

Tamil Nadu Local Bodies Ombudsman (Conditions of Service) Rules, 2015

TAMILNADU

India

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Rule

TAMIL-NADU-LOCAL-BODIES-OMBUDSMAN-CONDITIONS-OF-SERVICE of 2015

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Tamil Nadu Local Bodies Ombudsman (Conditions of Service) Rules, 2015Published vide Notification No. G.O. Ms. No. 153, Municipal Administration and Water Supply (Election), 26th October 2015 - No. SRO A-17(a)/2015G.O. Ms. No. 153, Municipal Administration and Water Supply (Election), 26th October 2015 - No. SRO A-17(a)/2015. - In exercise of the powers conferred by sub-section (1) of Section 16 of the Tamil Nadu Local Bodies Ombudsman Act, 2014 (Tamil Nadu Act 27 of 2014), the Governor of Tamil Nadu hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Tamil Nadu Local Bodies Ombudsman (Conditions of Service) Rules, 2015.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Tamil Nadu Local Bodies Ombudsman Act, 2014, (Tamil Nadu Act 27 of 2014), as amended from time to time;(2)Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Cessation of Government Service.

(1) Any person who, on the date of his appointment as Ombudsman, was holding a post under the Central or State Government shall be deemed to have retired from such post with effect on and from the date on which he joins duty as Ombudsman: Provided that the Ombudsman who, on the date of his appointment as such, was in the service of or held a post under, Central or State Government may opt within a period of six months from the date of appointment as the Ombudsman, to count the service as Ombudsman for the purposes of pension and other retirement benefits under the rules applicable to the service or post to which he belonged immediately before his appointment as the Ombudsman. The option once exercised shall be final: Provided further that in the event of such an option being exercised, the Ombudsman, shall be entitled to get his pension and retirement benefits as aforesaid only when he finally lays down the office of the Ombudsman.

(2) Any person, who, on the date of his appointment as Ombudsman, was in the service of the Government of India or the Government of the State shall, at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as Ombudsman: Provided that, in such an event, his pay as Ombudsman shall be reduced by an amount equivalent to the gross pension (including any pension which may have been commuted) and the pension equivalent or other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately: Provided further that the pension equivalent to Death-cum-Retirement Gratuity shall not be deducted from the pay.

(3) If the Ombudsman, who, at the time of his appointment as such, was in the service of the Central or the State Government does not exercise the option mentioned in sub-rule (2), then his service as Ombudsman shall be counted for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(4) A person who has retired from service under the Government of Tamil Nadu or any other body wholly or substantially owned or controlled by the Government and who is in receipt of, or has become entitled to receive, any retirement benefits by way of pension, gratuity, payment from any contributory provident fund or otherwise, shall, when appointed as Ombudsman, be eligible to count his service and pay as such Ombudsman, for the purposes of pension and other retirement benefits taking his previous service into account and to have the pension and other retirement benefits refixed on demitting the office of Ombudsman and to draw the pension and retirement benefits as may become admissible less the amount of gratuity already drawn.

(5) The General Provident Fund (Madras) Rules, as amended from time to time shall apply to the Ombudsman, if he is admitted to the said fund at his option. The authorities competent to grant advances to the Ombudsman from the accounts standing to his credit shall be the Governor: Provided that the Ombudsman who on the date of his appointment was in the service of the Central or the State Government and who had been admitted to the benefits of any other Provident Fund may, instead, be allowed to continue to subscribe to that fund in accordance with the rules or regulations applicable to that fund, until he reaches the date on which he must compulsorily retire from service in accordance with the Rules of his service. If the Ombudsman exercises his option for subscribing to the General Provident Fund, his accumulated balance in his original Provident Fund, including the Government's contribution, if any, shall be transferred to the said Funds.

4. Removal of Ombudsman.

(1) If notice is given of a motion for presenting an address to the Speaker of the Legislative Assembly praying for the removal of the Ombudsman signed by not less than fifty members of the Assembly, the Speaker may, after consulting such persons, if any, as he thinks fit and after considering such materials, if any, as may be available to him, either admit the motion or reject the same assigning reasons therefor. (2) If the motion referred to in sub-rule (1) is admitted, the Speaker shall keep the motion pending and constitute, as soon as may be, for the purpose of making an enquiry into the grounds on which the removal of Ombudsman is prayed for, a committee consisting of such members and for such duration as he thinks fit. (3) The Committee constituted under sub-rule (2) shall frame definite charges against the Ombudsman on the basis of which the enquiry is proposed to be held. (4) Such charges together with a statement of the grounds on which each such charge is based shall be communicated to the Ombudsman and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the said Committee. (5) The committee shall have power to regulate its own procedure in making the enquiry and shall give a reasonable opportunity to the Ombudsman of cross-examining witnesses, adducing evidence and of being of his defence. (6) At the conclusion of the enquiry, the Committee shall submit its report to the Speaker of the Legislative Assembly stating therein its findings on each of the charges separately with such observation on the whole case, as it thinks fit. (7) The Speaker shall cause the report submitted under sub-rule (6) to be laid, as soon as may be, before the Assembly. (8) If the report of the Committee contains a finding that the Ombudsman is not guilty of any misbehaviour or does not suffer from any incapacity, then, no further steps shall be taken in the Assembly in relation to the report and the motion pending in the Assembly shall not be proceeded with. (9) If the report of the Committee contains a finding that the Ombudsman is guilty of any misbehaviour or suffers from any incapacity, then, the motion referred to in sub rule (1) of this rule shall, together with the report of the Committee, be taken up for consideration by the Assembly in the same session or in the subsequent session. (10) If the motion is adopted by the Assembly in accordance with the provisions of sub-section (1) of section 5 of the Act, then, the misbehaviour or incapacity of the Ombudsman shall be deemed to have been proved and an address praying for the removal of the Ombudsman shall be presented to the Governor by the Assembly in the same session in which the motion has been adopted or in the subsequent session.

5. Status.

- The conditions of service and other perquisites available to the Ombudsman, shall be the same as admissible to a serving Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the High Court Judges (Travelling Allowances) Rules, 1956.