviso to Article 309 of the Constitution of India or continued by Article 313 of the Constitution (hereafter referred to in this rule as the said rules) are required in respect of conditions of service, pay and allowances, pension, discipline and conduct with reference to any particular post, or any of them, it shall be open to the State Government or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] to make an appointment to such post otherwise than in accordance with these rules or the said rules and to provide by agreement with the person so appointed for any of the matters in respect of which, in opinion of the State Government or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], special provisions are required to be made and to the extent to which such provisions are made in the agreement, nothing in these rules or the said rules shall apply to any person so appointed in respect of any matter for

which provision is made in the agreement:

Provided that in every agreement made in exercise of the powers conferred by this rule, it shall further be provided that in respect of any matter in respect of which no provision has been made in the agreement, the provisions of these rules or of the said rule shall apply.(2)A person appointed under sub-rule (1) shall not be regarded as a member of the service in which the post to which he is appointed is included and shall not be entitled by reason only of such appointment to any preferential claim to any other appointment in that service or any other service.

10. Eligibility for appointment. - (1) No person shall be eligible for appointment to any service by direct recruitment, unless he satisfies the appointing authority-

(i)that he is of sound health, active habits and free from any bodily defect or infirmity unfitting, him for such service; and(ii)that his character and antecedents are such as to qualify him for such service; and(iii)that such a person does not have more than one wife living, or if such a person is woman, that she is not married to any person who has a wife living.(2)No person shall be eligible for appointment to any service either by direct recruitment or by promotion or appointment on deputation, unless he has an adequate knowledge of the official language of the State, namely, Tamil:Provided that where a person not knowing the official language of Tamil Nadu, appointed to any service either by direct recruitment or by promotion or appointment on deputation, shall pass the Second Language Test conducted by the Tamil Nadu Public Service Commission within a period of four years from the date of appointment. Notwithstanding the provisions in the Fundamental Rules, he/she can also be granted a maximum of three increments within the period of four years. After completion of four years, he/she need not be discharged from service, but he/she will not be given any further increment if he/she will not pass the Second Language Test conducted by the Tamil Nadu Public Service Commission.Explanation. - For the purpose of this sub-rule, the provisions in rule 12 (f) of the Tamil Nadu State and Subordinate Service Rules as amended, from time to time, shall apply.

11. Special Qualification to be acquired or special test to be passed during probation Exemption. - Where a probationer has, before he commenced his probation, already acquired any special qualification or passed any special test prescribed by the Special Rules or has acquired such other qualification as may be considered by the State Government or by the appointing authority with the approval of the State Government, to be equivalent to the said special qualification or special test, he shall not be required to acquire such special qualification or to pass such special test again after the commencement of his probation.

12. Account Test - Exemption for promotion. - Where a pass in Part I of the Account Test for Subordinate Officers is newly prescribed by the Special Rules of a service for any category, grade or post therein or in any class thereof, a member of the service who has not passed the said test, but is otherwise qualified and suitable for promotion to such category, grade or post may be promoted thereto temporarily. If a member so promoted does not pass the said test at one of the first two examinations held after such promotion, he shall be reverted to the category, grade or post from which he was promoted and shall not again be eligible for promotion under this rule,

A member who is so reverted shall not, by reason only of "his promotion under this rule, be regarded as entitled to any preferential claim to further promotion to the category, grade or post, as the case may be, to which he had been promoted under this rule. Explanation. - This concession will be allowed only for a period of two years after the test has been newly prescribed.

13. Special qualifications. - No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he-

(a) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the Special Rules; or (b) possesses such other qualifications as may be considered to be equivalent to the said special qualifications or special qualifications as may be considered to be equivalent to the said special qualifications or tests by the State Government or by the appointing authority with the approval of the State Government. Explanation. - In cases where the Special Rules prescribe a Degree or Diploma as a qualification, then, a Degree or Diploma granted by any of the Universities or Institutions recognised by the University Grants Commission for the purpose of its grant mentioned as such in the Tamil Nadu State and Subordinate Service Rules as amended, from time to time, shall be recognised as the qualification.

14. Appointment of Women. - Women alone shall be appointed to posts in any institution or establishment specially provided for them :

Provided that men may be appointed, if suitable and qualified women are not available for such appointments.

15. [Reservation of appointments] [Now the reservation for appointments are governed by the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993 and Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation

of seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2007.]. -

Where the Special Rules lay down that the principle of reservation of appointments shall apply to any service, class or category, selection for appointment thereto shall be made on the following basis:-

(a)The unit of selection for appointment for the purpose of this rule shall be one hundred, of which eighteen shall be reserved for the Scheduled Castes and Scheduled Tribes and thirty-one shall be reserved for the Backward Classes and the remaining, fifty-one shall be filled on the basis of merit.(b)The claims of members of the Scheduled Castes and Scheduled Tribes and the Backward Classes shall also be considered for the fifty one appointments which shall be filled on the basis of merit and where a candidate belonging to Scheduled Castes or Scheduled Tribes or Backward Classes is selected on the basis of merit, the number of posts reserved for Scheduled Castes and Scheduled Tribes or for Backward Classes, as the case may be, shall not in any way be affected.(c)Selection for appointment under this rule shall be made in the order of rotation specified below :-

1. Open Competition

2. Scheduled Castes and Scheduled Tribes

3. Open Competition

4. Backward Classes

5. Open Competition

6. Backward Classes

7. Open Competition on deputation

8. Scheduled Castes and Scheduled Tribes

9. Open Competition

10. Backward Classes

11. Open Competition

- 12. Backward Classes**
- 13. Open Competition**
- 14. Scheduled Castes and Scheduled Tribes**
- 15. Open Competition**
- 16. Backward Classes**
- 17. Open Competition**
- 18. Backward Classes**
- 19. Open Competition**
- 20. Scheduled Castes and Scheduled Tribes**
- 21. Open Competition**
- 22. Backward Classes**
- 23. Open Competition**
- 24. Backward Classes**
- 25. Open Competition**
- 26. Scheduled Castes and Scheduled Tribes**
- 27. Open Competition**
- 28. Backward Classes**
- 29. Open Competition**
- 30. Backward Classes**

- 31. Open Competition**
- 32. Scheduled Castes and Scheduled Tribes**
- 33. Open Competition**
- 34. Backward Classes**
- 35. Open Competition**
- 36. Backward Classes**
- 37. Open Competition**
- 38. Scheduled Castes and Scheduled Tribes**
- 39. Open Competition**
- 40. Backward Classes**
- 41. Open Competition**
- 42. Backward Classes**
- 43. Open Competition**
- 44. Scheduled Castes and Scheduled Tribes**
- 45. Open Competition**
- 46. Backward Classes**
- 47. Open Competition**
- 48. Backward Classes**
- 49. Open Competition**

- 50. Scheduled Castes and Scheduled Tribes**
- 51. Open Competition**
- 52. Backward-Classes**
- 53. Open Competition**
- 54. Scheduled Castes and Scheduled Tribes**
- 55. Open Competition**
- 56. Scheduled Castes and Scheduled Tribes**
- 57. Open Competition**
- 58. Backward Classes**
- 59. Open Competition**
- 60. Scheduled Castes and Scheduled Tribes**
- 61. Open Competition**
- 62. Backward Classes**
- 63. Open Competition**
- 64. Backward Classes**
- 65. Open Competition**
- 66. Scheduled Castes and Scheduled Tribes**
- 67. Open Competition**
- 68. Backward Classes**

- 69. Open Competition**
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- 72. Scheduled Castes and Scheduled Tribes**
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- 76. Backward Classes**
- 77. Open Competition**
- 78. Scheduled Castes and Scheduled Tribes**
- 79. Open Competition**
- 80. Backward Classes**
- 81. Open Competition**
- 82. Backward Classes**
- 83. Open Competition**
- 84. Scheduled Castes and Scheduled Tribes**
- 85. Open Competition**
- 86. Backward Classes**
- 87. Open Competition**

88. Backward Classes

89. Open Competition

90. Scheduled Castes and Scheduled Tribes

91. Open Competition

92. Backward Classes

93. Open Competition

94. Backward Classes

95. Open Competition

96. Scheduled Castes and Scheduled Tribes

97. Open Competition

98. Backward Classes

99. Open Competition

100. Backward Classes

(d) If a qualified and suitable candidate belonging to any of the Scheduled Castes, Scheduled Tribes or the Backward Classes is not available for appointment in the turn allotted for them in the cycle, the turn shall lapse and the vacancy shall be filled by the next turn in the order of rotation. No account shall be taken of any lapsed turns of the Scheduled Castes, the Scheduled Tribes or of the Backward Classes.

16. Date of commencement of probation of persons first appointed temporarily. - (a) If a person, having been appointed temporarily under rule 8 to a post borne on the cadre of any service, class or category or having been appointed to any service, class or category governing appointment thereto is subsequently appointed to the same service, class or category in accordance with the rules, he shall commence his probation from the date of such subsequent appointment or from such earlier date as the State Government may determine. He shall also be eligible to draw increments in the time-scale

of pay applicable to him from the date of commencement of his probation. Where commencement of probation is ordered from a date earlier than the date of the order and this has not been enabled by relaxation of any rule, he shall draw increments, including arrears, in the time-scale of pay applicable to him from such earlier date. The appointing authority shall include a provision to this effect while issuing order in all such cases.

(b)Service in a higher category counting for probation. - A probationer in any category or a service or class of service shall be eligible to count for probation his service, if any, performed otherwise than in a substantive capacity on regular appointment to a higher category of the same service or class of service, as the case may be. Nothing contained in this sub-rule shall be constructed as authorizing the promotion of a probationer in a category to a higher category in contravention of rule 26. (c)Temporary service counting for probation. - A probationer in one service who is appointed temporarily to another service shall be entitled to count towards his probation in the former service the period of duty performed by him in the latter service during which he would have held a post in the former service but for such temporary appointment.

17. Completion of probation and drawal of arrears of increments. - Any delay in passing orders of completion of probation shall not monetarily affect probationers and arrears of increments shall be allowed from the date of completion of probation as a matter of course, subject to the following conditions, namely:-

(1)that the probation would have been declared to have been satisfactorily completed from the date ordered, even if the question of declaration of probation had been taken up earlier;(2)that declaration of satisfactory completion of probation was delayed by factors which would not in any case, change the date of such completion ;(3)that the person whose probation is declared to have been satisfactorily completed qualified as on the date ordered;(4)that declaration of satisfactory completion of probation was not the result of any relaxing of rule. In all cases coming under items (1) to (4) above, orders issued declaring the probation relaxing the rules shall include a specific provision in regard to drawal of arrears of increments.

18. Termination of extension of probation. - (a) Where the special rules of any service prescribe a period of probation for appointment as a full member of the service or where such period of probation has been extended under General Rule 20, the appointing authority may, at any time before the expiry of the prescribed period of probation or the extended period of probation, as the case may be,-

(i)discharge a probationer from the service for want of a vacancy; or(ii)at its discretion, by order, either extend the period of probation of the probationers in case the probation has not been

extended under General Rule 20 or terminate his probation and discharge him from service after giving him a reasonable opportunity of showing cause against the proposed termination of probation: Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in clauses (iii), (v), (vi), (vii), and (viii) of rule 6 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Services (Classification, Control and Appeal) Rules, 1970 and the conclusion of the disciplinary proceedings, a tentative conclusion is arrived at to terminate his probation, a further opportunity of showing cause specifically against termination of his probation need not be given to him. Explanation. - An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for full membership of the service, either by such authority himself or by a subordinate authority who is superior in rank to the probationer. (b)(i) If within the period of probation, a probationer fails to acquire the special qualifications or to pass the special tests, if any, prescribed in the Special Rules, or to acquire such other qualification as may be declared by the State Government to be equivalent to the said special qualifications of special tests, the appointing authority shall, by order discharge him from the service unless the period of probation is extended under rule 20. (ii) If within the period of probation prescribed in the Special Rules for the service or within the extended period of probation, as the case may be, a probationer has appeared for any such tests or for any examinations in connection with the acquisition of any such qualifications and the results of the tests or examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he fails to pass, as the case may be. In case the probationer fails to pass any of the tests or examinations for which he has so appeared, the appointing authority shall, by order, discharge him from the service. (iii) Any delay in the issue of an order discharging probationer under clause (i) or clause (ii) shall not entitle him to be deemed to have satisfactorily completed his probation.

19. Probationer's suitability for full membership. - At the end of the prescribed or extended period of probation, as the case may be, the appointing authority shall consider the probationer's suitability for full membership of the service, class or category for which he was selected.

If the appointing authority decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation. If no such order is issued within six months from the date on which he is eligible for such declaration, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed or . extended period of probation. A formal order declaring the completion of probation shall, however, be issued by the competent authority. In all cases in which serious charges are pending and therefore, probation cannot be declared, the final order on probation shall be passed as early as possible and in any case within one month after the disposal of the charges or six months after the due date of completion of probation, whichever is latter. If the appointing authority decides that the probationer is not suitable for such membership, it shall,

unless the period of probation is extended under rule 20, by order, discharge him from the service after giving a reasonable opportunity of showing cause against the action proposed to be taken in regard to him : Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in clauses (i), (ii) and (vi) of rule 6 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Services (Classification, Control and Appeal) Rules, 1970 and at the conclusion of the disciplinary proceedings', tentative conclusion is arrived at to discharge him from the service, a further opportunity of showing cause specifically against such discharge need not be given to him. Explanation I. - The decision of the appointing authority that the probationer is not suitable for full membership may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation. Explanation II. - An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for full membership of the service, either by such authority himself or by a subordinate authority who is superior in rank to the probationer. Explanation III. - Where the competent authority proposes to terminate the probation of a member of a service for general unsatisfactory work or incapacity without the need for enquiry into specific charges, he shall do so under General Rule 18 or 19, as the case may be. In cases where he proposes to terminate the probation of such a member for specific charges in addition to or distinct from general inefficiency or incapacity, he shall frame specific charges and follow the detailed procedure laid down in rule 10 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation Services (Classification, Control and Appeal) Rules, 1970 as such termination of probation by way of penalty shall attract the provisions of section 86 of the Act.

20. Extension of probation. - In case of any probationer falling under sub-rule (b) of rule 18 or sub-rule (c) of rule 19, the appointing authority may extend his probation to enable him to acquire the special qualifications or pass the prescribed tests, as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. The period of probation as extended under sub-rule (a)(iii) of rule 18 or sub-rule (c) of rule 19 (or in a case where a probationer is reverted due to want of vacancy) during the extended period shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the service, class or category in which he is in probation, completed one year on duty in such sendee, class or category. The period of probation as extended under sub-rule (b) of rule 18 shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the service, class or category in which he is on probation, completed one year on duty in such service, class or category. In cases where the probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation

that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. 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 has passed the prescribed tests or examinations or after he is declared to have satisfactorily completed his probation.

21. Appeal against discharge. - (a) A probationer who is discharged under clause (ii) of sub-rule (a) of rule 18 or under sub-rule (c) of rule 19 shall be entitled to appeal against the order of discharge passed by the competent authority to the authority to which, and within the period of limitation within which, an appeal would lie against an order of dismissal passed by the competent authority against a full member of the service, class or category, as the case may be.

(b) The State Government may, either of its own motion or otherwise, revise any order discharging a probationer under any of the Rules referred to under sub-rule (a) within one year of the date of such order. (c) (i) When an order discharging a probationer is set aside on appeal under sub-rule (a) or on revision under sub-rule (b) and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may be treated under the specific order of Government as on duty except for purposes of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed by the rules applicable to him. (ii) Such probationer may, during the period on and from the date of his discharge to the date of his restoration, be paid such pay and allowances not exceeding the pay and allowances to which he would have been entitled if he had not been discharged under the specific order of the Government.

22. Appointment of full members. - (a) Subject to the provisions of rule 7, an approved probationer shall be appointed by Government to be full member of the service in the class or category for which he was selected, at the earliest possible opportunity, in any substantive vacancy which may exist or arise in the permanent cadre of such class or category and if such vacancy existed from a date previous to the issue of order of appointment, he may be so appointed with retrospective effect from the date or, as the case may be, from any subsequent date from which he was continuously on duty as member of the service in such class or category or in a higher class or category :

Provided that where more than one approved probationer is available for such appointment as full member, the senior most approved probationer shall be appointed. Explanation. - For the purpose of

this sub-rule, an approved probationer who has been on leave during the period of his probation or after such period shall be deemed to be on duty as a member of the service in the class or category concerned if he would have been on duty in such class or category or in a higher class or category but for his absence on leave.

23. Appointment as full member, discharge and re-appointment of members who are not probationers or approved probationers. - In regard to persons appointed to any class or category or a service by promotion in respect of whom the special rules of the service do not prescribe a period of probation in the class or category to which they have been promoted, rules 5, 6 and 22 of this Part shall be construed as if "Probation" and "Probationer" or "Approved Probationer" means officiating service "and person officiating" respectively.

24. Penalty on a member on maximum of his scale failure to pass prescribed tests. - Where the Special Rules prescribe stoppage of increments as a penalty for failure to pass special tests or to acquire a special qualification prescribed in these rules, such failure shall in the case of a member who has reached the maximum of the time-scale of pay applicable to him, render him liable to the penalty of reduction to the next lower stage in his time-scale.

25. Seniority. - (a) The seniority of a person in a service, class or category, or grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank given to him at the time of initial recruitment to that category or class or in the panel drawn up for promotion or higher category, as the case may be, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins the duty irrespective of his seniority.

(b) Where a member of any service, class, category or grade is reduced to a lower service, class, category or grade he shall be placed at the top of the latter unless the authority ordering such reduction directs that he shall take rank in such lower service, class, category or grade next below any specified member thereof.

26. Promotion. - (a) No member of a service or class of a service shall be eligible for promotion from the category in which he was appointed to the service unless he has satisfactorily completed his probation in that category :

Provided that a member of a service or class of a service who having satisfactorily completed his probation or in the category in which he was appointed to the service has been promoted to the next higher category shall, notwithstanding that he has not been declared to have satisfactorily completed his probation in such higher category, be eligible for promotion from such higher category. (b) Promotions according to seniority. - All promotion shall be made in accordance with the seniority means - (1) the promotion of a member has been withheld as a penalty; or (2) a member is given special promotion for conspicuous merit and ability; and (3) the member does not possess the qualifications prescribed by the special rules for the post.

27. Revision of orders of promotion to higher category. - An order promoting a member of a service or class to higher category or grade therein made by a competent authority may be revised by an authority to which an appeal would lie against an order of dismissal passed on a full member of the service, class or grade, as the case may be. Such revision may be made by the appellate authority aforesaid either suo muto at any time or on a petition submitted by any aggrieved member within six months from the date of passing the order :

Provided that the said period of six months may be extended by the appellate authority if sufficient cause is shown for the delay in the submission of petition.

28. Revision of list of approval candidates for appointment or promotion. - Notwithstanding anything contained in these rules or in the Special Rules, the State Government shall have power to revise in any manner they consider suitable, any panel of names of candidates for appointment or promotion to any category, class or service prepared by the competent authority.

29. Consequences of resignation. - A member of a service shall if he resigns his appointment forfeit not only the sendee rendered by him in the particular post held by him at the time of resignation but all his previous service under the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)].

The re-appointment of such person to any service shall be treated in the same way as a first appointment to such service by direct recruitment and all rules governing such appointment shall apply, and on such re-appointment, he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order : Provided that nothing contained in this rule shall affect the operation of clause (b) of Article 418 or Article 422 of the Civil Service Regulations.

30. Military duty to count for pension. - Notwithstanding anything contained in these rules or the Special Rules and notwithstanding anything contained in the Fundamental Rules or the Pension Rules made or deemed to be made by the State Government, the member of a service who was deputed for Military duty shall be entitled to count the period spent on military duty for the purpose of pension if he would have counted for that purpose his service in the Corporation, but for his deputation for military duty.

31. Reduction of full members. - (a) If the full member of any service, class, category or grade is substantively reduced to a lower service, class, category or grade, he shall be deemed to be a full member of the latter and the permanent cadre thereof shall, if there is no vacancy in which he could be absorbed, be deemed to be increased by one:

Provided that against every such addition, an officiating or temporary vacancy, if any, in such lower service class, category or grade, shall be kept unfilled and such addition shall be absorbed in the first permanent vacancy that subsequently arises in such lower service, class, category or grade, as the case may be. (b) Appointment in place of members dismissed, removed compulsorily, retired or reduced. - Where a person has been dismissed, removed or substantively reduced from any service, class, category or grade, no vacancy caused thereby or arising subsequently in such service, class, category or grade, shall be substantively filled to the prejudice of such person until the appeal, if any, preferred by him against such dismissal, removal or reduction is decided and except in conformity with such decision, or until the time allowed for preferring an appeal has expired, as the case may be.

32. Savings. - (a)(i) Unless a contrary intention is expressly indicated therein, nothing contained in these rules shall adversely affect any person who was a member of any service on the date of the coming into force of these rules.

(ii) Unless a contrary intention is expressly indicated therein, nothing contained in any special rules governing a service shall adversely affect any person who was a member of such service on the date of coming into force thereof.

33. Appointment of All India Service Officers to Corporation Post. - Notwithstanding anything contained in these rules or the Special Rules, an officiating or permanent officer of an All India Service may be appointed to any Corporation Service, or class or category thereof. Such officer shall not, by reason of such appointment, cease to be a member of an All India Service:

Provided that no member of Indian Administrative Service shall be appointed to a post in any Corporation Service, or class or category thereof, unless such post is declared by the State Government to be equivalent in status and responsibility to a post specified in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, as may be in force, from time to time.

34. Relinquishment of rights by members. - Any person may, in writing, relinquish any right or privilege to which he may be entitled under these rules or Special Rules, if in the opinion of the appointing authority, such relinquishment is not opposed to public interest, and nothing contained in these rules or the Special Rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

35. Power to relax rules. - Notwithstanding anything contained in these rules or in the Special Rules, the State Government shall have power to deal with the case of any person serving in a civil capacity under the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] or any candidate for appointment to a service in such manner as may appear to it to be just and equitable :

Provided that, where any such rule is applicable to the case of any person, or class or persons the case shall not be dealt with in any manner less favourable to him than that provided by that rule.

36. Alteration of date of birth. - (a) If, at the time of appointment, a candidate claims that his date of birth is different from that entered in the S.S.L.C. or Matriculation Register of School records, he shall make an application to the appointing authority stating that evidence on which he relies and explaining how the mistake occurred. The application shall be forwarded to the [Board of Revenue] [The Board of Revenue was abolished by The Tamil Nadu Board of Revenue (Abolition) Act, 1980 (Tamil Nadu Act 30 of 1980). By virtue of notification issued under the said Act the Commissioner of Revenue Administration perform the function of the Board of Revenue.] for report after investigation by an officer not below the rank of Deputy Collector and on receipt of the report, the appointing authority shall decide whether the alteration of date of birth may be permitted or the application may be rejected:

Provided that in the case of a candidate who was born outside the State of Tamil Nadu, the investigation through the [Board of Revenue] [The Board of Revenue was abolished by The Tamil

Nadu Board of Revenue (Abolition) Act, 1980 (Tamil Nadu Act 30 of 1980). By virtue of notification issued under the said Act the Commissioner of Revenue Administration perform the function of the Board of Revenue.] shall be dispensed with and the appointing authority shall examine and scrutinize the records that may be produced by the candidate and shall decide whether the alteration of date of birth may be permitted or the application may be rejected.(b)After the person has entered service, an application to correct the date of birth as entered in the official records shall be entertained only if such an application is made within five years of such entry into service. Such an application shall be made to the authority competent to make an appointment to the post held by the applicant at the time of his application and shall be disposed off in accordance with the procedure laid down in sub-rules.(c)Any application received after five years after entry into service under any circumstances shall be summarily rejected.(d)In considering the question of permitting an alteration in the date of birth as entered in the official records even, when such entry is proved to have been due to a bona fide mistake, the Government, or the appointing authority shall take into consideration the circumstances whether the applicant would normally be eligible for appointment to the post at the time of entry into service had his age been correctly stated and what would have been its effect on his service and the service conditions of other officers in the service and may permit the alteration subject to such conditions as he or it may deem fit to impose.(e)The procedure laid down in sub-rule (a) shall be followed in all cases where alteration of date of birth is proposed suo moto by the Commissioner, Corporation of ^Chennai on the basis of medical opinion in the absence of any other authoritative record.Explanation. - For purpose of this sub-rule, "authoritative records" are the Secondary School Leaving Certificate or University, College or School Records.(f)The decision of the appointing authority or the Government, as the case may be, shall be final.