

# **Tamil Nadu Hindu Religious Institutions (Officers and Servants) Service Rules, 1964**

TAMILNADU

India

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### **Act 1252 of 1964**

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### **1. Short title and application.**

(1) These rules may be called the Tamil Nadu Hindu Religious Institutions (Officers and Servants) Service Rules, 1964. (2) They shall apply to all officers and servants of the religious institutions except Executive Officers.

### **2. Definitions.**

- In these Rules, unless the context otherwise requires,-(a) "Act" means the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959); (b) "Appointing Authority" means the authority who is vested with the power to appoint an officer or servant; (c) "Officer" or "servant" includes a person who holds an office to which an inam granted, confirmed or recognised by the Government, is attached or who is remunerated in kind or in cash; (d) "Outdoor servant" means a servant other than a Ulthurai servant; (e) "Ulthurai servant" means a servant whose duties relate mainly to the performance or rendering assistance in the performance of pujas, rituals or other services to the deity, the recitation of mantras, vedas, prabandas, devarams and similar invocations and the performance of duties connected with such

performance or recitation.

### **3. Officers and servants to profess Hindu religion.**

- Every officer or servant of a religious institution shall profess the Hindu religion and shall cease to hold office as such officer or servant when he ceases to profess that religion.

### **4. Physical fitness.**

(1) Every person appointed to a non-hereditary post in a religious institution carrying a monthly salary of not less than ninety rupees shall, before entering service, produce a certificate of fitness from a Civil Assistant Surgeon to the satisfaction of the appointing authority. (2) No person, who is suffering from any contagious or infectious disease, either congenial or supervening, and no person, who is suffering from any mental or physical infirmity, which renders him unfit for service, shall be appointed to, or succeed to, or hold any office in a religious institution. Any doubt or dispute as to whether a person is qualified under this rule shall be decided by the appointing authority on production of a certificate of physical fitness obtained from the nearest Civil Assistant Surgeon. Any person aggrieved by an order of the appointing authority may prefer an appeal to the [Joint or Deputy Commissioner] [Substituted by G. O. Ms. No. 506, C-T. & R. E., dated the 13th December 1991.] within one month from the date of receipt of such order.

### **5. Age.**

- No person shall be appointed to a non-hereditary office unless he has completed [eighteen years of age] [Substituted for the words 'twenty-five years of age' by G. O. Ms. No. 225, T. D. R. E. & 1., dated 16th July 2008.], but has not completed forty-five years of age on the first day of July of the year in which the selection for appointment is made and every person appointed to such office shall retire from such office on completing sixty years of age.

### **6. Disqualifications.**

(1) No person convicted and sentenced to imprisonment by a criminal Court for an offence involving moral turpitude or bound over for keeping the peace or for good behaviour shall be appointed to or hold any office. (2) No person who has been declared or adjudicated as an insolvent or who has applied to be adjudicated or declared shall be appointed to or hold any office. (3) No person, who has been removed or dismissed from service of any religious institution, local authority, statutory body or Government, shall be employed or allowed to hold office in any religious institution.

### **7. Probation.**

- Every person appointed to a non-hereditary office 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 two years.

## **8. Suspension or termination of probation.**

- Any time, before the expiry of the prescribed period of probation, or where the period of probation has been extended under rule 10, before the expiry of the extended period of probation, the appointing authority may-(i)suspend the probation of the probationer and discharge him from the service for want of a vacancy; or(ii)at his discretion, by order either extend the period of probation of the probationer, in case the probation has not been extended under rule 10 or terminate the probation and discharge him from service after giving him a reasonable opportunity of showing cause against the proposed termination of probation.

## **9. Probationer's suitability for full membership.**

(a)At 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.(b)If the appointing authority decides that a probationer is suitable for such membership, it shall 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 expiry of the prescribed or extended period of probation.(c)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 10, by order, discharge him from service.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 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.

## **10. Extension of probation.**

(1)In the case of any probationer falling under sub-rule (c) of rule 9, the appointing authority may extend his probation. Such extended period of probation shall terminate at the latest when the probationer has, after the date of expiry of the period of probation for the category, completed six months of duty in such category. A probationer shall be entitled to draw the first increment after putting in the service necessary to earn the increment. His next increment shall, however, be drawn only with effect from the date of satisfactory completion of probation, but the period of service from the date of increment shall count for-subsequent increments.(2)Seniority. - The seniority of a person shall, unless he has been reduced to a lower rank as a punishment, be determined by the date of his appointment to the service, class, category or grade provided in the schedule of establishment of a religious institution. If any portion of the service of such person does not count towards probation, his seniority shall be determined by the date of commencement of his service which counts towards probation. The authority may, at the time of passing any order appointing two or more persons simultaneously, fix the order of preference among them and seniority shall be determined in accordance with it.Explanation. - The service, class, category or grade in each institution shall be

decided by the appointing authority and included in the schedule of establishment submitted to the appropriate authority under rule 14 of these rules.

## **11. Increment.**

- A probationer shall be allowed to draw his first increment in the scale of pay, in the normal course, but his second increment shall be drawn only from the date on which he is declared to have completed his probation.

## **12. Certificate of fitness for performing certain service.**

- Every ulthurai servant, whether hereditary or non-hereditary, whose duty is to perform pujas and recite mantras, vedas, prabandams, thevarams and other invocations shall, before succeeding, or appointment to an office, obtain a certificate of fitness for performing his office, from the head of an institution imparting instructions in agamas and ritualistic matters and recognised by the Commissioner, by general or special order or from the head of a math recognised by the Commissioner, by general or special order or such other person as may be designated by the Commissioner, from time to time, for the purpose.

## **13. [ Qualification for outdoor servant. [Substituted by G.O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.]**

- The minimum general educational qualification prescribed for entry into the Tamil Nadu Ministerial Service shall be the qualification for appointment to the posts of outdoor servants to whom the duties of maintenance and custody of accounts, collection of income and custody of cash and other valuables are entrusted. The qualification prescribed for the entry into Government service for the posts of Record Clerks and Office Assistants shall apply to the other categories of like nature of posts in the temple services.]

## **14. Pay and emoluments of officers and servants.**

(1)The pay and emoluments in cash and in kind, of each officer or servant shall be in accordance with a schedule of establishment framed by the trustee or trustees and approved [by the Assistant Commissioner in the case of institutions under his jurisdiction] [Substituted for the words 'by the Area Committee in the case of institution under the jurisdiction of the Committee' by SRO No. A-667 of 1970.] and by the Joint or Deputy Commissioner in the case of other institutions. The trustee or trustees shall not alter the schedule without the previous[permission of the Assistant Commissioner] [ Substituted for the words 'Permission of the Area Committee' by SRO No. A-667 of 1970.] or [the Joint or Deputy Commissioner, as the case may be] [Substituted by G.O. Ms. No. 506, C. T. & R. B., dated the 16th July 1997.]:Provided that this rule shall not apply to maths and specific endowments attached to maths.(2)Travelling allowance and daily allowance payable for the journeys performed by the officers and servants shall be in accordance with the Tamil Nadu Travelling Allowance Rules for the time being in force. The Executive Officer and, in the absence of any such

officer, the trustee or the Chairman of Board of Trustees, as the case may be, shall be the controlling and countersigning authority in respect of their travelling allowance bills.(3)Advance of pay shall not be paid to any officer and servant except with the previous permission of the [Assistant Commissioner] [Substituted for the words 'Areas Committee' by SRO No. A-667 of 1970.] or the Joint or Deputy Commissioner, as the case may be.

## **15. Leave.**

(1)Hereditary servant shall not be entitled to any leave other than casual leave, as is admissible to Government servants, from time to time.(2)Non-hereditary servants shall be eligible for casual leave as is permissible to Government servants, from time to time. In addition, they shall earn leave at the rate of 1/22 of the duty period as earned leave with pay and accumulate such earned leave up to a maximum of 50 days up to the 2nd September 1973, and up to a maximum of 75 days thereafter, leave not availed of and in excess of 50 days on the 2nd September 1973 or 75 days thereafter, shall lapse.(3)Leave on medical certificate with full pay may be granted to non-hereditary servants for a period of ninety days in their total service.(4)Leave on medical certificate may be combined with earned leave, but the total period so combined shall be limited at a time to sixty days up to the 2nd September 1973 and eighty five days thereafter.(5)When a non-hereditary officer or servant has neither earned leave nor leave on medical certificate to his credit, extraordinary leave without pay and allowances may be granted to him. Extraordinary leave may, however, be granted to a person who, being ineligible for any other kind of leave specifically applies for it.(6)Leave may be granted under this rule to the hereditary and non-hereditary ulthurai servants on their providing proper substitutes to the satisfaction of the appointing authority.

## **16. Special order of the Assistant Commissioner or of the Commissioner laying down qualifications to certain posts.**

- The Assistant Commissioner in respect of the institutions under his jurisdiction and with the previous approval of the Commissioner and the Commissioner in respect of other institutions may, by special order, lay down what office of non-hereditary outdoor servants shall be filled by educationally qualified persons and what the qualifications shall be and when such special order is made. No person who does not possess the qualifications so specified shall be appointed to a post included in the order.

## **17. Power to exempt from the operation of these rules.**

- On the recommendation of the trustee or the trustees of a religious institution, the Commissioner may exempt any person from the operation of these rules.

## **18. Maintenance of service registers.**

- Service registers shall be maintained for all officers and servants including ulthurai servants and they shall be verified by the appointing authority every year in January and a certificate that "service

certified" shall be recorded in the register.

## **19. Maintenance of personal files.**

- Personal files in respect of all outdoor servants and defaulter sheets in respect of all ulthurai servants shall be maintained by the Executive Officer in the institutions where there are Executive Officers. Such personal files and defaulter sheets shall be written every year by the Executive Officer and scrutinised by the trustee or the Chairman, Board of Trustees, as the case may be.

## **20. Cashier, etc., to execute security bond.**

- Every cashier, shroff, store-keeper and every other officer or servant of a religious institution, who is entrusted, whether permanently or temporarily, with the custody of cash or stores or valuables belonging to the institution shall furnish security in the form of cash and shall execute a security bond in the name of the institution setting forth the conditions under which the institution holds the security and may ultimately refund or appropriate it. The security bond shall be retained permanently or until it is certain that there is no necessity for keeping it.

## **21. Fixing the amount of security.**

- The amount of security to be furnished by any officer or servant shall be fixed by the appointing authority subject to the approval of the Assistant Commissioner in the case of institutions within his jurisdiction and of the Joint/Deputy Commissioner, in other cases, having regard to the circumstances of the institution concerned, the nature of the post and the salary attached thereto and local conditions.

## **22. Conditions as to the furnishing of security.**

(1) No officer or servant referred to in rule 16 holding office on the date of commencement of these rules shall continue to hold office, if he does not furnish security before the expiry of three months from the date of such commencement. (2) No person first appointed to any post for which security has to be furnished shall assume office, unless he furnishes the security fixed for the post within fifteen days of the receipt of the order of appointment or within such period as may be specified in such order. (3) When a person holding a post for which he has furnished security is appointed to another post, for which the security fixed is higher than the amount of security already furnished by him or is appointed to an additional post for which security has to be furnished, he shall not continue in the new post, if he does not, within three months from the date of assumption thereof, furnish the required additional security.

## **23. Exemptions.**

- Notwithstanding anything contained in rule 22, the Assistant Commissioner or the Joint/Deputy Commissioner, as the case may be, may on the recommendation of the trustee or trustees-(a) extend

the time for furnishing the security or the additional security by any officer or servant; or(b)exempt, subject to such conditions as he may fix, an officer or servant from furnishing the whole or any part of the security or reduce the amount of security.

## **24. Investment of security furnished.**

(1)The cash security furnished by an officer or servant shall be invested as early as possible in any one of the approved forms of securities with the consent of the officer or servant and the interest earned by such security shall be paid to him.(2)No interest shall be payable on the security amount till it is invested in the manner indicated in sub-rule (1).

## **25. Refund of security.**

- The security furnished shall not be refunded before six months after the officer or servant vacates offices, provided that before refunding the security, the executive authority shall satisfy himself that no amount is due by the officer or servant to the institution.

## **26. Gratuity.**

(1)Every non-hereditary officer or servant who retires or dies after completing ten years of service in a religious institution included in the list published under section 46 of the Act shall become eligible for a gratuity at the rate of half a month's salary for every completed year of service subject to a maximum of 15 month's salary:Provided that this rule shall not apply to any such institution where the Contributory Provident Fund Scheme is in force.Explanation. - (1) Fraction of a year equal to six months and above shall be treated as completed year(2)"Retirement" for this purpose shall mean retirement on superannuation or after completing twenty-five full years of service and shall not include cessation of service on resignation or as a result of disciplinary action.(3)"Salary" for the purpose of this rule shall mean the average monthly salary excluding the dearness and other allowances drawn during the last twelve months of service.

## **27. Reduction of gratuity.**

- If the service of an officer or servant has not been thoroughly satisfactory, the authority sanctioning the gratuity may make such reduction in the amount as it thinks proper, but the unfavourable circumstances appearing against such officer or servant for reducing the gratuity shall be recorded and communicated to him.

## **28. Recovery from gratuity and payment of gratuity to the family of employees.**

- Any sum of money payable by the officer or servant to the religious institution shall be deducted from the amount of gratuity payable to him. If an officer or servant who has become eligible for gratuity dies while in service or after retirement, the amount of gratuity shall be paid to his

family.Explanation. - (1) "Family" includes the officer's or servant's widow, or widows, legitimate children, step children, parents, unmarried sisters and minor brothers who had been wholly dependent on him.(2)When the amount of gratuity is claimed by more than one person, payment shall be made to any one person who is authorised by all the claimants to receive payment.

## **29. Appointing authority to sanction gratuity.**

- The appointing authority in respect of every officer or servant shall, with the prior sanction of the Assistant Commissioner or the Joint or Deputy Commissioner, as the case may be, sanction the gratuity amount.

## **30. Commissioner may sanction gratuity to servant of any institution.**

- Notwithstanding anything contained in rules 26 to 29 of these rules, the Commissioner may, with the previous approval of the Government, sanction compassionate gratuity to a non-hereditary officer or servant in respect of any institution, for special reasons, to be recorded in writing:Provided that the Commissioner shall, before passing an order under this rule, take into account the service, character and conduct of the officer or servant and also the financial position of the institution and its capacity to pay the amount.

## **31. Counting of service in a different institution.**

- Service in one institution shall not count in another institution for the purpose of these rules.

## **32. Contributory Provident Fund Scheme.**

(1)Every religious institution, the annual income of which, as calculated under section 92 of the Act, is ten thousand or more rupees, shall, within six months from the date of commencement of these rules or within such further time as may be granted by the Commissioner, introduce for the benefit of its non-hereditary officers and servants a Contributory Provident Fund Scheme.(2)The rules governing the administration of the Contributory Provident Fund shall be got approved by the Commissioner before the scheme is put into force.(3)The Commissioner may, by general or special order, revise the rules as may be required, from time to time.

### **32A.**

The provisions of Articles 520 and 521 of the Civil Services Regulations shall apply to the re-employment of retired Government servants as officers and servants of religious institutions.

### **32B. [ Family Benefit Fund Scheme. [Added by G. O. Ms. No. 347, CT & R.E, dated the 7th October 1993.]**



(1) This scheme is applicable to regular servants of religious institutions. The scheme is not applicable to the servants of maths and specific endowments attached to maths and also to the part-time servants of temples or specific endowments attached thereto. However, if any part-time servant is in regular service in any temple or specific endowments attached thereto, then, the scheme will be applicable to him. (2) The Commissioner shall sanction the lump-sum amount to the nominee, legal heirs of the employee who dies in harness. The amount shall be sanctioned even in the case of suicide, murder and unnatural death like accident, poisoning, drowning and burning. (3) An amount of rupees fifteen per month shall be collected from the salaries of the servants as subscription towards the fund. The amount shall be collected during the period of suspension and for the period of leave without pay as well. (G. O. Ms. No. 163, Tamil Development Culture and Religious Endowments, dated 1st August 2001). (4) Every institution shall calculate the total annual subscriptions of all the employees, draw the amount from the General Funds of Institutions and remit the amount in advance to the Commissioner before the end of July of every year and such annual subscription so paid by the institution on behalf of its servants shall be recovered from the salary of the employees every month as mentioned above. (5) The Commissioner shall credit the amount in Savings Bank Account in any nationalised or co-operative bank and the account shall be operated by the Commissioner for this purpose. (6) In case of death of a servant while in service, the Commissioner shall sanction and pay a sum of rupees [seventy-five thousand] from out of the Fund to the family of the deceased servant. If the legal heir is a minor, the amount shall be deposited in a nationalised or co-operative bank in the name of the minor person and the amount with the interest accrued shall be paid as and when the person attains his legal majority. (7) The executive authorities of the institutions and the administrative authorities of the Department are responsible for the collection of the subscriptions due from all the servants and necessary entries shall be made as to the payment of yearly subscription in the service register of the incumbent along with the certificate of service verification. Form of nomination shall be obtained from every servant and affixed to the Service Register of the employees. The claim shall be made by the eligible member of the family of the deceased servant through the Executive Officer or Trustee of the institution and such applications shall be sent to the Commissioner through the administrative authority of the department having jurisdiction over the institution. The recommendation of the authority shall contain the following particulars and documents and in the absence of any of the following, no claim shall be entertained:-(a) Date of birth (as per Service Register). (b) Date of entry into service. (c) Order No. and date of authority sanctioning the post. (d) Date of death with original death certificate. (e) The nomination along with the Service Register. (f) Particulars regarding the remittance of subscription. (g) Legal heirship certificate in original in the absence of nomination. (8) The Commissioner may prescribe forms for application, nomination and recommendation and for collection of subscription as maybe necessary, from time to time. (9) The Commissioner may, at his discretion, relax any of the rules relating to the Family Benefit Fund Scheme in favour of the family of the deceased temple servant. (10) The rules relating to nominations and conditions for sanction of Family Benefit Fund in the Tamil Nadu Government Servants Family Benefit Fund Scheme shall apply mutadis mutandis to temple servants also.]

### **33. Savings.**

- Nothing contained in these rules shall adversely affect any hereditary or non-hereditary office-holder or servant, who has been holding any post immediately before the date of the commencement of these Rules.