

NOTIFICATIONS BY GOVERNMENT

HIGHER EDUCATION DEPARTMENT

THE TAMIL NADU STATE COUNCIL FOR HIGHER EDUCATION EMPLOYEES SERVICE REGULATIONS.

(G.O.Ms.No.308, Higher Education (H2), 5th November 2001)

No.SRO B-52/2002. - In exercise of the powers conferred by section 22 read with section 12 of the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992), the Tamil Nadu State Council for Higher Education with the previous approval of the Government of Tamil Nadu hereby makes the following regulations in respect of the employees of the Tamil Nadu State Council for Higher Education:-

1. **Short title** - These regulations may be called "the Tamil Nadu State Council for Higher Education Employees' Service Regulations, 2001."

2. **Application** - (i) These regulations shall apply to all the employees of the Council including Officers and staff both temporary and regular;

(ii) These regulations shall come into force on such date as the Council may, by notification, appoint;

(iii) In regard to persons employed on contract, the provisions of these regulations shall apply in respect of such of those matters as are not governed by the contract:

Provided that nothing in these regulations shall, unless a contrary intention is expressly indicated therein, operate to deprive any such person of any right or privilege to which he is entitled by or under any regulation or order applicable to him prior to the making of these regulations.

3.**Interpretation of Regulations** - The Council shall be the authority competent to interpret these regulations, in the event any doubt arises and the decision of the Council shall be final and binding.

4. **Definitions** - In these regulations, unless there is anything repugnant in the subject or context,-

(i) "Appendix" means appendix to these regulations;

(ii) “appointing authority” means the authority empowered to make appointment to the grade in which the employee is for the time being, included or the post which the employee, for the time being holds;

(iii) "appointment by transfer” means appointment of a person from one category to another category carrying identical scales of pay;

(iv) “approved candidate” means a candidate whose name appears in an authoritative list of candidates approved by the Council for appointment to any class or category or grade of the service;

(v)“approved probationer” in any class or category in the service means a member of that class or category who has satisfactorily completed his probation and has been declared as such and awaits appointment as a full member of such class or category in the service;

(vi) “Backward Classes” means the communities specified as Backward Classes (other than Most Backward Classes and Denotified Communities) in Part-A and “Most Backward Classes Denotified Communities” means the communities specified as Most Backward Classes Denotified Communities in Parts B and C, respectively, of schedule I to Part I of the Tamil Nadu State and Subordinate Services Rules, as amended from time to time by the Government.

(vii) “competent authority” in relation to the exercise of any of the powers under these regulations, means the Council or the Authority to which such power has been delegated by the Council;

(viii) “Council” means the Tamil Nadu State Council for Higher Education;

(ix) “Duty” A person is said to be "on duty" as an employee of the service –

(a) when he is performing the duties of a post borne on the cadre of such service or is undergoing probation, instruction or training prescribed by the Council 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 Council having been on duty immediately before and immediately after such absence;

(d) when he is on travel or tour in connection with official work; or

(e) when he is permitted to attend any examination; or

(f) when he has compulsorily to wait for orders of posting on return from leave;

(x) “employee” means a person who has been appointed to the service of the Council and who has not retired or resigned, been removed or dismissed, been substantively transferred or reduced to any other category or class or reverted to Government service or been discharged otherwise than for want of vacancy. He may be a probationer or an approved probationer in the service;

(xi) “foreign service”: means service in which an employee of the Council receives substantive or officiating pay with the sanction of the Council from any source other than the revenues of the Council;

(xii) “Government” means the State Government;

(xiii) “Member-Secretary” means the Member-Secretary of the Council;

(xiv) “Pay” means basic pay, special pay and personal pay or any other amount for the time being treated as pay by the Council but does not include allowances;

(xv) “probationer” in the service means an employee of that service who has not completed his probation;

(xvi) “Scheduled Castes” means the communities mentioned as such in Part A of Schedule II to Part I of the General Rules for the Tamil Nadu State and Subordinate Services Rules as amended from time to time by the Government;

(xvii) “Scheduled Tribes” means the communities mentioned as such in Part B of Schedule II to Part I of the Tamil Nadu State and Subordinate Services Rules as amended from time to time, by the Government;

(xviii) “Service” means a group of employees classified by the Council as Council’s service.

Explanation.- Where the context so requires, “Service” means the period during which a person holds a post or a lien on a post or in an employee of the service as above defined.

5. Classification of employees - Persons holding posts under the Council shall be classified into the following four groups, namely:-

(1) GROUP - 'A': Persons on scale of pay the minimum of which is Rs.10,000/- and above per month;

(2) GROUP - 'B': Persons on scale of pay the minimum of which is Rs.5,500/- and above but less than Rs.10,000/- per month in the ordinary grade;

(3) GROUP - 'C': Persons on scale of pay the minimum of which is Rs.2,610/- and above but less than Rs.5,500/- per month in the ordinary grade;

(4) GROUP - 'D': Persons who are not covered by Group A, B and C on the scale of pay the minimum of which is below Rs.2,610/- per month in the ordinary scale;

Explanation.- Persons holding posts in Selection/Special Grade shall come under the respective groups in which the said posts in the ordinary grades are classified.

6. Sanction and strength of staff - The Council shall determine, from time to time the number of posts both regular and temporary required for carrying out the functions of the Council.

7.Reservation of Appointment - The principle of rule of reservation of appointment laid down in rule 22 of the General Rules for the Tamil Nadu State and Subordinate Services as amended from time to time by the Government shall apply in the case of direct recruitment to all categories of posts in the Council, the cadre strength of which is more than one under the jurisdiction of the appointing authority.

8.Method of recruitment - (a) All first appointments to a post shall ordinarily be made by the appointing authority from a list of approved candidates. All vacancies, other than those proposed to be filled up by promotion from among the existing employees or by deputation of personnel from Government, university or other agencies and the dependents of the deceased employees or retrenched Government employees as notified by the Government from time to time, the vacancies shall be filled up from the candidates sponsored by the Employment Exchange in accordance with the instructions issued by the Government from time to time. If the Employment Exchange concerned is unable to sponsor the required number of qualified and eligible candidates and give a certificate of non-availability, the Council shall advertise the vacancies/remaining vacancies in atleast one English Daily and in one Tamil Daily having wide circulation in the area. Persons already in the employment of the Council may also apply for the posts advertised to be filled up by direct recruitment. The

prescribed age limit shall not be applicable to the Council employee seeking such recruitment within the Council.

(b) Appointment to a post in group 'A' and 'B' where a high degree of academic excellence and administrative experience in the field of higher Education is considered essential by the Council, shall be made by recruitment from qualified and suitable persons serving in any recognised university or educational institutions or any Government or quasi-Government organisation or autonomous body.

(c) The selection of candidates by direct recruitment shall be made on the basis of the results of a written examination or an oral interview or both as may be decided by the appointing authority. The list of candidates shall be arranged in the order of preference duly observing the rule of reservation wherever applicable.

(d) All appointments by direct recruitment shall be made only from the list of approved candidates by the appointing authority and such list of approved candidates shall be valid for three months from the date of approval.

(e) If an approved candidate selected for appointment by direct recruitment to a post fails to join duty within the date specified by the appointing authority, he shall forfeit his right for appointment to the post and his name shall be removed from the approved list;

provided that in special circumstances the appointing authority may, for valid reasons, extend the time limit by a period not exceeding three months.

(f) The appointing authority shall, satisfy himself regarding the correctness of the age and the educational qualification of the candidates by verification of the original documents produced by the candidate and if necessary, by causing an enquiry to be made regarding their correctness with the educational authorities, where he studied before the actual appointment of the candidate.

9. Age - (a) No person shall be eligible for appointment by direct recruitment to the posts specified in Column (1) of the Appendix unless he has attained the age of eighteen years or if he has completed or will complete the age specified in the corresponding entry in column (3) thereof on the first day of July of the year in which the selection for appointment is made.

(b) The age limit prescribed in the regulations shall not apply to the appointment of a candidate belonging to the Scheduled Castes, Scheduled Tribes, Most Backward Classes or destitute widows of all castes who holds a degree which is not lower than a degree prescribed to such post and if he is otherwise qualified for appointment:

Provided that for direct recruitment to a post for which the minimum educational qualification required is not higher than S.S.L.C. the age limit prescribed shall be increased by five years in respect of candidates belonging to the Scheduled castes, Scheduled tribes or destitute widows of all castes who possess a general educational qualification which is higher than S.S.L.C.

Explanation - For the purpose of this clause, "destitute widow" means a widow who has neither any means by herself to live nor any dependent to protect her from starvation.

10. Age concession for physically handicapped - Notwithstanding anything contained in these regulations, a physically handicapped person shall be eligible for an age concession upto ten years over and above the age limits prescribed for appointment to a post by direct recruitment only, provided the applicant is otherwise fully suitable and the handicap is not such as would render him incapable of efficiently discharging the duties of the post for which he is selected.

11. Record of age - The age of employee shall be recorded on the basis of any of the following documents, namely:- (i) Matriculation, Higher Secondary School Leaving Certificate, S.S.L.C. or Transfer Certificate issued by the Colleges or Technical Institution recognised by the Government: or

(ii) Birth certificate issued by the competent authority.

12. Alteration of date of birth - If an employee finds any discrepancy in the date of birth between the entries in the service register and School records, etc. he may apply for necessary correction, provided such application is made within five years from the date of entry into the service of the Council. Such application shall be caused to be enquired into as applicable to Government employees and final orders passed by the Council. The Council may take cognisance of any discrepancy in the date of birth of an employee between the entries in his service register and school records, as and when such discrepancy is brought to the notice of the Council:

Provided that ultimate orders are passed only after due enquiry and notice to the concerned employees. In no other circumstances can the date of birth as entered in the service register be either corrected or altered.

13. General conditions of appointment - (a) No person shall be eligible for appointment to any post by direct recruitment unless he satisfies the appointing authority that,-

(i) he is of sound health, active habits and free from bodily defect or infirmity making him unfit for such post ;

(ii) such person does not have more than one wife living or if such person is a woman, that she is not married to any person, who has a wife living; and

(iii) his character and antecedents are such as to qualify him for such service.

(b) Every candidate selected for appointment shall, before, joining duty in the Council, be required to produce a physical fitness certificate from a Government Medical Officer not below the rank of an Assistant Civil Surgeon:

Provided that physically handicapped persons may be appointed if the defect is not such as it would render the candidates unfit for efficiently discharging the duties attached to the post and their fitness for service is assessed on the basis of the nature and degree of their disabilities and their functional capacity relating to the job which they seek.

14. Linguistic Qualification - (a) No person shall be eligible for appointment to service by direct recruitment unless he has an adequate knowledge of the official language of the State, namely, Tamil:

Provided that a person, being otherwise qualified for appointment to the post to which recruitment is to be made, may apply for recruitment to the post, despite the fact that, at the time of such application, he does not possess an adequate knowledge of Tamil.

Explanation - For the purpose of this regulation a person shall be deemed to have an adequate knowledge of Tamil, if –

(i) in the case of a post for which the educational qualification prescribed is the minimum general educational qualification and above, he has passed the S.S.L.C. Public Examination or its equivalent examination with Tamil as one of the languages; or studied the High School Course in Tamil Medium and passed the S.S.L.C. Public Examination or its equivalent Examination in Tamil medium; or passed the second class language Test conducted by the Tamil Nadu Public Service Commission.

(ii) in the case of a post for which the educational qualification prescribed is VIII Standard and above but below S.S.L.C. he has studied in Tamil Medium in those standards or passed the language Test in Tamil referred to in regulation 14(c); and

(b) Every such candidate as is referred to in the proviso to clause (a) shall, if selected for appointment, pass the Second Class Language Test in Tamil conducted by Tamil Nadu

Public Service Commission within the period of his probation and notwithstanding anything contained in regulation 19, the period of his probation may be extended to four years from the date of appointment in order to enable him to pass the Second Class Language Test in Tamil, such person shall, notwithstanding anything contained in the Fundamental Rules, be granted increments if, but for his failure to pass the said Language Test, he would have been declared to have satisfactorily completed his probation. If he fails to pass the said Language Test within the said period of four years, he shall be discharged from service.

(c) A language test of the standard for VIII standard, shall be prescribed for those whose educational qualification is VIII standard and above but below S.S.L.C. and for those who do not possess an adequate knowledge of the official language of the State of Tamil Nadu as specified below:-

Item of Syllabus	Maximum marks	Minimum marks for a pass	Aggregate marks for a pass	Duration of Test
(1)	(2)	(3)	(4)	(5)
Part I - Dictation of half a page typed matter	60	24	50	10 minutes
Part II - Reading	40	16		

The above tests shall be conducted by the appointing authorities.

15. Promotion - (a) All posts above the grade of Assistant shall be classified as selection posts.

(b) Promotions to selection posts shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. The inter-se-seniority among the persons found suitable for such promotion shall be with reference to the inter-se-seniority of such persons in the lower post.

(c) Promotion according to seniority - (i) All other promotions shall, be made in accordance with seniority unless,

(a) the promotion of a person has been withheld as a penalty, or

(b) a person is given special promotion for conspicuous merit and ability.

(ii) Appointment of a person to higher category not to be considered if he had been on leave for three years and above continuously - A person who had been on leave for a period of three years and above continuously for any reason except higher studies, shall not be considered for appointment to a higher category either by promotion or by transfer unless he has completed service for a period of one year from the date on which he joins duty on return from leave.

(d) No employee of the service shall be eligible for promotion from the category in which he was appointed to the service unless he had satisfactorily completed his probation in that category.

Provided that an employee of the service who having satisfactorily completed the probation in the category in which he was appointed to the service, has been promoted to the next higher category shall, notwithstanding that he has not been declared to have satisfactorily completed his probation in such higher category be eligible for promotion from such higher category.

16. Appointing authority - The appointing authority for the posts specified in column (1) of the Appendix shall be the authorities specified in the corresponding entry in column (2) thereof:-

17. Method of appointment and qualification - No person shall be eligible for appointment to the post specified in column (1) of the Appendix by the method specified in column (4) thereof unless he possesses the qualifications and experience specified in the corresponding entry in column (5) thereof.

18. Probation - (a) Every person appointed by direct recruitment, shall, from the date on which he joins duty be on probation for a total period of two years on duty within a continuous period of three years.

(b) Every person appointed to a selection post by promotion or by transfer, shall, unless specifically exempted by the Council, be on probation for a total period of one year on duty within a continuous period of two years.

(c) Every person appointed by promotion to the first immediate higher category after first appointment under group C and D in the Council 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.

(d) The authority competent to declare the satisfactory completion of probation shall be the appointing authority or any other authority to whom the powers are delegated by the appointing authority.

(e) The appointing authority or any other authority to whom the powers are delegated 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 the probationer from service for want of vacancy;

(ii) at its discretion, by order, either extend the period of probation of probationer under regulation 19 or terminate his probation and discharge him from service.

(f) The person appointed to a service shall be eligible to count for probation in that service, his service, if any, either temporary or on probation, rendered subsequently in any other category, the duties of which involve responsibilities of equal or greater magnitude than those attached to the former category for the period during which he would have continued to hold a post in the former category, but for his appointment to the latter category.

(g) Every person appointed to the post of Director, Research Officer, Private Secretary, Personal Assistant, Steno-typist and Junior Assistant-cum-Typist shall pass the District Office Manual Test within the period of probation or within two years from the date of issue of these regulations whichever is later for the successful completion of probation.

19. Extension of probation - (a) The appointing authority may extend the period of probation of any probationer either to enable the probationer to acquire the special qualifications or to pass the prescribed tests; or to enable the appointing authority to decide whether the probationer is suitable for regular appointment or not;

(b) The order extending the probation shall be issued within the prescribed period of probation.

(c) 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 increments 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 has passed the prescribed tests or after he is declared to have satisfactorily completed his probation.

20. Probationer's suitability for regular appointment - (a) At the end of the prescribed or extended period of probation, as the case may be, the appointing authority declaring the probation shall consider the probationer's suitability for regular appointment in the post in which he was appointed -

(b) If the appointing authority decides that a probationer is suitable for such appointment, it shall as soon as possible issue an order declaring the probationer to have satisfactorily completed his period of probation.

(c) If the appointing authority decides that a probationer is not suitable for regular appointment or has not acquired the special qualifications prescribed, it may, after giving reasonable opportunity, by order, terminate his probation and discharge him from service.

(d) If no order of completion, extension or termination of probation is issued within six months from the date of expiry of the prescribed or extended period of probation, the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation. Formal orders declaring the completion of probation shall be issued by the competent authority.

21. Seniority - (a) The seniority of a person in any post shall, unless he has been reduced to lower rank by punishment, be determined by the rank obtained by him in the list of approved candidates drawn by the appointing authority subject to the rule of reservation where it applies. The date of commencement of the probation shall be the date on which he joins duty irrespective of his seniority.

(b) The seniority of a person in a post in the service, shall, where the normal method of recruitment to that post is not solely by direct recruitment or by transfer or by promotion, but by direct recruitment, by transfer and by promotion, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the post:

Provided that where the junior appointed by a particular method of recruitment happens to be appointed to a post earlier than the senior appointed by the same method of recruitment, the senior shall be deemed to have been appointed to the post on the same day on which the junior was so appointed:

Provided further that the benefit of the above proviso shall be available to the seniors only for the purpose of fixing "inter-se" seniority;

Provided also that where persons appointed by more than one method of recruitment are appointed or deemed to have been appointed to the post, in the same day their inter-se seniority shall be decided with reference to their age.

(c) Application from any person for the revision of his seniority in a post shall be submitted within a period of three years from the date of appointment to a category, to the authority concerned. Applications received after the said period will be rejected. If the seniority of an individual is fixed after three years of appointment, the time limit will commence from the date of fixing the seniority after three years or communicating it to the concerned Council employee, whichever is later. However, this clause shall not apply to cases of rectifying orders resulting from mistake of facts:

(d) If any portion of the service of any person does not count towards probation, his seniority shall be determined by the date of the commencement of his service which counts towards probation.

(e) The appointing authority may, at the time of passing an order appointing two or more persons simultaneously fix either for the purposes of satisfying the regulation relating to reservation of appointment or for any other reason, the order of preference among them and where such order fixing the order of preference has been passed, the seniority is to be determined in accordance with it.

(f) The transfer of a person from one post to another post carrying the same pay or same scale of pay shall not be treated as a fresh appointment to the later for the purpose of seniority.

(g) If any person in a post is reduced to a lower post he shall, in the absence of special order to the contrary, take the first rank among the persons in the later.

22. **Training** - The Council, may by a general or special order direct an employee of the Council to undergo such training or refresher course as may be specified by the Council.

23. **Appointment by deputation** - (a) The Council may obtain the services of employees of the Central or State Government or a University or College or other statutory organisations or local bodies on deputation for appointment under the Council and the terms of deputation of such persons shall be as may be agreed upon by the Council in each case and except in so far as they are not regulated by the terms of deputation, they will be governed by the provision of these regulations.

(b) The Member-Secretary may depute an employee of the Council to any other organisation on terms not disadvantageous or inferior to those enjoyed by him in the Council.

24. Appointment by agreement - (a) When in the opinion of the Council, special provisions are required in respect of conditions of service, pay and allowances, pension, discipline and conduct with reference to any particular post, it shall be open to the Council to make an appointment to such post otherwise than in accordance with these regulations and to provide by agreement with the person so appointed for any of the matters in respect of which, in the opinion of the Council, special provisions are required to be made and to the extent to which such provisions are made in the agreement. Nothing in these regulations shall apply to any person so appointed in respect of any matter for which provision is made in the agreement. It shall be provided in every such agreement that in respect of any matter for which no provision is made in the agreement, the provisions of these regulations shall apply.

(b) A persons so appointed under clause (a) shall not be regarded as an employee of the service to which he is appointed and shall not be entitled by reasons only of such appointment to any preferential claim to any appointment in that post or any other post in the service.

(c) An agreement in duplicate has to be executed between the contract employee and the council, incorporating the terms of agreement defining the nature of duties assigned, the period prescribed for completion of work, the remuneration fixed and the facilities to be provided to the contract employee and one copy shall be handed over to the contract employee.

25. Age of retirement – (a) Every employee other than the employees belonging to Group ‘D’ Service shall retire on attaining the age of fifty-eight years or as determined by the Government from time to time in respect of Government employees. Every employee in Group ‘D’ Service shall, however, retire on attaining the age of sixty years or as determined by the Government from time to time in respect of such employees.

Provided that an employee under suspension on a charge of misconduct shall not be required or permitted to retire on his reaching the date of superannuation but shall be retained in service until final orders are passed on the disciplinary action by the competent authority. All service rights shall however freeze on the due date of retirement.

(b) If the date of retirement on superannuation falls on a day of a month he shall be allowed to retire on the last day of the month irrespective of the date on which an employee attains the age of superannuation. If the date of retirement on superannuation falls on the first day of a month, he shall be allowed to retire on the last day of the previous month.

26. Application of rules - The General Rules in Part II of the Tamil Nadu State and subordinate services Rules, Fundamental Rules, Tamil Nadu Travelling Allowance Rules to Government Servants and the Tamil Nadu Leave Rules, 1933 as amended from time to time, in so far as they are applicable and except to the extent expressly provided otherwise in these regulations, shall *mutatis mutandis* apply to the employees of the Council in the matter of their pay, leave, leave salary and other conditions of service.

27. Previous action - All actions in respect of appointments, promotions and other service matters taken prior to the coming into force of these regulations shall be deemed to have been taken under these regulations.

28. Powers to relax regulations - Notwithstanding anything contained in these regulations, the Council may, with the previous approval of the Government relax any of these regulations to the extent necessary and in such manner as may appear to it to be just and equitable in favour of any candidate or employee from a prospective date.

29. Welfare measures to employees - The Council may by specific resolutions, implement welfare measures such as Provident Fund, Retirement Benefit etc. to its employees.

30. Sanction of Honorarium, Special Allowances, etc.- The council may, by specific resolution, sanction remuneration such as Honorarium, Special Allowances etc., for a special and additional work to its employees.

APPENDIX

[See regulations 9(a), 16 and 17]

Name of the Post (1)	Appointing Authority (2)	Age limit (3)	Method of appointment (4)	Qualification (5)
Director	Council	Not more than fifty years for persons appointed by direct recruitment.	By direct recruitment; or by deputation from the Department of Collegiate Education/ Universities/Other educational institutions	(i) Doctoral degree of a recognised University; and (ii) Total experience for a period of not less than ten years as principal of a college and/or Registrar of a University and/or Deputy Director of Collegiate Education under the Government.

Research Officer	Council	Not more than fifty years for persons appointed by direct recruitment	By direct recruitment; or by deputation from the Department of Collegiate Education/ Universities/Other Educational institutions.	(i) Post Graduate with Doctorate (ii) Experience for a period of not less than three years in the field of Research. (iii) Knowledge in collection of data and knowledge in use of computer.
Accounts Officer	Member-Secretary		By deputation from the Treasuries and Accounts Department or Local Fund Audit Department.	Must have put in service for a period of not less than three years in the category of Assistant Accounts Officer in the Treasuries and Accounts Department or service for a period of not less than three years as Assistant Examiner of Local Fund accounts in the Local Fund Audit Department.
Superintendent	Member-Secretary		By promotion from the post of Assistant; or by deputation from the Government departments.	Must have put in service for a period of not less than five years in the post of Assistant.
Private Secretary	Member-Secretary	Not more than thirty five years for persons appointed by direct recruitment.	By direct recruitment; or by promotion from the post of Personal Assistant; or by transfer; or by deputation.	(i) Persons appointed by direct recruitment must possess a degree and must have passed the Government Technical Examination in Tamil and English Typewriting by Higher Grade and the Government Technical Examination in Tamil and English shorthand by the Higher Grade; and (ii) Experience for a period of not less than five years as Personal Assistant in Government/ University/ Public sector undertaking.

				<p>Persons appointed by transfer or by deputation from Government or autonomous bodies must possess the qualifications prescribed for direct recruitment.</p> <p>Persons appointed by promotion must have put in a service for a period of not less than five years in the post of Personal Assistant.</p>
Personal Assistant –	Member-Secretary	Not more than thirty years for persons appointed by direct recruitment.	<p>By direct recruitment;</p> <p>By transfer or by deputation or by promotion from the post of Steno-typist.</p>	<p>(i) Must possess a degree; and</p> <p>(ii) Must have passed the Government Technical Examination in Tamil & English Shorthand by the Higher Grade and Government Technical Examination in Tamil & English Typewriting by the Higher Grade.</p> <p>i) Must possess a degree; and</p> <p>(ii) Must have passed the Government Technical Examination in Tamil & English Shorthand by the Higher Grade and Government Technical Examination in Tamil & English Typewriting by the Higher Grade.</p> <p>(iii) Must have put in a service for a period of not less than five years as Steno-typist.</p>
Assistant	Member-Secretary		By promotion from the post of Junior Assistant cum Typist; or by deputation from the	Must have put in a service for a period of not less than five years in the post of Junior Assistant and must have passed the Account Test for

			Government Departments.	Subordinate Officers - Part I and District Office Manual Test conducted by Tamil Nadu Public Service Commission.
Steno-typist	Member-Secretary	Not more than thirty years for persons appointed by direct recruitment.	By direct recruitment; By promotion from the post of Junior Assistant cum Typist.	(i) Must possess a degree; and (ii) Must have passed the Government Technical Examination in Tamil and English Shorthand by the Higher Grade and Government Technical Examination in Tamil and English Typewriting by the Higher Grade. (i) Must possess a degree (ii) Must have passed the Government Technical Examination in Tamil and English Shorthand by the and Government Technical Examination in Tamil and English Typewriting by the Higher Grade and (iii) Must have put in a service for a period of not less than five years as Typist.
Junior Assistant cum Typist	Member-Secretary	Not more than thirty years for persons appointed by direct recruitment	by direct recruitment.	Must possess a degree and a pass in Government Technical Examination in English and Tamil Typewriting by the Higher Grade.
Driver	Member – Secretary	Not more than thirty years for persons appointed by direct recruitment.	By direct Recruitment; or by Promotion from the post of Office Assistant cum Driver; or by deputation.	(i) Must have passed the VIII Standard from a recognised school. (ii) Must possess current driving licence to drive heavy vehicle issued by a competent authority.

				<p>(iii) Must have passed the First Aid Examination conducted by any recognised institution.</p> <p>(iv) Must possess an experience for a period of not less than three years.</p>
Office Assistant – cum-Driver	Member-Secretary	Not more than thirty years for persons appointed by direct recruitment	By direct recruitment; or by transfer from Office Assistant	<p>(i) Must have passed the VIII Standard from a recognised school.</p> <p>(ii) Must possess current driving licence to drive heavy vehicle issued by a competent authority.</p> <p>Must have passed the First-Aid-Examination conducted by any recognised institution.</p>
Office-Assistant	Member-Secretary	Not more than thirty years for person appointed by direct recruitment.	By direct recruitment.	Must have passed the VIII standard from a recognised school and must know cycling.
Watchman	Member-Secretary	Not more than thirty years for person appointed by direct recruitment.	By direct recruitment.	Must have passed the VIII standard from a recognised school and must know cycling.

THE TAMILNADU STATE COUNCIL FOR HIGHER EDUCATION EMPLOYEES
(DISCIPLINE AND APPEAL) REGULATIONS.

[G.O. Ms. No.308, Higher Education (H2), 5th November 2001]

No.SRO B-53/2002 - In exercise of the power conferred by section 22 read with section 12 of the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992) the Tamil Nadu State Council for Higher Education with the previous approval of the Government of Tamil Nadu, hereby makes the following regulations in respect of the employees of the Tamil Nadu State Council for Higher Education.

1. Short title.- (a) These regulations may be called the Tamil Nadu State Council for Higher Education Employees (Discipline and Appeal) Regulations, 2001.

(b) They shall come into force on and from the 5th November 2001

2. Application.- They shall apply to every employee of the Council including officers and staff both temporary and regular except to the extent otherwise expressly provided:-

(i) by or under any law for the time being in force or in any rule.

(ii) in respect of any such employee by contract or agreement subsisting between such employee or person and the Council.

Explanation - An employee holding a post under the Council whose services are placed at the disposal of any company, corporation, organisation or local authority shall, for the purpose of these regulations, be deemed to be an employee of such Council or deemed to hold such post, notwithstanding that his salary is drawn from a source other than the revenue of the Council.

3. Penalties - The following penalties may, for the good and sufficient reason and as hereinafter provided, be imposed upon every employee of the councils service namely:-

(i) Censure;

(ii) Fine (For the post of Office Assistant - Cum Driver, Office Assistant and Watchman only);

(iii) Withholding of increments or promotion.

Provided that in cases where the punishment of withholding of increment cannot be given effect to fully, the monetary value equivalent to the amount of increments ordered to be withheld for the unexpired period of the punishment shall be recovered from the employee:

Provided further that in cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered;

(iv) Reduction to a lower rank in the seniority list or to a lower post not being lower than that to which he was directly recruited, or to a lower time-scale, not being lower than that to which he was directly recruited or to a lower stage in a time-scale:

Provided that in cases where the punishment of reduction to a lower stage in a time-scale cannot be given effect to fully, the monetary value equivalent to the difference in emoluments as a result of reduction to such lower stage in the time-scale for the unexpired period of the punishment shall be recovered from the person.

(v) Recovery from pay of the whole or part of any pecuniary loss caused to the Council or the State Government or the Central Government or to any Government Company or Organisation or local authority or to a local body, while on deputation, by negligence or breach of orders.

(vi) Compulsory retirement;

(vii) Removal from service of the Council;

(viii) Dismissal from service of the Council;

(ix) Suspension, where a person has been suspended under regulation 9(a), to the extent considered necessary by the authority imposing the penalty.

The penalties mentioned in items (i) to (iii), (v) and (ix) will be deemed to be minor penalties and those in items (iv), (vi) to (viii) as major penalties.

The penalties mentioned in items (vi), (vii) or (viii), as the case may be, shall be imposed on the employee for the violation of the Tamil Nadu State Council for Higher Education conduct rules.

Explanation I - The discharge,-

(i) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation; or

(ii) of a person engaged under contract or agreement in accordance with the terms of such agreement or contract; or

(iii) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of such appointment does not amount to the removal or dismissal within the meaning of this regulation.

Explanation II - The following shall not amount to a penalty within the meaning of these regulations, namely:-

(i) withholding of increments of pay of an employee of the service for his failure to pass any test in accordance with the regulations or orders governing the Service to which he belongs; post which he holds or the terms of his appointment;

(ii) non-promotion of an employee of the service whether in a regular or temporary capacity after consideration of his case, to a service, grade or post for promotion to which he is eligible;

(iii) reversion of an employee of the service officiating in a higher post to a lower post, on the ground that he is considered to be unsuitable for such higher post on any administrative ground, unconnected with his conduct;

(iv) reversion of an employee, appointed on probation to any other post, to his permanent post during or at the end of the period of probation in accordance with the terms of his appointment or to the regulations and orders governing such probation;

(v) replacement of the services of an employee, whose services had been borrowed from a State Government, or the Central Government or an authority under the control of the State Government or Central Government at the disposal of the State or the Central Government or the authority from which the services of such an employee had been borrowed; and

(vi) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.

Explanation III: - The removal of a person from the service of the Council shall not disqualify him from future employment but the dismissal of a person from the service of the Council shall ordinarily disqualify him from future employment.

4. Authority competent to Institute Disciplinary Proceedings - (a) The Council or any authority empowered by it, by general or special order, may –

(i) institute disciplinary proceedings against any employee;

(ii) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in regulation 3.

(b) The authority competent under these regulations to impose any of the penalties specified in items (i) to (iii) and (v) of regulation 3 may institute disciplinary proceedings against any employee for the imposition of any of the penalties in items (iv) and (vi) to (viii) of regulation 3 notwithstanding the fact that such authority is not competent under these regulations to impose any of the latter mentioned penalties.

5. Penalty to be imposed on employee in respect of criminal offence. - When both departmental as well as criminal action is initiated for an irregularity, in regard to departmental action, charges may be framed against the employee for the lapses committed by him. Departmental action may be proceeded with, without waiting for the conclusion of the criminal case.

6. Authorities competent to impose penalties - The authorities which may impose the penalties mentioned in regulation 3 in the case of employees of the Council shall be as specified in the Appendix.

7. Disciplinary authority in cases of promotion etc. - (a) Where on promotion or transfer, an employee of the service in a post is holding an appointment in another post thereof, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty on an employee in the latter post.

(b) Where a person has been reverted or reduced from one post to another post no penalty shall be imposed upon him in respect of his work or conduct, while he was holding the post from which he was reverted or reduced except by an authority competent to impose the penalty upon a person in the former post.

8. (a) Procedure to be followed while it is proposed to impose Minor penalties - In every case where it is proposed to impose on an employee of the council any of the *minor* penalties specified in items (i), (ii), (iii), (v) and (ix) in regulation 3 he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed:

Provided that the requirements of this clause shall not apply where it is proposed to impose on an employee of the service any of the penalties aforesaid on the basis of facts which have led to his conviction by a court martial or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him:

Provided further that, in every case where it is proposed, after considering the representation, if any, made by the employee to withhold increment of pay without cumulative effect for a period exceeding three years or to withhold increment of pay with cumulative effect for any period, the procedure laid down in clause (b) shall be followed, before making any order imposing on the employee any such penalty.

(b) Procedure to be followed while it is proposed to impose Major penalties - (i) In every case where it is proposed to impose on an employee of the Council any of the *major* penalties specified in items (iv), (vi), (vii) and (viii) in regulation 3, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge, or charges, which shall be communicated to the person charged, together with a statement of the allegation, on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires an oral inquiry, or to be heard in person, or both. An oral inquiry shall be held, if such an inquiry is desired by the person charged or is directed by the authority concerned. Even if a person charged has waived an oral inquiry, such inquiry shall be held by the authority concerned in respect of charges which are not admitted by the person charged and which can be proved only through the evidence of witnesses. At that inquiry, oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason, to be recorded in writing, refuse to call a witness. Whether or not the person charged desired or had an oral enquiry, he shall be heard in person at any stage if he so desires before passing of final orders. A report of the inquiry or personal hearing (as the case may be) shall be prepared by the authority holding the inquiry or personal hearing whether or not such authority is competent to impose the penalty. Such report shall contain a sufficient record of the evidence, if any, and a statement of the findings and the grounds thereof;

whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction thereon and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction the inquiring authority so succeeding may act on the evidence so recorded by its predecessor and partly recorded by its predecessor; and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided:

Provided further that the employee may take the assistance of any retired employee to present the case on his behalf but may not engage a legal practitioner for the purpose unless the inquiring authority is a legal practitioner or the inquiring authority having regard to the circumstances of the case, so permits.

Explanation: - The employee shall not take the assistance of any retired employee who has two pending disciplinary cases on hand, in which he has to give assistance.

(ii) After the inquiry or personal hearing referred to in sub-clause (i) has been completed, the authority competent to impose the penalty mentioned in that sub-clause is of the opinion, on the basis of the evidence adduced during the inquiry, that any of the penalties specified therein should be imposed on the employee charged, it shall, before making an order imposing such penalty furnish to him a copy of the report of the inquiry or personal hearing or both as the case may be, and call upon him to submit his further representation, if any, within a reasonable time not exceeding one month against the imposition of any of the penalties mentioned in that clause; any representation in this regard submitted by the person charged within the period shall be taken into consideration before making any order imposing the penalty, provided that such representation shall be based only on the evidence adduced during the enquiry. After considering the representation, the authority competent to impose the penalty shall make an order imposing such penalty and it shall not be necessary to give the person charged another opportunity of making representation on the penalty proposed to be imposed.

(c) (i) The requirements of clause (b) shall not apply, where it is proposed to impose on an employee any major penalty as is referred to in sub clause (i) of that clause on the basis of facts which have led to his conviction in a criminal court (whether or not he has been sentenced at once by such court to any punishment); but he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed;

(ii) The requirements of clause (b) shall not apply where it is proposed to impose on an employee any of the penalties mentioned in regulation 3 on the basis of facts which have led to his conviction by a court martial or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him;

(iii) The provisions of clause (b) shall not apply if the Council is satisfied that in the interests of security of the State it is not expedient to follow the procedure prescribed in that clause.

(d) (i) All or any of the provisions of clauses (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the clauses and those requirements can be waived without injustice to the person charged.

(ii) If any question arises whether it is reasonably practicable to follow the procedure prescribed in clause (b) the decision thereon of the authority empowered to dismiss or remove such person or reduce him in rank, as the case may be, shall be final.

9. Suspension - (a) An employee of a service may be placed under suspension from service by the appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered by the Council by general or special order, where, –

(i) an enquiry into grave charges against him is contemplated or is pending; or

(ii) a complaint against him of any criminal offence is under investigation or trial

(iii) and if such suspension is necessary in the public interest.

(b) An employee who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty eight hours shall be deemed to have been suspended under this regulation.

(c) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(d) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(e) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise), and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(f) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the authority which made or is deemed to have made the order or any authority to which that authority is subordinate.

10. Penalties on persons lent to other departments –

(1) Where a person to be punished has been lent to the punishing authority:-

(a) The power to impose the penalty of compulsory retirement or removal or, dismissal, shall not lie with any authority other than the lending authority, the borrowing authority shall in a case where it considers that the punishment of compulsory retirement, removal or dismissal should be imposed, complete the inquiry and revert the person concerned to the lending authority for such action as that authority may consider necessary; and,

(b) Unless in any case it be otherwise provided by specific orders by the Council, the punishing authority shall consult the lending authority before imposing any lesser penalty and in the case of suspension shall report forthwith to the landing authority the circumstances leading to the imposition of that penalty.

(2) Where an employee whose services are placed at the disposal of the Council has, at any time before his services were so placed committed any act or omission which renders him liable to any minor or major penalty, the lending authority competent to impose any such penalty on such person shall alone be competent to institute disciplinary proceedings against him and to impose on him such penalty as it thinks fit and the borrowing authority

under whom he is serving at the time of institution of such proceedings, shall be bound to render all reasonable facilities to such competent authority instituting and conducting such proceedings.

(3) Where an order of suspension is made or a disciplinary proceeding is conducted against an employee whose services has been borrowed from any Company, Corporation, autonomous Boards or other authority, the authority lending his services (hereinafter in this Regulation referred to as the 'lending authority') shall forthwith be informed of the circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceedings, as the case may be.

(4) In the light of the findings of the disciplinary proceedings conducted against the employee if the disciplinary authority is of the opinion that any of the penalties specified in item (i) to (iii), (v) and (ix) of regulation 3 should be imposed on him, it may after consultation with the lending authority pass such orders on the case as it may deem necessary.

Provided that, -

(i) in the event of difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in items (iv) and (vi) to (viii) of regulation 3 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the enquiry for such action as it may deem necessary.

11. Disciplinary action against council employees on foreign service – (a) Where an employee of the Council whose services are placed at the disposal of another body on foreign service terms has, at any time, before his services were so placed, committed any act or omission which renders him liable to any penalty specified in regulation 3, the Council shall alone be competent to institute disciplinary proceedings against him and to impose on him any such penalty specified in the above regulation as it thinks fit.

(b) where the employer under whom the services of an employee of the Council are placed on foreign service desires to punish the employee for any act or omission committed by the employee during the period of foreign service, the foreign employer shall initiate disciplinary proceedings, complete the enquiry and transmit the connected records to the Council i.e., lending authority for such action as it may deem necessary.

(c) in the event of difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

12. Abatement of disciplinary proceedings - On the death of an employee against whom disciplinary proceedings are pending, such proceedings shall abate eventhough such proceedings may be in the initial stage or nearing completion.

13. Record of enquiry - (a) The authority imposing any penalty under these regulations shall maintain a record showing, -

- (i) the allegations upon which action was taken against the person punished;
- (ii) the charges framed, if any;
- (iii) the person's representation, if any, and the evidence taken, if any; and
- (iv) the findings and the grounds thereof, if any.

(b) All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed,

(c) Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or sent to him by registered post with acknowledgement due or if such person is not found, by leaving it at his last known place of residence or by giving or tendering it to an adult member of his family or if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of residence.

(d) While passing final orders, the disciplinary authority shall also pass orders regarding the manner of disposal of the material objects marked during the enquiry. After the appeal time is over, the officer concerned shall accordingly dispose of the material object.

APPEALS

14. Provision for appeal - Every employee shall be entitled to appeal to the appellate authority specified in the Appendix against an order passed by the competent authority imposing upon him any of the penalties specified in regulation 3.

15. Time limit for appeal - No appeal shall be entertained if it is not preferred within a period of two months from the date of receipt of the orders imposing the penalty:

Provided that the appellate authority may, at his discretion, condone the delay and entertain the appeal.

16 .Appeal to be in own name - Every person preferring an appeal shall do so separately and in his own name;

17. Contents of appeal - Every appeal preferred under these regulations shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority against whose order the appeal is preferred.

18. Powers of appellate authority - (1) In the case of an appeal against an order imposing any penalty specified in regulation 3, the appellate authority shall consider, -

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient grounds for taking action; and

(c) whether the penalty is excessive, adequate or inadequate and pass orders,-

(i) confirming, enhancing, reducing or setting aside the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that –

(i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv), (v), (vi), (vii) and (viii) of regulation 3 and an inquiry under clause (b) of regulation 8 has not already been held in the case, the appellate authority shall, subject to the provisions of clause (c) of regulation 8 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of clause (b) of regulation 8 and thereafter, on a consideration of the proceedings of such inquiry, make such order as it may deem fit;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv), (v), (vi), (vii) and (viii) of regulation 3 and an enquiry under clause (b) of regulation 8 has already been held in the case, the appellate authority shall, make such order it may deem fit; and

(iii) no order imposing an enhanced, penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of clause (b) of regulation 8 of making representation against such enhanced penalty.

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers, for reasons to be recorded in writing, that the error or defect was not material and has neither cause injustice to the person concerned nor affected the decision of the case.

19. Orders on appeal - In the case of an appeal, the appellate authority shall, pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

20. Withholding of appeal - An appeal may be withheld by an authority not lower than the authority against whose order it is preferred, if –

(i) it does not comply with the provisions of regulation 17, or

(ii) it is an appeal in a case in which under these regulations no appeal lies; or

(iii) it is not preferred within two months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay; or

(iv) it is repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case; or

(v) it is addressed to an authority to which no appeal lies under these regulation:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it;

Provided further that an appeal withheld on account only of failure to comply with the provisions of regulation 17 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with these provisions shall not be withheld.

21. Appeal against withholding of appeal - No appeal shall lie against the withholding of an appeal by a competent authority.

22. Forwarding of appeal - Every appeal which is not withheld under these regulations shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred without an expression of opinion.

23. Powers to call for appeals withheld - An appellate authority may call for any appeal admissible under these regulations which has been withheld by a sub-ordinate authority and may pass such orders thereon as it considers fit.

24. Right of appeal - Nothing in these regulations shall operate to deprive any person of any right of appeal which he would have had if these regulations had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these regulations came into force shall be deemed to be an appeal under these regulations, and regulation 18 shall apply as if the appeal were against an order appealable under these regulations;

25. Submission of petition for review - (a) An employee in whose case the Council has passed original orders, shall be entitled to submit within a period of two months from the date on which the order was communicated to him, a petition to the Council for review of the said order on any of the grounds specified below:-

(i) that the order was not passed by the competent authority;

(ii) that a reasonable opportunity of defending himself was not given;

(iii) that the punishment is excessive or unjust;

(iv) discovery of new matter or evidence which the appellant alleges and proves to the satisfaction of the Council was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed;

(v) evident error or omission such as failure to apply the law of Limitation or an error of procedure apparent on the face of the records:

Provided that the council may, in its discretion, condone any delay in submitting the petition for review within the said period of two months.

(b) A petition for review which does not satisfy any of the above grounds shall be summarily rejected.

26.Revision - (1) Notwithstanding anything contained in these regulations:

(i) the Council; or

(ii) the appellate authority within six months of the date of the order proposed to be revised; or

(iii) any other authority specified in this behalf by the Council by a general or special order and within such time as may be prescribed in such general or special order may, at any time, either on its own motion or otherwise, call for the records of any inquiry and revise any order made under these regulations, may –

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other order as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising oral authority unless the employee concerned has been given a reasonable opportunity of making representation against the penalty proposed and where it is proposed to impose any of the penalties specified in items (iv), (v), (vi), (vii) and (viii) of regulation 3 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those items and if an inquiry under clause (b) of regulation 8 has not already been made or held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in clause (b) of regulation 8.

(2) No proceedings for revision shall be commenced, until after –

(a) where no appeal has been preferred before the expiry of the period of limitation for an appeal; or

(b) where any such appeal has been preferred, before the disposal of the appeal;

(c) An application for revision shall be dealt within the same manner as if it were an appeal under these regulations.

27. Review - The Council may, at any time, either on its own motion or otherwise, review any order passed by the Council under these regulations, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of case, has come, or has been brought to its notice:

Provided that no order imposing or enhancing any penalty shall be made by the Council unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in regulation 3 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if any inquiry under clause (b) of regulation 8 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in the said clause (b) of regulation 8.

APPENDIX

(See Regulation 6)

Category (1)	Nature of Penalty (2)	Disciplinary Authority (3)	Appellate/ Review Authority (4)
GROUP A and B Officers	Minor Penalty	Member-Secretary	Council
	Major Penalty	Chairman	Council
GROUP C and D	Minor Penalty	Member-Secretary	Council
	Major Penalty	Member-Secretary	Council

**TAMIL NADU STATE COUNCIL FOR HIGHER EDUCATION EMPLOYEES
CONDUCT REGULATIONS**

[G.O.Ms.No.308, Higher Education (H2), 5th November 2001]

No.SRO B-54/2002. - In exercise of the power conferred by section 22 read with section 12 of the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992), the Tamil Nadu State Council for Higher Education with the previous approval of the Government of Tamil Nadu, hereby makes the following regulations in respect of the employees of the Tamil Nadu State Council for Higher Education:-

1. Short title and application - (a) These regulations may be called the Tamil Nadu State Council for Higher Education Employees Conduct regulations, 2001.

(b) These regulations shall apply to all persons appointed to posts in connection with the affairs of the Tamil Nadu State Council for Higher Education, whether on duty, leave or on foreign service.

2. Definitions - In these regulations, unless the context otherwise requires, -

(1) "Council" means the Tamil Nadu State Council for Higher Education established under section 3 of the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992):

Provided that the Council may by general or special order and subject to such condition as it may think fit declare that any authority subordinate to it shall be deemed to be the Council for all or any of the purposes of these regulations:

Provided further that the powers of the Council shall be exercisable even when the employee is outside India, whether on duty, leave or on foreign service.

(2) "Employee" means person who has been appointed by the Council or absorbed in the Council to any post in connection with the affairs of the Council.

Explanation - An employee whose services are placed by the Council at the disposal of a University, or statutory organisation or a local authority shall, for the purpose of these regulations, be deemed to be a Council employee serving under the Council notwithstanding that his salary is drawn from sources other than from the fund of the Council.

(3) “Members of family” in relations to an employee includes –

(i) the wife, or husband as the case may be, of the employee whether residing with the employee or not but does not include a wife or husband as the case may be, separated from the employee by a decree or order of a competent court;

(ii) son or daughter or step-son or step-daughter of the employee and wholly dependant on him, but does not include a child or step-child who is no longer in any way dependant on the employee or of whose custody the employee has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the employee or to the employee’s wife or husband and wholly dependent on the employee.

(4) “Close Relation” relating to an employee includes,-

“father, step-father, mother, step-mother, husband, wife, son, adopted son, daughter, adopted daughter, brother, step-brother, sister, step-sister, wife’s father, wife’s mother, husband’s father, husband’s mother, brother’s wife, sister’s husband, daughter’s husband and son’s wife.”

3. Statement of assets and liabilities inclusive of land and properties - Every employee shall submit within three months from the date of his first appointment a return of his assets and liabilities in such form as may be prescribed by the Council and thereafter not later than 31st March of each year. This return need not be submitted if in any year, there has been no acquisition or relinquishment of any immovable property or any interest in immovable property. The staff record section will ensure that the returns are received in time each year and submitted for the perusal of the Member-Secretary.

4. Criticism about Council - (1) No employee shall by any utterance writings or otherwise, discuss or criticise in public or at any meeting of any association or body, any policy pursued or action taken by the Council or a State or the Central Government nor shall be in any manner participate in any such discussion or ‘criticism’.

(2) No employee shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance make any statement of facts or opinion –

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Council, the Central Government or a State Government: or

(ii) which is capable of embarrassing the relations between the Council, the Government of any State, the Central Government or any foreign State:

Provided that nothing in this regulation shall apply to any statement made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

5. Taking part in politics and Elections - No employee shall be a member or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in, any other manner, any political movement or activity.

6. Unauthorised Communication of Information - No employee shall, except in accordance with any general or special order of the Council or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly any official document or any part thereof which has come into his possession in the course of his official duties or has been prepared or collected by him in the course of his duties whether from official sources or otherwise, to any person or organisation or association not authorised to receive the same.

7. Canvassing of non official or other outside influence - No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Council.

8. Bigamous marriages (1) (i) No employee shall enter into, or contract, a marriage with a person having a spouse living; and

(ii) No employee having a spouse living shall enter into or contract a marriage with any person:

Provided that the Council may permit an employee to enter into, or contract any such marriage as is referred to in sub-clauses (i) or (ii) if it is satisfied that - (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage: and

(b) there are other grounds for doing so.

(2) No employee shall involve himself in any act involving moral turpitude on his part including any unlawful act, which may cause embarrassment or which may bring discredit to the Council.

9. Integrity and devotion to duty - (1) Every employee of the service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of an employee of the service of the Council.

(2) Every employee shall take all possible steps to ensure integrity and devotion to duty by all employees for the time being under his control and authority.

(3) No employee of the service shall, in the performance of his official duties or in the exercise of powers conferred on him –

(i) act otherwise than in his best judgement except when he is acting under the direction of his official superior.

(ii) the directions of the official superior shall ordinarily be in writing. Oral directions to subordinates shall be avoided. Where the issue of the oral directions becomes unavoidable the official superior shall confirm it in writing immediately thereafter.

(iii) an employee who has received oral directions from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be duty of the official superior to confirm the direction in writing.

(iv) No employee shall in the performance of his official duties or in the exercise of powers conferred on him evade the responsibility devolving legitimately on him and seek instructions from or approval of a superior authority when such instructions or approval is not necessary in the scheme of distribution of powers and responsibilities.

Explanation - An employee who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub-regulation (1).

10. Prohibition of possession or consumption of liquor or any intoxicating drug –

(a) An employee shall strictly abide by any law relating to consumption of liquor or intoxicating drugs in force in any area in which he may happen to be for the time being;

(b) shall not be found drunk or under the influence of liquor or drugs while attending office or appearing in public place.

11. Strikes - No employee shall engage himself in strike or in incitements thereto or in similar activities.

Explanation - For the purpose of this regulation, the expression in “similar activities” shall be deemed to include the absence from work or neglect of duties without permission and with the object of compelling something to be done by the superior officers or the Council or any demonstrative fast usually called “hunger strike”, slogan shouting, or go-slow or gherao, sit in strike or Dharna for similar purposes.

12. Demonstrations - No employee shall engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, Public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence.

13. Joining of Association by Council’s employees - No employee shall join, or continue to be member of an Association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or Public order or morality.

14. Representations to outside authority - No employee shall make representations or send advance copies of such representation to any outside authority in respect of matters falling within the competence of the Council. All representations shall be sent only through the proper channel.

15. Refusal to receive pay - Concerted or organised refusal on the part of employee to receive their pay shall entail serious disciplinary action.

16. Application for private employment elsewhere - No person employed in the Council shall apply for private employment or signify his willingness to accept such employment without having previously obtained the permission in writing of the appointing authority in respect of the post which he is holding.

17. Obtaining of No Objection Certificate before applying for passport or undertaking any foreign trip - No employee shall except after obtaining “No Objection Certificate” from the Council apply for grant or renewal of passport to undertake any trip to a foreign country. While applying for such “No Objection Certificate”, information regarding the purpose of the visit, the duration of stay and the names of the countries proposed to be visited should be furnished:

Provided that no such information shall be required for the grant of No Objection Certificate to obtain passport to seek employment abroad. He shall not, however, leave India without the prior permission of the Council.

18. Application of rules - The Tamil Nadu Government Servants’ Conduct Rules, 1973 as amended from time to time in so far as they are applicable and to the extent expressly

provided otherwise in these regulations, shall mutatis mutandis apply to the employees of the Council in the following matters:

- (i) Gifts
- (ii) Dowry
- (iii) Public demonstration in honour of Council employees
- (iv) Subscriptions
- (v) Investments, lending and borrowing
- (vi) Moveable, immovable and valuable property
- (vii) Private Trade and Employment
- (viii) Insolvency and habitual indebtedness
- (ix) Connection with Press and Radio
- (x) Evidence before committee or other authority
- (xi) Prohibition of Membership of any communal organisation
- (xii) Indication of acts and character of Council employees
- (xiii) Membership of Service Association
- (xiv) Employment under or with near relatives in service and employment of near relatives in firms
- (xv) Processions and meetings
- (xvi) Anti secularism social disharmony activity and demonstrations
- (xvii) Interpretation
- (xviii) Consulting Medical practitioners for the purpose of obtaining leave
- (xix) Recommendation
- (xx) Purchase of Resignation.

Provided that the expressions “Government”, “Head of the Department” and “Government servant”, wherever occur in the Tamil Nadu Government Servants’ Conduct Rules, 1973 as amended from time to time, shall be substituted by the expressions “Council”, “Member Secretary of the Council” and “Council Employee” respectively in the application of these regulations.

Chennai-9,
5th November 2001.

MOHAN VERGHESE CHUNKATH,
Secretary to Government.