

Tamil Nadu Municipal Last Grade Service Rules, 1975

TAMILNADU

India

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Rule

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Tamil Nadu Municipal Last Grade Service Rules, 1975

1. Short title.

- These rules maybe called the Tamil Nadu Municipal Last Grade Service Rules, 1975.

2. Constitution.

- The service hall consist of the posts mentioned in column (2) of the Annexure to these rules: Provided that the posts in the Municipal Councils bearing the same and similar designation specified in column (2) of the Annexure to these rules and paid at monthly market rate, instead of the time scales of pay, shall not be regarded as belonging to this service for purpose of applicability of these rules.

3. Unit of appointment.

- For the purpose of appointment and promotions, probation and seniority, discharge for want of vacancies and re-appointment, postings and transfer and appointment of full members, the unit shall be the Municipalities concerned.

4. Applicability of General Rules.

- The General Rules shall not apply to this service.

5. Method of appointment.

- Appointment to the posts in the service shall be made by direct recruitment.

6. Recruiting and Appointing Authority.

- The Recruiting Authority in respect of the posts in this service shall be the Appointment Committee, and the appointing authority shall be the Commissioner of the Municipality concerned.

7. Qualifications.

(a) No person shall be appointed to any of the posts in the service, if he has completed or will complete [30 years] [Substituted by SRO-A 197/86 MA & WS, dated 31-10-1986.] of age on first day of July of the year in which the selection for appointment is made: [Provided that this rule shall not apply to a person who is appointed to any of the posts in the service from among the Nominal Muster Roll Workers or the employee paid at monthly market rates, if he has entered service before completing the age of 33 years in the case of persons belonging to Scheduled Castes and Scheduled Tribes, and [30 years] [First proviso was substituted by SRO-A. 160/86, MA & WS, dated 2-9-1986.] in the case of others and has served for a continuous period of not less than one year:] Provided further that persons, who have been demobilised from the Army, Navy or Air force and who have not completed 45 years of age in the case of such demobilised persons not belonging to Scheduled Castes and Scheduled Tribes and Backward Classes, and 50 years of age in the case of demobilised persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes on the said date, shall be eligible for appointment: [Provided also that a person belonging to Scheduled Castes or Scheduled Tribes shall be appointed to any of the posts in the service by direct recruitment, if he has not completed 33 years of age on the said date.] [Proviso was added by G.O. Ms. No. 1785, RDLA, dated 24-10-81.] (b) No candidate shall be eligible for appointment to any of the posts in the service mentioned in column (2) of the Annexure to these rules, unless he possesses the qualifications specified in the corresponding entries in column (3) thereof.

8. Procedure for recruitment.

- The Commissioner of the Municipality concerned shall call for a list of eligible candidates from the local Employment Exchange and place the list before the Appointment Committee. The Committee shall then, select the required number of candidates on the basis of an interview only. If sufficient number of candidates from the Employment Exchange is not available, the Commissioner shall advertise the vacancies in the local dailies of the district and invite applications from eligible candidates and compile them. The applications so compiled shall be placed before the Appointment Committee. The Appointment Committee shall, then, select the candidates on the basis of an interview only. If selection is to be made from such of those persons who are employees of municipal councils, the Employment Exchange need not be consulted. The names of the candidates selected for appointment shall be selected in the order of preference in each list. The list thus prepared shall be the "list of approved candidates". The Appointment Committee shall send such lists to the

Commissioner immediately after they are drawn up:[Provided that it shall be open to the Appointment Committee to consider the claims of persons who are qualified and working under Nominal Muster Roll or those paid at monthly market rates, if they entered service prior to attaining the age of 33 years in the case of persons belonging to the Scheduled Castes and Scheduled Tribes, and 30 years in the case of persons belonging to the Scheduled castes and Scheduled Tribes, and 30 years in the case of others, and have served for a continuous period of not less than one year.]

[Proviso to Rule 8 was substituted by SRO-A 160/86, MA & WS, dated 2-9-1986.]

9. Temporary appointment.

(a)Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in any post in the service and there would be undue delay in making such appointments in accordance with these rules, the appointing authority may temporarily appoint a person otherwise than in accordance with these rules for a period of three months; and(b)A person appointed under sub-rule (a) shall be replaced as soon as possible by a member of the service or by a candidate selected to hold the post under these rules. Such person shall not be regarded as a probationer in the service or be entitled by reason only of such appointment to any preferential claim to future appointment to the service. The services of a person appointed under sub-rule (a) of this rule shall be liable to be terminated by the appointing authority at any time without notice and without assigning any reason.[If such person is subsequently appointed in accordance with these rules, he shall commence his probation in such post from the date of first appointment, if he is fully qualified to hold the post. If the person acquires the required qualification subsequently, he shall commence his probation in such post from the date of acquiring the required qualification. He shall also be eligible to draw increments in the time-scale of pay applicable to him from the date of commencement of his probation, but shall not be entitled to arrears of pay, unless otherwise ordered by the Director of Municipal Administration.] [Substituted by SRO-A 197/86, MA & WS, dated 31-10-1986.](c)There shall be paid to the person appointed under sub-rule (a) to hold temporarily any post in the service, the minimum pay in the time-scale of pay applicable to such post.

10. Probation.

- Every person appointed to a post shall be on probation for a total period of one year on duty within a continuous period of two years.

11. Completion of probation and drawal of arrears of increments.

- Any delay in passing orders of completion of probation shall not monetarily affect probationers, and arrears of increments shall be allowed from the date of completion of probation as a matter of course, subject to the following conditions, namely: -(1)that the probation would have been declared to have been satisfactorily completed from the date ordered even if the question of declaration of probation had been taken up earlier;(2)that 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 declaration of satisfactory completion of probation was not the result of any relaxation of rules. In all

cases coming under items (1) to (3) above, orders issued declaring the probation or relaxing statutory rules shall include a specific provision in regard to drawal of arrears of increments.

12. [Termination or extension of probation. [Rule 12 was substituted by SRO-A 116/88, RD&LA, dated 28-3-1983.]

- The appointing authority may, at any time before the expiry of the prescribed period of probation or the extended period of probation, as the case may be: (i) discharge a probationer from the service for want of vacancy; or (ii) at its discretion, by order, either extend the period of probation of the probationer in case the probation has not been extended under rule 14 or terminate his probation and discharge him from service after giving him a reasonable opportunity of showing cause against the proposed termination of probation: Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in rule 8 of the Tamil Nadu Municipal Services (Discipline and Appeal) Rules and at the conclusion of the disciplinary proceedings, a tentative conclusion is arrived at to terminate his probation, a further opportunity of showing cause specifically against termination of his probation need not be given to him. Explanation. - An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for full membership of the service by such authority itself.]

13. Probationer's suitability for full membership.

(a) At the end of the prescribed or extended period of probation, as the case may be, the appointing authority shall consider the probationer's suitability for full membership in any of the posts in the service for which he was selected. (b) If the appointing authority decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation. If no such order is issued within a period of six months from the date on which he is eligible for such declaration, the probationer shall be automatically deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation. In all cases in which serious charges are pending and where the probation cannot be declared, the final orders on probation shall be passed as early as possible and, in any case, within one month after the disposal of the charges or six months after the due date of completion of probation whichever is later. (c) If, on the completion of the period of probation or 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 to show cause against the proposed termination of probation; Provided that, where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in the Tamil Nadu Municipal Services (Discipline and Appeal) Rules and at the conclusion of disciplinary proceedings a tentative conclusion is arrived at to discharge him from the service, a further opportunity of showing cause specifically against such discharge need not be given to him. Explanation. - The decision of the appointing authority that the probationer is not suitable for full membership may be based also on his work and conduct till the date of the decision inclusive of the period subsequent to the prescribed or extended period of probation.

14. Extension of probation.

- At any time before the expiry of the prescribed period of probation or at the end of it, the appointing authority may extend the probation of probationer to decide whether he is suitable for full membership. Period of probation shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the post in which he is on probation, completed one year of duty in such post. In cases where the probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. Such stoppage of increment shall not be treated as a penalty, but only as a condition of extension of probation and shall not have the effect of postponing future increments after he is declared to have satisfactorily completed his probation.

15. Declaration of probation.

- Notwithstanding anything contained in rule 12 of these rules, except in cases where serious charges are pending, all persons appointed by direct recruitment of these rules and whose probation has not yet been declared shall, under this rule and without further examination of their individual cases, be declared to have completed their probation from the date on which they were eligible for such a declaration: Provided that for all cases of completion of probation under this rule, formal orders declaring the completion of probation shall be issued by the competent authority.

16. Seniority.

- The seniority of a member of the service shall be determined by the date of his first appointment.

17. Discharge and re-appointment.

- (i) The order in which probationer and approved probationer in any post shall be discharged for want of vacancy shall be first, probationers in the order of juniority; and second, approved probationers in the order of juniority. (ii) Approved probationers and probationers, who have been discharged for want of vacancies, shall be re-appointed as and when vacancies arise in the inverse of the order laid down in clause (i).

18. Appointment of full members.

(a) All appointment of approved probationers as full members of the service shall be made by the appointing authority. (b) An approved probationer shall be appointed to be a full member of the service in the post for which he was selected at the earliest possible opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such post, and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from which he was continuously on duty as a member of the service in such post or in a higher post: Provided that, where more than one approved probationer is available for such

appointment as full member, the senior most approved probationer on the date of the vacancy shall be appointed. Explanation. - For the purpose of this sub-rule, an approved probationer on leave shall be deemed to be on duty as a member of the service in the post concerned as if he would have been on duty in such post or in a higher post for his absence on leave.

19. Appointment in place of members dismissed, removed, compulsorily retired or reduced.

- Where a person has been dismissed, removed, compulsorily retired from any post, no vacancy caused thereby or arising subsequently in such class or category, 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 or until the appeal, if any, filed by him against such dismissal or removal is decided, whichever is later.

20. Postings and transfers.

(a) A member of the service in any post may be required to serve in any other post in the service. (b) All transfers and postings within the jurisdiction shall be made by the appointing authority: Provided that the powers conferred on the appointing authority may be exercised also by any authority to which such appointing authority is administratively subordinate. (c) All transfers and postings from the jurisdiction of one appointing authority to that of another shall be made by the Director of Municipal Administration after consulting the Municipal Councils concerned.

21. Military duty to count for pension.

- Notwithstanding anything contained in these rules, and notwithstanding anything contained in the Pension Rules made or deemed to be made by the State Government, a member of a service who is deputed for military duty shall be entitled to count the war service in the Defence Department for purpose of pension, if he would have counted for that purpose his services in the Civil Department but for his deputation to the Defence Department. Explanation. - "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 service 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) whole time duty in: - (a) the Civil Pioneer Force, the Tamil Nadu Civil Labour Units or the Tamil Nadu Labour Units for Ceylon; or (b) the Air Raid Precaution or any other Civil Defence Organisation to be 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. Note. - No duty shall be treated as military duty unless either of the following conditions is satisfied namely: - (1) It must have been rendered with the period commencing on the 3rd September 1939 and ending with 21st November 1948, provided that if it commenced on or after the 2nd, 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. (2) "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;(b)service in India under Military, Munitions or stores authorities or in factories with a liability to service overseas or in any operational area;(c)all other service involving subjection to Naval, Military or Air Force Law;(d)a period of training with a Military unit or formation involving liability to service overseas or in any operational area;(e)valuable service rendered to the fighting forces in other ways, by way of recruiting;(f)service in Air Raid Precaution or any other Civil Defence Organisation specified in this behalf by the Central or State Government; and(g)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; and(h)service in any of the following, namely: -(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.(3)"Defence Department" shall mean the Defence Department of the Government of India.

22. Power to relax rules.

- Notwithstanding anything contained in these rules, the Director of Municipal Administration shall have power to deal with the case of any member or class of members of the said service or any candidate for appointment to the said service in such manner as may appear to him 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 than that provided by that rule.

23. Alteration of date of birth.

(a)The date of birth of a member of a 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 how 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 service, unless the applicant furnishes 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 the 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 Director of Municipal Administration. Thereupon, the Director of Municipal Administration shall submit the case to the Government with his recommendation, and the Government shall pass 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 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 the 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 the office, on the basis of medical opinion in the absence of any other authoritative records.

24. Pay, allowance, leave, leave salary and other conditions of service.

- The conditions of service in respect of leave, leave allowance, travelling allowance and superannuation shall, as nearly as possible, be governed by the provisions applicable to the Last Grade Servants of similar status and standing in Government service.

25. Saving.

- Notwithstanding anything contained in these rules, a person holding a post which is, for the first time included in service and which, prior to such inclusion was not included in any service, shall, if he has been holding the post in an officiating capacity, be regarded as a probationer or as an approved probationer, as the case may be, according to the length of service put in by him on the date of such inclusion and shall, if he has been holding the post in a substantive capacity, be regarded as a full member of the service in the category in which the posts are included as if these rules had come into force on the date of his first appointment to the post.

26. Interpretation of rules.

- In case of any doubt or dispute in interpreting these rules, the decision of the Government shall be final. Annexure

SI. No.	Name of the post	Qualification
(1)	(2)	(3)
1.	Last Grade Servants, Duffadars, Travellers Bungalow Matty, Hammerman, Grade I and Grade II, Cycle Orderly, Turn Cock, Cleaner (Water Supply), Alum Worker, Cleaner (Motor), Cleaner (Fountain), Helper, Fitter, Mates, Watchman, Chairman Car Driver, Grass Salesman. Maternity Ayah, Bellow Boy, Fitter Mazdoor, Mechanic Helper, Turner, Helper, and Machineman helper.	Must have passed III Forum or VIII Standard of arecognised school.
2.	Lineman	(a) Same as for Last Grade Servants; and

3. Welder

(b) Must possess practical experience in electrical operation and maintenance for a period of not less than three years out of which at least two years should have been spent on the type of work concerned.

(a) Same as for last Grade Servants; and

(b) Must possess experience in Welding works for a period of three years.
4. Fitter

(a) Same as for Last Grade Servants; and

(b) Must possess a certificate of competency for Water Works Pipe Line Fitters or Head Works Fitters granted under the authority of the Government of Tamil Nadu or experience for a period of ten years as Turn Cock (non-technical). Provided that, the appointment of persons possessing such experience shall be made on the merits of each case and with reference to the experience actually gained by a Turn Cock in the Pipe Line Fitter's Work.
5. Blacksmith

(a) Same as for Last Grade Servants; and

(b) Must possess experience in smithy work for a period of three years.
6. Switch Board Operator

(a) Same as for Last Grade Servants; and

(b) Must possess a Wireman's Certificate of Polytechnics or equivalent qualification as approved by the Chief Engineer, Tamil Nadu Electricity Board; and

(c) Must have practical experience in Electrical Operation and Maintenance for a period of three years.
7. Mechanic

(a) Same as for Last Grade Servants; and

(b) Must possess a certificate obtained from Industrial Training Institute.
8. Gardener

(a) Same as for Last Grade Servants; and

(b) Must have practical experience in gardening for a period of one year; and

(c) Must possess good physique.
9. Cook

(a) Same as for Last Grade Servants; and

(b) Must possess experience in cooking for a period of six months.
10. Manager

(a) Same as for Last Grade Servants; and

- (b) Must pass Karnam's test in the case of Chatram owning landed properties.
11. Lascar (Ferry)
 - (a) Same as for Last Grade Servants; and
 - (b) Must possess experience in battering for period of one year.
12. Trained Flyer
 - (a) Same as for Last Grade Servants; and
 - (b) Must have experience in flaying for a period of six months.
13. Nurses
 - (a) Same as for Last Grade Servants; and
 - (b) Must possess the special qualifications prescribed for such posts under the Government of Tamil Nadu.
14. Nursing Orderly
 - (a) Same as for Last Grade Servants; and
 - (b) Must have completed the course of training as a paid or unpaid apprentice for an Ayurvedic, Siddha, Unani, or Homeopathic hospital or dispensary approved by the Director of Indian Medicine or any other medical institution approved by the Director of Health Services and Family Planning with the Government of Tamil Nadu.
15. Oiler (Oil Mazdoor)
 - (a) Same as for Last Grade Servants, and
 - (b) Must possess experience in oil engine stations for a period of six months.
16. Power House Mazdoor
 - (a) Same as for Last Grade Servants; and
 - (b) Must possess experience in oil engine stations for a period of six months.

Explanation. - "Recognised school" shall mean a school maintained by or opened with the sanction of the Government of Tamil Nadu or whose recognition has been accorded by the Director of School Education under the Tamil Nadu Educational Rules.