

Tamil Nadu Lokayukta Rules, 2018

TAMILNADU

India

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Rule TAMIL-NADU-LOKAYUKTA-RULES-2018 of 2018

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Tamil Nadu Lokayukta Rules, 2018 Published vide Notification No. G.O. Ms. No. 154, Personnel and Administrative Reforms (N. SpI), dated 13.11.2018 Last Updated 22nd January, 2020 No. SRO A-55(d)/2018. - In exercise of the powers conferred by Section 44 of the Tamil Nadu Lokayukta Act, 2018 (Tamil Nadu Act 33 of 2018), the Governor of Tamil Nadu hereby makes the following Rules, namely:- Chapter - I

1. Short title.

- These rules may be called the Tamil Nadu Lokayukta Rules, 2018.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Tamil Nadu Lokayukta Act, 2018 (Tamil Nadu Act 33 of 2018); (b) "Actual service" includes -(i) time spent by the Chairperson and Members on duty; (ii) joining time on transfer to the office of Lokayukta from a post or an office under the Government of India or a State Government; (iii) vacations, excluding any time during which the Chairperson or Member is absent on leave; (c) "complainant" means a person who makes a complaint under the Act; (d) "detailed inquiry" means an open inquiry conducted on the basis of material, information or documents collected, etc., and where statements are recorded from witnesses and suspect officers. (e) "Government" means the Government of Tamil Nadu; (f) "Governor" means the Governor of Tamil Nadu; (g) "pension" means pension of any kind payable to the Chairperson or Members of Lokayukta and includes any gratuity or other sum or sums so payable by way of death or retirement benefits; (h) "preliminary inquiry" means a discreet inquiry conducted on the basis of material, information or documents collected; (i) "Registrar" means the Registrar of the Lokayukta; (j) "Schedule" means a Schedule appended to these rules; (k) "Search Committee" means the Search Committee referred to in sub-section (3) of Section 4 of the Act; (l) "Secretary" means the Secretary of Lokayukta; (m) "Selection Committee" means the Selection Committee referred to in sub-section (2) of Section 4 of the Act; (n) "staff of the Lokayukta" means

the officers and employees of the Lokayukta;(o)"Vigilance Commission" means a body constituted for the purpose of advising the State Government in prevention of corruption in public services and to undertake enquiry or investigation into allegations of corruption against public servants;Chapter-II Selection Committee

3. Constitution of Search Committee.

- The Selection Committee shall constitute the Search Committee consisting of three persons having special knowledge and expertise in the fields specified in sub-section (3) of Section 4 of the Act. The Selection Committee shall nominate one of the members of the Search Committee as the Chairperson.

4. Decision of the Selection Committee.

- The decision of the Selection Committee in recommending the name of Chairperson and Members of Lokayukta shall be by majority.

5.

The Selection Committee may extend the term of the Search Committee, as deemed necessary.

6.

If the Selection Committee is not satisfied with the panel of names submitted by the Search Committee, the Selection Committee may refer back the issue to the Search Committee.

7.

The Selection Committee may, for reasons to be recorded in writing, reconstitute the Search Committee, at any point of time.Chapter - III Search Committee

8. Term of the Search Committee.

(1)The term of office of the Chairperson and Members of the Search Committee shall be two months from the date of constitution of the Search Committee.

9. Meetings of Search Committee.

(1)The Search Committee shall hold its meetings at such places in Chennai as may be decided by the Chairperson of the Search Committee.(2)The notice for meeting shall be issued in such manner so as to reach the Chairperson and Members of the Search Committee at least three days in advance.

10. Procedure at meetings.

(1)The Chairperson of the Search Committee shall preside over the meetings of the Search Committee.(2)The workings of the Committee shall be directed in a manner based on consensus:Provided that in the case of difference of opinion among the Members of the Search Committee, the decision of the majority shall prevail.

11. Submission of recommendation to the Selection Committee.

(1)The Search Committee for the purpose of preparing the panel of persons to be considered for appointment as Chairperson and Members of the Lokayukta, shall take note of the eligibility criteria specified in Section 3 of the Act:Provided that no person shall be considered for inclusion in the panel without his consent.(2)The State Government shall provide such assistance as may be required by the Search Committee in efficient discharge of its functions in accordance with the provisions of the Act.(3)The Search Committee shall submit the panel of the persons to the Selection Committee, for appointment as Chairperson and Members of the Lokayukta.

12. Honorarium.

- The Chairperson of the Search Committee shall be paid a honorarium of Rs.50,000/- and Members shall be paid a honorarium of Rs.40,000/- each. They shall also be paid for the admissible contingency expenses incurred.

13. Resignation of Members.

- A member may resign his office by a letter addressed to the Chairperson of the Selection Committee.

14. Nodal Officer of the Search Committee.

- An Officer, not below the rank of Deputy Secretary to Government, will be nominated as the Nodal Officer, along with supporting staff, as may be required, for extending secretarial assistance to the Search Committee. The Nodal Officer is authorized to claim the admissible contingency expenses.Chapter - IV Conditions of Service of Chairperson and Members of Lokayukta

15. Applicability.

- The service conditions including medical and conveyance facilities and travelling allowance of the Chairperson and Members shall be governed by the High Court Judges (Salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the rules made thereunder.

16. Pension/Additional Pension.

(1)The Chairperson and Members shall be entitled to pension, at the rate fixed by the Government, in addition to the pension to which they may be entitled in respect of any previous service rendered by them under the Union or the State(2)The Chairperson and Members, who on the date of his appointment as such, was a non-official, i.e., not in the service of the Central or a State Government, shall, on his ceasing to hold office as such Chairperson or Member, be entitled to pension, at the rate fixed by the Government.

Chapter - V Conditions of Service of Officers and Employees of Lokayukta

17. Strength and Composition of the Staff of Lokayukta.

- The Lokayukta shall consist of such number of posts in the pay levels, as specified in Schedule-I to these rules.

18. Method of appointment.

- The method of appointment for the posts specified in column (1) of Schedule-II shall be as specified in the corresponding entries in column (2) thereof.

19. Application of Act and rules.

(1)The Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016), the Fundamental Rules, the Tamil Nadu Leave Rules, 1933 and the Subsidiary Rules thereunder, the Tamil Nadu Government Servants' Conduct Rules, 1973, the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Tamil Nadu General Provident Fund (Tamil Nadu) Rules, the Tamil Nadu Pension Rules, 1978, the Special Rules for the Tamil Nadu Secretariat Service, the Special Rules for the Tamil Nadu Basic Service, the Special Rules for the Tamil Nadu Police Sub-ordinate Service and other Rules and Orders for the time being in force applicable to officers and employees under the rule making control of the Government, in so far as they are not inconsistent with these rules, shall govern the staff of the Lokayukta in the matter of their pay, allowances, leave, leave salary, pension and other conditions of service.(2)In respect of any matter for which no provision is made in these rules, the relevant Special Rules shall govern the holder of the posts mentioned in Schedule-I.

20. Appointing Authority.

- Appointing authority for the category of posts specified in column (1) of Schedule-III shall be, as specified in the corresponding entries in column (2) thereof.

21. Complaints against the officials of the Lokayukta and Competent authority to impose penalties.

(1) Every complaint made against any staff of the Lokayukta for an offence not punishable under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) shall be dealt with in accordance with the provisions of the relevant rules in force. (2) The competent authority to impose penalties against various categories and the appellate authorities shall be as specified in Schedule IV. Chapter - V Inquiry

22. Complaint.

- Save as otherwise provided in these rules, every complaint under the Act shall be made in the Form prescribed in Schedule-V and shall contain the following particulars, namely:-(i) the name and address of the complainant; (ii) the name, official designation and address of the public functionary against whom the complaint involving grievances or allegations is made; and (iii) the details of the contents of the action complained of / and of the allegations.

23. Mode of complaint.

- A complaint may be presented in person to the Registrar or any other officer duly authorised by him in this behalf or be sent by post.

24. Scrutiny of Complaint.

(1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in a register of complaints. (2) On scrutiny of the complaint, if the Registrar is of the opinion that any such complaint is not in conformity with the provisions of the Act or the Rules, he shall within a period of fifteen days from the date of its receipt, issue a notice to the complainant requiring him to rectify the defect within the time specified in the notice: Provided that the Registrar may, on an application made by the complainant, extend the time specified in the notice for sufficient cause. (3) If the defects are not rectified or the omissions are not supplied within the time specified or such further time as may be granted, Chairperson or Members may reject the complaint. (4) The complaint shall also be liable for rejection in limine by the Chairperson or Members, as the case may be, for any of the following reasons, namely, -(a) that the complaint does not disclose an allegation which may be inquired by the Chairperson or Members, as the case may be; (b) that the complaint is frivolous, vexatious, or not made in good faith; (c) that there are no sufficient grounds for inquiring the complaint; and (d) that an earlier complaint based on the same allegations as those made in the present complaint was previously disposed of by the Chairperson or Members, as the case may be. (5) Every person making a complaint under sub-rule (1) shall be informed, if no further action on the complaint is to be taken: Provided the Lokayukta in its discretion, may afford an opportunity to the complainant to show cause why the complaint shall not be rejected for the reasons mentioned therein.

25. Order of Lokayukta.

- Any order passed by the Lokayukta under these Rules and executed by name, shall be

authenticated in such manner as the Lokayukta may, by a general or special order specify, from time to time.

26. In camera proceedings.

- Subject to the provisions of the Right to Information Act, 2005 (Central Act 22 of 2005), every inquiry shall be conducted in private and in particular the identity of the complainant and of the public functionary affected by the inquiry shall not be disclosed to the public or the press or published in any manner whether before, during or after the inquiry.

27. Discontinuance of inquiry.

(1)The Chairperson or Members, as the case may be, in their discretion, at any time, after the commencement of any inquiry under the Act order discontinuance of further inquiry of any complaint involving an allegation, may refuse to inquire or cease to inquire any complaint if in his opinion,-(i)there are no sufficient grounds for inquiring or as the case may be, for continuing the inquiry; or(ii)other remedies are available to the complainant and in the circumstance of the case it would be more proper for the complainant to avail of such remedies.(2)In any case where the Lokayukta decides to discontinue any inquiry in respect of a complaint, it shall record the reasons therefor and communicate the same to the complainant and the public functionary concerned.

28. Death of the complainant.

- When the complainant after making a complaint either dies or does not take further steps for substantiating the allegation, the Chairperson or Members, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available.

29. Withdrawal of complaint.

- No complaint shall be permitted to be withdrawn unless the Lokayukta is satisfied that the complaint was made under a bona-fide mistake.

I

(See rule 17)

SI. No.	Name of the Post	No. of Post	Level of Pay (in Rupees)
(1)	(2)	(3)	(4)
(1)	Secretary	1	125200 - 219800
(2)	Registrar	1	123400 - 216300
(3)	Director	1	61900 - 196700
(4)	Under Secretary	2	59300 - 187700

(5)	Chief Accounts Officer	1	59300 - 187700
(6)	Assistant Registrar	2	59300 - 187700
(7)	Assistant Director	1	56100 - 177500
(8)	System Analyst	1	56100 - 177500
(9)	Section Officer	8	56100 - 177500
(10)	Section Officer (Bills)	1	56100 - 177500
(11)	Assistant Section Officer	8	36400 - 115700
(12)	Assistant Section Officer (Bills)	1	36400 - 115700
(13)	Inspector	2	37700 - 119500
(14)	Sub-Inspector	4	35900 - 113500
(15)	Police Constable (Grade - I)	4	18500 - 58600
(16)	Private Secretary	1	56100 - 177500
(17)	Personal Assistant	7	36400 - 115700
(18)	Personal Clerk	5	20600 - 65500
(19)	Assistant	5	20000 - 63600
(20)	Typist	9	19500 - 62000
(21)	Record Clerk	5	15900 - 60400
(22)	Office Assistant	20	15700 - 50000
(23)	Driver	9	18500 - 62000
(24)	Messenger	1	
(25)	Sweeper	2	
(26)	Watchman	1	
	Total	103	

II

(See rule 18)

S. No	Category	Method of Appointment
(1)	(2)	(3)
(1)	Secretary	By transfer from among the holders of the post of Additional Secretary/Joint Secretary/ Deputy Secretary in the Departments of Secretariat.
(2)	Registrar	By transfer from among the holders of the post of Additional Secretary/Joint Secretary/ Deputy Secretary in the Law Department of Secretariat.
(3)	Director	By deputation from the Police Department, not below the rank of Superintendent of Police.

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| (4) Under Secretary | By transfer from among the holders of the postof Under Secretary in the Departments of Secretariat. |
| (5) Chief Accounts Officer | By transfer from among the holders of the postof Under Secretary in the Finance Department of Secretariat. |
| (6) Assistant Registrar | By transfer from among the holders of the postof Under Secretary in the Law Department of Secretariat. |
| (7) Assistant Director | By transfer from among the Police Department notbelow the rank of Deputy Superintendent of Police. |
| (8) System Analyst | By transfer from among the persons in theDepartments of Secretariat. |
| (9) Section Officer | By transfer from among the holders of the postof Section Officer in the Departments of Secretariat. |
| (10) Section Officer (Bills) | By transfer from among the holders of the postof Section Officer in the Finance Department of Secretariat. |
| (11) Assistant Section Officer | By transfer from among the holders of the postof Assistant Section Officer in the Departments of Secretariat. |
| (12) Assistant Section Officer (Bills) | By transfer from among the holders of the postof Assistant Section Officer in the Finance Department ofSecretariat. |
| (13) Inspector | By transfer from among the officers of thePolice Department. |
| (14) Sub-Inspectors | By transfer from among the officers of thePolice Department. |
| (15) Police Constable (Grade - I) | By transfer from among the constables working inthe Police Department. |
| (16) Private Secretary | By transfer from among the holders of the postof Private Secretary in the Departments of Secretariat. |
| (17) Personal Assistant | By transfer from among the holders of the postof Personal Assistant in the Departments of Secretariat. |
| (18) Personal Clerk | By transfer from among the holders of the postof Personal Clerk in the Departments of Secretariat. |
| (19) Assistant | By transfer from among the holders of the postof Assistant in the Departments of Secretariat. |
| (20) Typist | By transfer from among the holders of the postof Typist in the Departments of Secretariat. |
| (21) Record Clerk | By transfer from among the holders of the postof Record Clerk in the Departments of Secretariat. |
| (22) Office Assistant | By transfer from among the holders of the postof Office Assistants in the Departments of Secretariat. |
| (23) Driver | By transfer from among the holders of the postof Drivers in the Departments of Secretariat or By outsourcing |
| (24) Messenger | By outsourcing |
| (25) Sweeper | By outsourcing |
| (26) Watchman | By outsourcing |

III

(See rule 20)

S. No	Category	Appointing Authority
(1)	(2)	(3)
(1)	Secretary	Chairperson
(2)	Registrar	
(3)	Director	
(4)	Under Secretary	
(5)	Chief Accounts Officer	
(6)	Assistant Registrar	Secretary
(7)	Assistant Director	
(8)	System Analyst	
(9)	Section Officers	
(10)	Section Officers (Bills)	
(11)	Assistant Section Officers	
(12)	Assistant Section Officers (Bills)	
(13)	Inspector	
(14)	Sub-Inspectors	
(15)	Police Constable	
(16)	Private Secretary	
(17)	Personal Assistant	
(18)	Personal Clerk	
(19)	Assistant	
(20)	Typist	
(21)	Record Clerk	
(22)	Office Assistant	
(23)	Driver	
(24)	Messenger	
(25)	Sweeper	
(26)	Watchman	

IV

[See rule 21(2)]

Sl. No.	Category	Competent Authority to impose penalties	Appellate Authority
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(1)	(2)	(3)	(4)
(1)	Secretary	Chairperson	Government
(2)	Registrar		
(3)	Director		
(4)	Under Secretary		
(5)	Chief Accounts Officer		
(6)	Assistant Registrar		
(7)	Assistant Director		
(8)	System Analyst		
(9)	Section Officers	Secretary	Chairperson
(10)	Section Officers (Bills)		
(11)	Assistant Section Officers		
(12)	Assistant Section Officers (Bills)		
(13)	Inspector		
(14)	Sub-Inspectors		
(15)	Police Constable		
(16)	Private Secretary		
(17)	Personal Assistant		
(18)	Personal Clerk		
(19)	Assistant		
(20)	Typist		
(21)	Record Clerk		
(22)	Office Assistant		
(23)	Driver		
(24)	Messenger		
(25)	Sweeper		
(26)	Watchman		

V

(See rule 22)Form of ComplaintBefore the Tamil Nadu Lokayukta(1)Name and address of the complainant for all correspondence in respect of the complaint:(2)Name and address of the public servant complained against:(3)Brief facts relating to the allegation complained of:(4)Names and addresses of the witnesses whom the complainant desires to examine in support of the allegations:(5)Particulars of the documents relied upon by the complainant in support of the allegations:(6)If the documents relied upon or their true copies are available with the complainant, they should be enclosed and details thereof should be furnished:(7)If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified:(8)Remarks, if any:Note. - Copies of

affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against. Verification I.....son of / daughter of / wife of Thiru / Tmt.....Resident of.....here by verify that the facts stated by me in the complaint are true to my personal knowledge and / or the facts stated by me are based on information received from (give the name) and / or documents, and the same are believed by me to be true. Place: Dated: Signature or thumb mark of the complainant