

Tamil Nadu Municipal Service Rules, 1970

TAMILNADU

India

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Tamil Nadu Municipal Service Rules, 1970 Part-I Preliminary

1. Short title and commencement.

(a) These rules may be called the Tamil Nadu Municipal Service Rules, 1970. (b) They shall be deemed to have come into force on the 14th January 1970.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context - (1) "Appointed to a service" - 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 the duties of a post borne on the cadre of such service or commences the probation, instruction or training, if any, prescribed for members thereof; (2) "Appointment Committee" - "Appointment committee" shall have the same meaning as in section 73 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act IV of 1920); (3) "Approved candidates" - A person is said to be an "approved candidate" for a municipal service if his name appears in the authoritative list of candidates selected for appointment to any service, class or category; (4) "Approved Probationer" - "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; (5) "Backward Classes" - "Backward Classes" means the communities mentioned in Schedule I to this Part, and such other communities included, from time to time in Schedule I of Part I of the General Rules for the Tamil Nadu State and Subordinate Service; (6) "Discharge of a member of a service" - "Discharge of a member of a service" means dispensing with his service for want of a vacancy; (7) "Duty" - A person is said to be "on duty" as a member of a service - (a) when he is performing the duties of a post borne on the cadre of such service or is undergoing the probation, instruction or training, if any, prescribed for such service; (b) when he is on joining time; or (c) when he is absent from duty during vacation or on

authorised holidays or on casual leave taken in accordance with the instructions regulating such leave issued by the State Government having been on duty immediately before and immediately after such absence;(8)"Full Member" - "Full member" of a service means a member of that service who has been appointed substantively to a permanent post borne on the cadre thereof;(9)"General rules" - "General Rules" shall mean the rules in Part II of these rules;(10)"Member of a Service" - "Member of a service" means a person who has been appointed to that service and has not retired or resigned, been removed or dismissed or been discharged otherwise than for want of vacancy. He may be a probationer, an approved probationer or a full member of that service;(11)"Military duty" - "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 unit or formation or under Military, Munitions or Stores authorities or in factories; or(iii)wholetime 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 the war of 1939-1946 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 condition 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 the 2nd April 1946, it shall not be reckoned as military duty; or(ii)It must have commenced on any date on or after the 26th October 1962;(12)"Municipal Commissioner or Commissioner" - "Municipal Commissioner" or "Commissioner" shall mean and include a Special Officer of a Municipality where there is no Municipal Council and the Executive Authority of a Township Committee;(12-A) "Municipality" - "Municipality" shall mean and include every Municipality and the "Township Committees" constituted under the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920) or the Committees to which the provisions of the Tamil Nadu District Municipalities Act, 1920 have been extended;(13)"Probationer" - "Probationer" in a service means a member of that service who has not completed his probation;(14)"Promotion" - "Promotion" means the appointment of a member of any category of a service or a class of service, to a higher category of such service or class;(15)"Recruited direct" - A person said to be recruited direct when he is not already a member of the Municipal service to which the direct recruitment is made;(16)"Recruiting Authority" - "Recruiting Authority" shall means the authority competent to recruit or select candidates for appointment to a service, class or category, as the case may be;(17)"Reversion" - "Reversion" shall means the reversion of a member of a class or category of a service to a lower class or category of such service for want of vacancy;(18)"Scheduled Castes" - "Scheduled Castes" mean the communities mentioned in Part A of Schedule II to this Part and such other communities included from time to time, in Part A of Schedule II of Part I of the General Rules for the Tamil Nadu State and Subordinate Services.Explanation. - No person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste;(19)"Scheduled Tribes" - "Scheduled Tribes" means the communities mentioned in Part B of Schedule II to this Part and such other communities included, from time to time, in Part B or Schedule II of Part I of the General Rules for the Tamil Nadu State and Subordinate Services;(20)"Selection Committee" - "Selection Committee" shall mean the Committee consisting of such officials and non-officials as the State Government may, from time.to time, by order determine, charged with the responsibility of drawing

a list of approved candidates or promotion panel in accordance with the rules;(21)"Service" - "Service" shall mean any one of the Tamil Nadu municipal Services in Part III of these rules;(22)"Special Rules" - "Special Rules" shall mean the rules in Part III applicable to each service;(23)"Transfer" - "Transfer" shall mean the posting of a person holding a post under a municipal Council to an identical post under another Municipal Council.Illustration - An Upper Division Clerk of the Tiruppur Municipality is posted as Upper Division Clerk in the Dindigul Municipality. The posting is "transfer";(24)"Unit of appointment" - "Unit of appointment" in relation to a class or category of service shall mean a Municipality or more than one Municipality grouped together for the purpose of appointment to a service or promotion or discharge for want of vacancies or re-appointment or for confirmation of a member of that service;(25)"War Service" - "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 serve 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 serve overseas or in any operational area;(e)valuable service rendered to the fighting forces in other ways, e.g., by way of recruiting;(f)service in A.R.P. or any other civil defence organisation specified in this behalf by the Central or State Government; and(g)(1) any service connected with the prosecution of the war which a person was required to undertake by a competent authority under the provision 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 Organisation 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.(vi)Survey of India, if the service was temporary and involved liability for service overseas.

I and Schedule II Backward Classes, Most Backward Classes, Scheduled Castes and Scheduled Tribes

Part II – General Rules

1. Scope of the general rules. - The rules in this Part shall apply to all Municipal Services and to the holders of every post, whether temporary or permanent in any class or category of such services or any post equivalent thereto on the 14th January 1970.

Explanation. - If any doubt arises as to whether or not a post is not equivalent to a post in a class or category of a Municipal Service, the matter shall be referred to the Government whose decision shall be final.

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 service contained in Part III, the latter shall, in respect of that service, prevail over the provisions in the general rules in this Part.

3. List of approved candidates. - All first appointments to a service shall be made by the appointing authority from a list of approved candidates. Such list shall be prepared by the Appointment Committee or Selection Committee, as the case may be, in accordance with the provisions made in the rules. Where the candidates in such list are arranged in their order of preference, appointments to the service shall be made in such order.

4. Fee to be paid by candidates. - Every candidate who applies for appointment to any class or category of a service in response to an advertisement issued by the appointing authority shall pay such fee as may be prescribed in the advertisement. The fee may be sent either by postal money order or by crossed postal order payable to the appointing authority:

Provided that no fee shall be levied from a candidate who has rendered war service: Provided further that it shall be open to the appointing authority with the concurrence of the State Government to exempt any classes of persons from payment of fees.

5. Right of probationers and approved probationers to re-appointment. - A vacancy in any service, class or category shall not be filled by the appointment of a person who has not yet commenced his probation in such service, class or category when an approved probationer or probationer therein is available for such appointment.

6. Discharge or reversion and re-appointment of probationers and approved probationers. - (a) Probationers and approved probationers shall be reverted or discharged for want of vacancy in the following order: -

First - The probationers in the order of juniority; and Second - The approved probationers in the order of juniority. (b) The order of reversion or discharge may be departed from in cases where such order will involve an excessive expenditure on travelling allowances or 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 turn -

(a)for re-appointment to a substantive or officiating vacancy in the class, category, grade or post in which he may be probationer or an approved probationer;(b)for promotion from a lower to a higher category in such service, 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 and promotions. - (a) The appointing authority may appoint any person temporarily for a period not exceeding six months or promote any person temporarily for a period not exceeding three months for any one of the following reasons: -

(i)In order to fill up a vacancy which has arisen in any category or class of a service immediately in the public interest and where there will be undue delay in making an appointment in accordance with the rules.(ii)Where it is necessary to fill up a short vacancy in a category or class of a service and the appointment of a person who is eligible for appointment or promotion under the rules involves excessive expenditure on travelling allowance or exceptional administrative inconvenience.(b)Where it is necessary to appoint an officer against whom an enquiry, into allegations of corruption or misconduct is pending, the appointing authority may appoint him temporarily pending enquiry into the charges against him.(c)A person appointed or promoted temporarily under clause (a) or clause (b) shall not be regarded as a probationer in such service, class or category. The services of such a person shall be liable to be terminated by the appointing authority at any time without notice and without reasons being assigned.(d)A person appointed or promoted temporarily under clause (a) or (b) shall be paid his substantive pay or the minimum of the time-scale of pay applicable to the post, whichever is higher.

8A. [Procedure for recruitment when a member of a service dies in harness.

[Substituted by G.O. Ms. No. 470, RDLA, dated the 30th March 1982.] -

Wherever the procedure of recruitment through the Employment Exchange is prescribed to any of the posts under the special rules, the same may be relaxed in favour of the spouse/sons/unmarried daughters who would take care of the family of a member of a service who dies in harness leaving the family in indigent circumstances, subject to the following conditions, namely: -

(1)that the candidate should possess all the prescribed qualifications for the post concerned;(2)that the normal procedure of recruitment through the Employment Exchange shall be waived by the appointing authority concerned; and(3)that all such cases shall be reported to the Government in the Rural Development and Local Administration [Department and Labour and Employment Department.]]

9. Appointment on contract. - Notwithstanding anything contained in these rules, wherever it is necessary in the interest of the administration or in the public interest to appoint a person to any service, class or category otherwise than in accordance with the rules, the Municipal Council concerned may, with the prior approval of the State Government, appoint any person on contract for a period not exceeding three years at a time. A person who is so appointed shall not be regarded as a member of the service to which he is appointed.

10. Qualification. - The minimum general educational qualification wherever referred in the special rules shall mean the qualification prescribed in the Schedule to this Part or any other qualification as prescribed, from time to time, in Schedule I to Part II of the general rules for the Tamil Nadu State and Subordinate Services. Any person who has appeared for the examination mentioned in rule 12(a)(ii) of the general rules for the State and Subordinate Services in column I of the Tamil Nadu Services Manual and has obtained the minimum percentage of marks specified therein shall be deemed to possess the minimum general educational qualification:

Provided that the certificate of eligibility for college course of studies in the [University of Chennai] [Substituted by G. O. Ms. No. 1214 MA & WS, dated the 31st October 1986.], Madurai-Kamaraj, Annamalai, Bharathiar and Bharathidasan issued by the Board of Secondary Education (or by any Competent authority) shall be an alternative qualification to minimum general educational qualification.

11. Age limit. - The age limit prescribed in the special rules shall not apply to the appointment of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes or [Backward Classes] [Backward Classes includes Most Backward Classes and De-notified Communities also.] to a post included in service for which the special rules prescribe a qualification lower than the B. A. or B.Sc, degree of any University, if the candidate possesses a general educational qualification higher than the minimum general educational qualification.

[Explanation. - For the purpose of this rule, a pass in the pre-University Examination shall be deemed to be a qualification higher than that referred in rule 10.] [Explanation was added by SRO A No. 208779, RD & LA, dated the 17th July 1979.] A candidate who has rendered war service is eligible to deduct from his age the period of his war service for the purpose of computing his age for appointment. Ex-servicemen up to 45 years of age in the case of persons not belonging to Scheduled Castes, Scheduled Tribes and [Backward Classes] [Backward Classes includes Most Backward Classes and De-notified Communities also.] , and up to 50 years of age in the case of persons belonging to Scheduled Castes /Scheduled Tribes and Backward Classes are eligible to be considered for appointment, if they are otherwise qualified without referring each case to Government for relaxation of the age rule. [Released bonded labourers up to 40 years of age who are in possession of identity certificate issued by competent authority are eligible to be considered for appointment, if they are otherwise qualified and sponsored by Employment Exchange.] [This paragraph was added by G. O. Ms. No. 347, RD & LA, dated the 16th March 1983.]

11A. [Appointment on compassionate grounds. [Rules 11-A were inserted by G. O. Ms. No. 175, MA & WS Dept., dated the 5th September 1995, with effect from the 2nd September 1993.] - Notwithstanding anything contained in these rules or the special rules for various municipal services, the sons or the unmarried daughters or the wife or husband of a municipal employee who died in harness while in service or retired from service on medical invalidation before attaining the age of 50 years, shall be eligible for appointment by direct recruitment on compassionate grounds, to any post provided, the applicant possess the qualification prescribed for appointment to such post.]

11B. [Age concession for appointment on compassionate grounds. [Rules 11-B were inserted by G. O. Ms. No. 175, MA & WS Dept., dated the 5th September 1995, with effect from the 2nd September 1993.] - Notwithstanding anything contained in rule 11-A or in the special rules of the various municipal services, the maximum age limit for appointment by direct recruitment on compassionate grounds, shall be thirty years in respect of sons or the unmarried daughters and forty years in respect of wife or husband of the municipal employee.

Explanation 1. - For the purpose of considering the maximum age limit, the date of death of the municipal employee or the date of retirement on medical invalidation before he attains the age of fifty years, as the case may be, shall be taken into account. Explanation 2. - The expression "sons and daughters" in rule 11-A and in this rule includes widowed daughters, divorced daughters, legally adopted sons or legally adopted daughters, whose adoption was made during the lifetime of the deceased municipal employee: Provided that the widowed daughters, or divorced daughters shall not be eligible to avail the concession of appointment on compassionate grounds, unless they are

nominated in writing by the widow or widower of the deceased municipal employee.]

12. Special qualifications to be acquired or special tests to be passed. - No person shall be eligible for appointment to any service or category, unless he
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(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 tests by the State Government.

13. 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 or qualified women are not available for such appointment.

14. Reservation of appointment. - [(1)] [Rule 14 was re-numbered as sub-rule (1) and sub-rule (2) was added to rule 14 by G. O. Ms. No. 175, M.A. & W. S., dated the 5th September 1995, with effect from the 2nd September 1993.] Where the special rules lay down that the rule of reservation of appointments shall apply to any service class or category, the order of such reservation shall be the same as in rule 22 of the General Rules for the Tamil Nadu State and Subordinate Services.

(2)[] [Rule 14 was re-numbered as sub-rule (1) and sub-rule (2) was added to rule 14 by G. O. Ms. No. 175, M.A. & W. S., dated the 5th September 1995, with effect from the 2nd September 1993.] Notwithstanding anything contained in sub-rule (1), the rule of reservation shall not apply to the appointment on compassionate grounds.

15. Date of commencement of probation of persons appointed or promoted temporarily. - If a person who is appointed or promoted temporarily under rule 8 of these rules is subsequently appointed thereto in accordance with the rules, it shall be open to the appointing authority to allow such person to commence his probation from the date of such appointment or promotion or from an earlier date, such date not being earlier to the date of first temporary appointment or promotion under rule 8, as the appointing authority may, in his discretion, decide:

Provided that this rule shall not be construed as authorising the appointment or promotion on probation of a person from a date on which he did not possess the qualification prescribed for such

appointment or promotion.

16. Duty in higher post to count for promotion to count for probation in lower post. - A probationer in any class or category of a service shall be eligible to count towards his probation, if any, his duty performed otherwise than in a substantive capacity on regular appointment to a higher class or category of the same service. Nothing contained in this rule shall be construed as authorising the promotion of a probationer in contravention of rules.

17. Duty on temporary promotion to count for probation in lower post. - A probationer in any class or category of a service who is promoted temporarily under the provisions of rule 8 of these rules to a higher class or category of the same service shall be entitled to count towards his probation, if any, in the former class or category the period of duty performed by him in the latter class or category, as the case may be, during which he would have held the post in the former category but for his temporary appointment.

17A. [Completion of probation after undergoing training in Tamil Nadu Institute of Urban Studies, Coimbatore in certain cases. [This rule was added by S.R.O. No. 37/95, MA & WS, dated the 29th May 1995.] - No person appointed by direct recruitment to -

(i)Categories 1,2,3 and 4 of Class VII and Category 2 of Class IX of the Tamil Nadu Municipal General Service,(ii)Category 1 of Class I, Categories 1 and 2 of Class II, Categories 1 and 2 of Class IV of the Tamil Nadu Municipal Engineering and Water Works Service,(iii)Categories 1, 2, 3 and 4 of the Tamil Nadu Municipal Town Planning Service, shall be deemed to have completed his probation or eligible for further increment in the time scale of pay applicable to him, unless and until he undergoes the training and passes the test conducted by the Tamil Nadu Institute of Urban Studies, Coimbatore:Provided that nothing contained in this rule shall adversely affect a member of the service who is a probationer as on the 29th May 1995.]

18. Completion of probation and drawal of arrears of increments. - Any delay in passing orders of completion of probation shall not monetarily affect the approved probationer, and arrears of increments shall be allowed from the date of completion of probation as 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 the 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 was qualified as on the date ordered;(4)that declaration of satisfactory completion of probation was not the result of any relaxation of rules.In all cases coming under items (1) to (4) above, orders issued declaring the probation or relaxing statutory rules shall include a specific provision in regard to drawal of arrears of increments.

19. Appointing authority to consider suitability for full membership. - As soon as a probationer in any class or category of a service has completed his period of probation prescribed in the rule or the extended period of probation referred to in rule 20, as the case may be, the appointing authority shall consider his suitability for full membership to the class or category, as the case may be, provided he has passed the tests, if any, which he should pass during the period of his probation.

If the appointing authority is satisfied that the probationer is suitable for full membership, he shall pass an order declaring him to be an approved probationer.

20. Extension of probation. - If the appointing authority is of the opinion that the probationer should continue to be on probation in order to enable him to decide upon his suitability for full membership or if the probationer has not passed the test or tests, if any, of which probationer should pass within the period of probation and he should be given time to enable him to pass the tests, the appointing authority may extend his period of probation for a period not exceeding one year.

21. Completion or termination of probation. - If, on the conclusion of the period of probation or the extended period of probation, as the case may be, the appointing authority is satisfied that the probationer is not suitable for full membership, he shall pass an order terminating his probation after giving the probationer a reasonable opportunity of showing cause against the proposed termination of probation.

If, on the conclusion of the period of probation, the probationer has not passed the tests, if any, prescribed by the rules, the appointing authority shall terminate his probation unless the probation is extended under rule 20. If the probationer does not pass the tests within the extended period of probation, the appointing authority shall terminate his probation.

22. Automatic completion of probation. - A probationer in any class or category of service shall be deemed to have completed his probation automatically, unless within a period of six months calculated from the date on which he completed his period of probation or the extended period of probation, as the case may be, -

(i)a communication asking him to show cause why his probation should not be terminated is served on him; or(ii)disciplinary proceedings are initiated against him for corruption or other serious misconduct and he is specifically informed in writing that the question of considering the suitability for full membership will be taken up only after the conclusion of the disciplinary proceedings.Nothing in this rule shall be construed as entitling a probationer to automatic completion of probation, if he has not passed the tests which under the special rules he should pass within the period of his probation.

23. Appeal against termination of probation. - A probationer whose probation has been terminated for reasons other 4 than failure to pass the prescribed test shall be entitled to appeal to the next higher authority. Such appeal shall be preferred within a period of two months of the date on which the order of termination of probation is communicated to him:

Provided that the appellate authority may, in his discretion, extend the aforesaid period beyond two months.

24. Appointment of full members. - The senior most approved probationer in a class or category, as the case may be, of a service shall, at the earliest possible opportunity, be appointed as full member in a substantive vacancy existing in such class or category. If the substantive vacancy exists from a date prior to the date of completion of probation, he shall be appointed retrospectively as a full member from such date provided that no person shall be appointed from a date which is earlier to the date on which he commenced probation.

25. Seniority. - The seniority of a person appointed to any class or category of service shall be determined with reference to his rank in the list of approved candidates or promotion panel, as the case may be:

Provided that the seniority of person who was already a member of a service of the 14th day of January 1970 shall be determined with reference to the date of his first appointment to the service, class or category thereto.

26. Promotion. - Every promotion to a class or category of service to which promotion should be made on the ground of merit and ability are approximately equal, shall be made only from a promotion panel drawn up by the Selection Committee.

27. Completion of probation and promotion. - (a) A person who is appointed to a service in a class or category thereof shall not be promoted from the said class or category until he has completed his probation therein.

(b) Subject to the provision of clause (a), a member of a service in any class or category may be promoted from the said class or category even though he may not have completed his probation therein.

28. Merit and seniority in the matter of promotion. - (a) All promotions shall be made on grounds of merit and ability of the member of the service, his seniority being taken into account only where merit and ability are approximately equal, except where the special rules governing a service specifically require that promotion to any class or category thereof shall be made on the basis of seniority alone.

(b) Where the special rules governing a service require that promotion to any class or category thereof shall be made on the basis of seniority alone, the order of seniority may be departed from in the following cases, namely: -(i) Where promotion is given on grounds of conspicuous merit and ability; (ii) Where promotion has been withheld as a measure of penalty.

29. Representation against supersession of claim for promotion. - Every member of a service whose claim for promotion is passed over shall have the right to make a representation for redressal of his grievance. Such representation should be made to the authority to which an appeal would lie against an order of dismissal passed on a full member of the service, class or category, as the case may be, and within six months from the date on which the cause for making the representation accrued. The aforesaid authority shall examine every such representation on its merits and pass suitable order.

30. Revision of orders of promotion. - Nothing contained in rule 29 shall be construed as preventing the authority mentioned in that rule from suo moto examining any order promoting a member of a service and revising it in any manner it considers equitable.

31. Postings and transfers. - (a) A member of a service or class of a service may be required to serve in any post borne on cadre of such service or class,

(b) All transfers and postings shall be made by the appointing authority. (c) Notwithstanding anything contained in sub-rule (b), the Director of Municipal Administration or such other authority to whom power may be delegated may transfer a member of a service from one Municipality to another. (d) The power conferred under sub-rule (c) may be exercised by the State Government or any authority to whom the authority referred to in sub-rule (c) is subordinate.

31A. (a) Notwithstanding anything contained in these rules, the Government shall have the power -

(i) to transfer any officer or servant of a Panchayat Union Council to the service of any Municipality in accordance with the provisions contained in the Tamil Nadu Panchayats Act, 1958 [(Tamil Nadu Act XXXV of 1958:)] [This Act has been repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).] Provided that no officer or servant shall be transferred except after consulting the Panchayat Union Council or Municipal Council concerned; and (ii) to transfer any officer or servant of the Madurai municipal Corporation to the service of any Municipality in accordance with the provisions contained in section 114 of the Madurai City municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971). (b) The seniority of a person appointed on such transfer is to be fixed just below the person who is the junior most in the respective category in any of the Tamil Nadu Municipal Services.

32. Consequences of resignation. - A member of service shall, if he resigns his appointment, forfeits not only the service rendered by him in the particular post held by him at the time of resignation, but all his previous services under any municipality.

The re-appointment of such person to any service shall be treated in the same way as first appointment to service by direct recruitment and the 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.

33. Reduction of full member. - If a full member of any class or category of a service is substantively reduced to a lower class or category therein, 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 class or category shall be kept unfilled, and such addition shall be absorbed in the first permanent vacancy that arises subsequently in such lower class or category, as the case may be.

34. Appointment in place of members dismissed, removed, compulsorily retired or reduced. - Where a person has been dismissed, removed, compulsorily retired or substantively in such service, class, category or grade shall be substantively filled to the prejudice of such person until the expiry of a period of one year from the date of such dismissal, removal, compulsory retirement or reduction or until the appeal, if any, preferred by him against such dismissal, removal, compulsory retirement or reduction is decided, whichever is later.

35. Re-employment of pensioners. - Notwithstanding anything to the contrary in these rules or the special rules, the State Government shall have the power to re-employ in any Municipal Service or class or category thereof any person who has retired from a municipal Service. The re-employment of such person shall not be regarded as a first appointment to that service, nor it shall confer on him the status of a service in which he is re-employed.

36. 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 the 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.

37. Power to relax rules. - Notwithstanding anything contained in these rules or the special rules, the State Government shall have the power to deal with the case of any person or class of persons serving in a Municipal Service or any candidate or class of candidates for appointment to such services in such manner as may appear to them to be just and equitable:

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

38. Delegation of powers. - (i) Notwithstanding anything contained in these rules or the special rules, the State Government may authorise any officer to exercise any one or more powers vested in them and in the like manner withdraw the same.

(ii) The exercise of the powers delegated in sub-rule (i) shall be subject to such restrictions and

conditions as may be prescribed and also subject to control and revision by the State Government or by such officers as may be empowered by them in this behalf. The State Government shall also have power to control and revise the acts or proceedings of any officer empowered.

39. Alteration of date of birth. - (a) The date of birth of a member of service shall be the date found on record in the S.S.L.C or Matriculation Register or any school certificate which he produces at the time of his appointment to the service. If a member of a service claims subsequently that his date of birth is different from that entered in the S.S.L.C. or Matriculation Register or school certificate, he shall make an application to the appointing authority, explaining him the mistake occurred and also produce the evidence on which he relies.

(b)An application for alternation of the date of birth should not normally be accepted by the appointing authority, if it is made five years after the member had entered a service unless the applicant furnish adequate reasons for not making his application earlier.(c)The appointing authority shall send the relevant records to the Collector of the district concerned who shall have the matter enquired into by an officer of the Revenue Department not lower in rank than Revenue Divisional Officer. The Collector shall forward with his remarks, if any, the report of the Revenue Divisional Officer concerned and all the relevant records to the State Government. Thereupon, the State Government shall pass suitable orders thereon.(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 the service, and Government may permit the alteration subject to such conditions as they may deem fit to impose.(e)The procedure laid down in sub-rules (a) to (d) shall be followed also in case where alteration of date of birth is proposed suo motu by the Head of Office on the basis of medical opinion, in the absence of any other authoritative records.

40. Furnishing of security deposit in a particular class or category of a service. - It shall be open to the Director of Municipal Administration to direct, with the prior approval of the State Government, by means of a general or special order, that a person before he is appointed to a particular class or category of a service shall furnish security for a specified amount. The amount of security and the manner of taking it shall be given in the order. No person shall be appointed to any class or category unless he furnishes security in accordance with the said order.

41. Rules applicable to Government Servants shall apply. - The provisions of Fundamental Rules, Tamil Nadu Leave Rules, 1933, Tamil Nadu Manual of Special Pay and Allowances, Tamil Nadu Pension Code, as amended from time to time, as applicable to Government servants, shall apply in so far as they are not inconsistent with the rules made under the District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

42. Notwithstanding anything contained in these rules, the appropriate authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service by giving him notice of not less than 3 months in writing or three months pay and allowances in lieu of such notice after the member of the said service attained the age of 50 years or after he has completed 25 years of qualifying service. Any member of the service [who has completed 20 years of qualifying service] [Substituted by G. O. Ms. No. 2146, R.D. & L.A., dated the 29th December 1981.] may likewise retire from service by giving notice of not less than 3 months in writing to the appropriate authority.

Explanation I. - For the purpose of the rules, appropriate authority means the authority which has the power to make substantive appointments to the post or service from which the member of the service is required to retire or wants to retire. Explanation II. - For the purpose of this rule, the 3 months notice may be given before the member of the said service attains the age of 50 years, provided that the retirement takes place after he has attained that age. Explanation III. - In computing the notice period of 3 months, the date of service of notice shall be included. An employee can withdraw the notice of voluntary retirement before the expiry of the period of notice with the approval of the appropriate authority. - Vide G. O. Ms. No. 91, P & AR (FR-III), dated 4-2-1983.

Schedule 2

Minimum General Educational Qualification(Referred to in rule 10)A candidate must -(a)either have obtained a completed Secondary School Leaving Certificate issued under the authority of the Government of Tamil Nadu; and(1)if such certificate was obtained in pursuance of the revised Secondary School Leaving Certificate Scheme introduced by G. O. No. 1636, Law (Education), dated the 3rd August 1929, the certificate must show that the candidate has obtained at the public examination not less than the percentage of marks specified below in the subjects under Group "A" and not less than 35 per cent in one of the subject, in Group "C"Group "A" per cent.

English	40
Language	40
Elementary Mathematics	35
Elementary Science	30

Outlines of History of England and India and Geography 30

Provided that a candidate belonging to the Scheduled Castes or Scheduled Tribe shall, if he has obtained not less than 35 per cent in English and in the language in Group "A" and not less the percentage of marks specified above in the other subjects under Group "C", be eligible for appointment to any Subordinate Service.(2)If such certificate was obtained in pursuance of the Secondary School Leaving Certificate Scheme which was in operation before the revised scheme referred to in sub-clause (1), the certificate must show that the candidate has obtained at the public examination not less than 35 per cent of the marks in each of subject in Group "A" and in each of two subjects in Group "C".(3)If such certificate was obtained in pursuance of the scheme for the reorganisation of secondary education introduced by G. O. No. 1349, Education, dated the 29th May 1948, the certificate must show that the candidate has obtained at the public examination not less than the percentage of marks specified in column (2) of the table below against the subjects referred to column (1) thereof: -

(1)	(2)
I. Academic Course -	Per cent
(1) First Language Parts I and II	40 [80 marks out of 200]
(2) English	40
(3) Mathematics (General or Composite)	35 in each of any two of the subjects 30 in the third
(4) Social Studies and	
(5) General Science	
II. Secretarial Course: -	
(1) First Language Part I	40
(2) English	40
(3) Commercial Arithmetic	35 in any one of the subjects 30 each in the other three
(4) Social Studies	
(5) Drafting, Precis-Writing and Typewriting	
(6) Two of the following three items	
(i) Commercial Practice	
(ii) Shorthand	
(iii) Book-keeping	
III Pre-Technological Course -	
A. Engineering -	
(1) First Language Part I	40
(2) English	40
(3) Mathematics (General or Composite)	35 in any one of the subject and 30 each in the other three
(4) Social Studies	
(5) Science and Drawing	

(6) Applied Science and Practical

B. Agriculture or any other subject: - In each of the other two subject under Part 11-30 in each. If additional language is taken under this Part, the candidate should obtain a total number of 80 marks in that language and in Part I of the First Language put together. If General Science or Social Studies is taken as a subject under this Part, 35 per cent should be obtained in that subject.

Part III – { |

| - | Any one subject under this Part V teaching practice course | 30 | - | (1) First language, Part I | 40 | - | (2) English | 40 | - | (3) Mathematics (General or Composite) | 35 in one of the subjects, and 30 each in the other 3 | - | (4) General Science | | - | (5) Social Studies | | - | (6) Teaching Practice | | } Provided that in the case of a candidate belonging to the Scheduled Castes or Scheduled Tribes, it shall be sufficient if he has obtained not less than 35 per cent in English, not less than 35 per cent in Part one of the First Language, or 70 marks out of 200 when both Part I and II of the First Language are taken, as the case may be, and not less than the percentage of marks specified in the table above in other subjects. (4) If such certificate was obtained in pursuance of the Reorganised Scheme for Secondary Education Introduced in 1959, the certificate must show that the candidate has obtained at the public examination not less than the percentage of marks specified in column (2) of the Table below against the subject referred to in column (1) thereof: -

1. Academic Course: -	Per cent
(1) Language under Part I	40 (80 marks out of 200)
(2) Language under Part III (English)	40
(3) General/Composite Mathematics	35 each in any two subjects and 30 in the third
(4) General Science	
(5) Social Studies	
II. Diversified Course	Per cent
A. Engineering Course: -	
(1) Language under Part I	40 (80 marks out of 200)
(2) Language under Part III (English)	40
(3) Composite Mathematics	35 in any one of the subjects and 30 in each of the other subjects.
(4) Engineering Paper I	
(5) Engineering Paper II	
(6) Engineering Paper III	
(7) Engineering Practical	
B. Textile Technology Course: -	
(1) Language under Part I	40 (80 marks out of 200) -

(2) Language under Part III (English)	40
(3) General / Composite Mathematics	35 in any one of the subjects and 30 each in the other subjects
(4) Science	
(5) Textile Technology Paper I	
(6) Textile Technology Paper II	
(7) Textile Technology Practical	
C. Agriculture Course: -	
(1) Language under Part I	40 (80 marks out of 200)
(2) Language under Part III (English)	40
(3) General Mathematics	35 in any one of the subjects, and 30 each in the other subjects
(4) General Science	
(5) Agriculture (Theory)	
(6) Agriculture (Practical)	
D. Secretarial Course: -	
(1) Language under Part I	40 (80) marks out of 200)
(2) Language under Part III (English)	40
(3) General Mathematics	35 in any one of the subjects and 30 in the other subjects
(4) General Science	
(5) Typewriting	
(6) Secretarial Practice	
(7) Book-Keeping or Shorthand	
(8) Civics and Commercial Geography	
E. Home Science: -	
(1) Language under Part I	40 (80 marks out of 200)
(2) Language under Part III (English)	40
(3) General Mathematics	30 in each of the subjects
(4) General science	
(5) Social Studies	
(6) Home Science (Theory)	
(7) Home Science (Practical)	
F. Drawing And Painting: -	
(1) Language under Part I	40 (80 marks out of 200)

(2) Language under Part III (English)	40
(3) General Mathematics	30 in each of the subjects
(4) General Science	
(5) Social Studies	
(6) Drawing	
(7) Painting	
G. Music: -	

(1) Language under Part I	40 (80 marks out of 200)
(2) Language under Part III (English)	40
(3) General Mathematics	30 in each of the subjects
(4) General Science	
(5) Social Studies	
(6) Music (Theory)	
(7) Music (Practical)	

Provided that in the case of a candidate belonging to the Scheduled Castes or Scheduled Tribes, it shall be sufficient if he has obtained not less than 35 per cent in English and 35 per cent in Language under Part I or 70 marks out of 200 when both Papers I and II of the language under Part I are taken, as the case maybe, and not less than the percentage of marks specified in the Table above in the other subjects. Notes. - (i) The certificates of pupils who have been exempted from Vernacular Composition and Translation in Group "A" will not be considered incomplete because they contain no entry under that subject. (ii) A pass in a Government Technical Examination will be regarded as an equivalent to obtaining 35 per cent of the marks in the corresponding subjects in the Secondary School Leaving Certificate Public Examination for this purpose, where in the latter examination, the technical subject comprises two subjects in the Government Technical Examination, passes in at least the lower grade are required on both the subjects in the Government Technical Examination. (iii) A pass in a Part of the Intermediate Examination in Arts and Science or the Pre-University Examination of any university or Institution recognised by the University Grants Commission for the purpose of its grants shall be regarded as equivalent to obtaining the minimum number of marks prescribed for the corresponding subject or subjects in the Secondary School Leaving Certificate Public Examination. (iv) A candidate who appeared for the Secondary School Leaving Certificate Examination under the 1929 Scheme and failed to obtain the minimum marks prescribed for the minimum general educational qualification in sub-clause (1) of clause (a) can appear for the Secondary School Leaving Certificate Examination under the re-organised Scheme of Secondary Education in the corresponding subjects in the Academic Course given below and obtain the minimum marks prescribed against each subject in the table below: -

Old Scheme	New Scheme Academic Course
(1)	(2)
1. Language	1. First Language
2. English	2. English

- | | |
|---------------------------|------------------------------|
| 3. Elementary Mathematics | 3. Mathematics |
| 4. Elementary Science | 4. General Science |
| 5. History and Geography | 5. Social Subjects |
| 6. Optional Subject | 6. No corresponding subject. |

He shall be deemed to possess the minimum general educational qualification if he has obtained the minimum percentage of marks prescribed for the first five subjects in the old scheme or the minimum percentage of marks prescribed for the corresponding subjects specified above in the new scheme and in lieu of the prescribed percentage in the optional subject in the old scheme has obtained the minimum number of marks in Composite Mathematics under the new scheme or a pass in any one of the subjects for Government Technical Examinations by the Lower Grade which need not necessarily be as corresponding subject, or, (5) If such certificate has been obtained in pursuance of the revised pattern of school Education introduced in 1966 in G.O. Ms. No. 1386, Education, dated the 21st July 1966, the certificate must show that the candidate has obtained at the public examination not less than 40 per cent of marks in each of the Language under Group A and 35 per cent of marks in each of the subjects under Groups B and C: Provided that in the case of a candidate belonging to the Scheduled Castes or Scheduled Tribes, it shall be sufficient if he has obtained not less than 35 per cent of marks in each of the subjects under Groups A, B, and C. (b) (1) have obtained a completed European School Leaving Certificate or a completed Anglo Indian School Leaving Certificate issued under the authority of the Government of Tamil Nadu, with either Tamil, Telugu, Malayalam, Kan-nada, Hindustani or Hindi as his compulsory second language and secured at the European High School Examination or the Anglo Indian School Leaving Certificate Examination not less than the percentage of marks specified below in the subjects in Group "A" and not less than 35 per cent in each of three subjects in Group "B". Group "A"

English	40
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Elementary Mathematics	35
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A language	30
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or (2) have passed the Anglo Indian High School Examination under the New Scheme held from November 1962, or (c) have passed the Matriculation Examination of any University or Institution recognised by the University Grants Commission for the purpose of its grants, or (d) have obtained the Post Basic (Higher) Certificate with not less than the following percentage of marks specified against each subject:

- | | |
|-----------------------|---|
| (1) Regional Language | 40 per cent in each subject. |
| (2) English | 35 per cent in the case of Scheduled Castes and Scheduled Tribes. |
| (3) Mathematics | 35 per cent in any two subjects and 30 per cent in the third subject. |
| (4) Social Studies | |
| (5) General Science | |

Note: - The following shall be regarded as equivalent to the minimum general educational qualification prescribed in the schedule to the General Rules for the State and Subordinate Services:

-(1) Indian Army Special Certification of Education. (2) A pass in the Higher Education Test of the Royal Indian Navy. (3) A pass in the Anglo-Vernacular School Leaving Certificate. (3-A) A pass in the Burma High School Final Examination. (4) A pass in the Post-War School Leaving Certification Examination, Burma, provided that the candidate has obtained at the said examination the

percentage of marks noted below against each subject: -

(1)	(2)
	Per cent
English	40
Mathematics	30

Two other subjects (other than Burmese) 35 each, and that the candidate possesses an adequate knowledge of one of the regional language of the State of Tamil Nadu.(4-A) A pass in the pre-War Anglo-Vernacular School Leaving Certificate Examination of Burma, provided that the candidate has obtained in the said Examination, the percentage of marks noted below against each subject: -

(1)	(2)
	Per cent
English	40
Mathematics	30

Two other subjects (other than Burmese) 35 each

And that the candidate possesses an adequate knowledge of one of the regional languages of the State of Tamil Nadu: Provided that items (4) and (4-A) shall, with effect from the 30th November 1957, be deemed to have effect as if the words "and that the candidate possesses an adequate knowledge of one of the regional languages of the State of Madras" had been omitted.(5) A pass in the Entrance Examination of the Sreemathi Nathibai Damodher Thackersay Indian Women's University, Bombay;(6) A pass in the Matriculation Examination of the Rangoon University;(7) A pass in the English School Leaving Certificate Examination of the Travancore area under the revised syllabus introduced in 1949;(7-A) A pass in the English School Leaving Certificate Examination (renamed S.S.L.C Examination since 1952) of the Travancore area under the modified scheme introduced in 1951 in cases where candidates have obtained not less than the following percentage of marks: -

(1)	(2)
	Per cent
English	40
Second Language	40

35 per cent in the case of candidates belonging to any of the Scheduled

Castes or Scheduled Tribes.

Other subjects 35

(7-B) A completed Secondary School-Leaving Certificate (X Standard) of the Kerala State held prior to the introduction of the New Scheme in 1964 with not less than the following percentage of marks in the various subjects at the Public Examination: -

	Per cent
English	40
Regional Language	40

35 per cent in the case of candidates belonging to any of the Scheduled Castes or Scheduled Tribes.

Other subjects (excluding Hindi) 35

(8) A pass in the pre 1949 English School-Leaving Certificate Examination of the pre-integration Travancore State in cases where candidates have obtained not less than the following percentage of marks: -

(1)	(2)
	Per cent
English	40 per cent
Language	40 per cent 35 per cent in the cases of candidates belonging to any of Scheduled Castes or Scheduled Tribes
Elementary Mathematics	30
History and Geography	35
Elementary Science	35

(9) A pass in the Secondary School Certificate Examination conducted by the Government of Bombay (under revised Scheme 1951) provided that the percentage of marks obtained at the examination in each subject is the same or higher than the percentage of marks prescribed in the Schedule for the corresponding subject in the Madras S.S.L.C. Examination. (10) A pass in the Admission Examination of the Banaras Hindu University; (11) A pass in the Advanced Class (Indian Navy) Examination held in or before 1954; (12) A certificate granted by the East Bengal Secondary Education Board, Dacca in any of the following Examinations conducted by it: - (i) Matriculation Examination; (ii) High Madrasah Examination; and (iii) School Final (Science side) Examination. (13) A pass in the Vidyanvinodhini Examination of the Prayag Manila Vidayapitha, Allahabad, provided the candidate has taken "Advanced English" as one of the optional subjects; (14) A completed Cochin Secondary School Leaving Certificate with not less than the following percentage of marks in the various subjects at the Public Examination: -

(1)	(2)
	Per cent
English	40
Second Language	40
35 per cent in the case of candidates belonging to any of the Scheduled Castes or Scheduled Tribes.	
Elementary Mathematics	30
Outline of Modern History and History of England and Geography	35
Elementary Science	30
One optional subject	30

(15) A pass in the Oriental School Leaving Certificate Examination, provided that the candidate has obtained the percentage of marks noted below against each subject: -

(1)	(2)
	Per cent

1. English 40
2. Social Studies 35
3. Main Language 40

(16) A pass in the Technical High School Certificate Examination conducted by the State Board of Technical Education and Training, Chennai in one sitting.