

The Tamil Nadu Information Commission Service Rules, 2017.

In exercise of the powers conferred by sub-section (1) of section 27 read with sub-section (6) of Section 16 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Tamil Nadu hereby makes the following Rules, namely :-

RULES

PART-I

1. **Short title and commencement:**-(1) These Rules may be called the Tamil Nadu Information Commission Service Rules, 2017.

(2) These Rules shall come into force on the 23rd February 2017.

2. **Definitions:**-In these Rules, unless the context otherwise requires,

- (a) "Act" means the Right to Information Act, 2005 (Central Act 22 of 2005) ;
- (b) "appointed to the service".- A person is said to be "appointed to the service" when, in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time, the duties of a post borne on the cadre of the service or commences the probation prescribed for the members thereof;
- (c) "approved probationer" means, a member of this service, who has satisfactorily completed his probation and awaits appointment as a full member of the service;
- (d) "Chief Commissioner" means the State Chief Information Commissioner of the Tamil Nadu Information Commission;
- (e) "Commission" means the TamilNadu Information Commission;
- (f) "deputation" means a temporary transfer, or loan of the services of an officer or other employee, who is either a full member or an approved probationer, from the Commission to any office outside the Commission and vice versa;
- (g) "discharge of a probationer" means, in case the probationer is a full member or an approved probationer of another service, class or category, reverting him to such service, class or category and in any other case, dispensing with his services;
- (h) "duty" - A person is said to be 'on duty' as a member of the service,
 - (i) when he performs the duties of a post borne on the cadre of such service or is undergoing the probation; or
 - (ii) when he is on joining time; or
 - (iii) when he absents from duty during authorized holidays or on casual leave taken in accordance with the instruction regulating such leave issued by the Government, has been on duty immediately before and immediately after such absence;
- (i) "full member" means a member whose service has been confirmed in the service in which he has been first appointed;
- (j) "Government" means the Government of Tamil Nadu;
- (k) "member of the service" means a person, who has been appointed to the service and who has not retired or resigned or been removed or dismissed and has not been substantively transferred or reduced to another service or been discharged otherwise than for want of vacancy and may be a probationer, an approved probationer or a full member of the service;
- (l) "post" means a post specified in Schedule I;
- (m) "probationer" means a member of the service who has not completed his probation;
- (n) "promotion" means the appointment of a member to a post in the service in the Commission on a higher scale of pay;
- (o) "recruitment by transfer".- A candidate is said to be 'recruited by transfer' to the service if, at the time of his first appointment thereto, he is either a full member or an approved probationer in the Tamil Nadu Secretariat Service or the Tamil Nadu General Service or the Tamil Nadu Judicial Ministerial service or the Tamil Nadu General Subordinate Service or the Tamil Nadu Basic Service;
- (p) "recruited direct".- A candidate is said to be 'recruited direct' to the service when, at the time of his first appointment thereto, he is neither a full member nor an approved probationer in this or any other service;
- (q) "Schedule" means Schedule appended to these Rules;

- (r) "Secretary" means the Secretary of the Tamil Nadu Information Commission;
- (s) "Section" means section of the Act;
- (t) words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Act.

PART-II

Composition and Conditions of service

3. **Cadre strength of the office of the Commission:-**

(1) There shall be a Secretary in the status of head of the department, who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions as defined in the Tamil Nadu Financial Code, as the Commission may delegate to him.

(2) There shall be in the office of the Commission such number of posts as specified in Schedule I.

(3) When a post is created as a temporary addition to the cadre of the service in any category thereon, the rules applicable to a holder of permanent posts borne on the said cadre shall apply to the holder of the said temporary post.

Explanation:-In this sub-rule, the expression "the holder of the said temporary post" shall mean and include the person appointed in the said temporary post.

4. **Application:-**These Rules shall apply to the posts specified in Schedule-I.

5. **Administrative Control:-** Subject to the superintendence and control of the State Chief Information Commissioner, the Secretary shall administer the office of the Commission and exercise full control over the staff of the Commission.

6. **Absorption, Regularisation of the Staff:-**Notwithstanding anything contained in these Rules, every person holding a post in the Commission on the date of publication of these Rules, either on direct recruitment or by recruitment by transfer or on deputation and who fulfills the qualifications and experience laid down in these Rules and who is considered to be suitable by the Commission, shall be eligible for absorption or regularization in that post, subject to the condition that such person shall obtain a letter signifying that his parent department has no objection for his being absorbed in this service and further he shall apply in writing praying for such absorption or regularization. The Commission shall have the right to either accept or reject such a prayer.

7. **Constitution:-**The service shall consist of the following categories of officers and employees, namely:-

1. Secretary
2. Registrar
3. Financial Adviser and Chief Accounts Officer
4. Under Secretary (Administration)
5. Assistant Registrar
6. Principal Private Secretary
7. Private Secretary
8. Section Officer
9. Assistant Section Officer
10. Assistant
11. Personal Assistant
12. Personal Clerk
13. Typist
14. Record Clerk
15. Office Assistant
16. Driver

8. **Appointing Authority:-**The Appointing authorities for the categories specified in column (1) of the Table below, shall be as specified in the corresponding entry in column (2) thereof:

THE TABLE

Category (1)	Appointing Authority (2)
1. Secretary	Government
2. Registrar	State Chief Information Commissioner
3. Financial Adviser and Chief Accounts Officer	State Chief Information Commissioner
4. Under Secretary (Administration)	State Chief Information Commissioner
5. Assistant Registrar	State Chief Information Commissioner
6. Principal Private Secretary	State Chief Information Commissioner
7. Private Secretary	Secretary
8. Section Officer	Secretary
9. Assistant Section Officer	Secretary
10. Assistant	Secretary
11. Personal Assistant	Secretary
12. Personal Clerk	Secretary
13. Typist	Secretary
14. Record Clerk	Secretary
15. Office Assistant	Secretary
16. Driver	Secretary

9. **Method of appointment and Qualifications:-** Appointment to the categories specified in column (1) of the Table under Schedule II shall be made by the methods specified in the corresponding entries in column (2) and from the persons possessing qualifications specified in the corresponding entries in column (3) thereof.

10. **Probation:-**(1) 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 ;

Provided that every person appointed by recruitment by transfer 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;

Provided further that the period of probation in the case of any person may be extended for any reason by order of the appointing authority for a period not exceeding five years.

(2) At any time, before the expiry of the period of probation specified above, the appointing authority, shall, at its discretion, by order; terminate the probation of a - probationer and discharge him after giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

11. **Approved Probationer:-**(1) If, at the end of the prescribed or extended period of probation, as the case may be, the appointing authority considers the probationer to be suitable for full membership, shall issue an order declaring the probationer to have satisfactorily completed his period of probation.

(2) If the appointing authority considers that the probationer is not suitable for such membership, shall, unless the period of probation is extended, by order, discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken.

(3) A probationer who is discharged otherwise than for want of vacancy shall be entitled to appeal to the appellate authority against the order of discharge as if it were an order of dismissal.

12. **Extension of probation:-**In the case of any probationer, the appointing authority may extend the period of his probation to enable him to acquire the special qualifications or pass the prescribed tests, or, as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Such extended 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 category in which he is on probation, completed one more year of duty in such category. In cases, where the period of 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 increment of the probationer shall be stopped until he is

declared to have satisfactorily completed his period of probation. If however, the probationer has already drawn an increment, his next increment shall be postponed until he is declared to have satisfactorily completed the period of his probation and for the period to which his probation is extended. 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 has passed the prescribed tests or after he is declared to have satisfactorily completed the period of his probation.

13. Discharge of probationers and approved probationers for want of vacancies and their re-appointment:-

(1) Probationers and approved probationers shall be discharged for want of vacancies in the following order, namely:-

(a) First, the probationers in the order of juniority; and

(b) Second, the approved probationers in the order of juniority.

(2) Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as and when the vacancies arise, in the inverse of the order as laid down in clauses (a) and (b) of sub-rule (1).

(3) The order of discharge or re-appointment specified above shall be departed from in the cases where its observance would involve exceptional administrative inconvenience.

(4) A vacancy in any category or post in the service shall not be filled by the appointment of a person who has not yet commenced his probation therein when an approved probationer or a probationer therein is available for such appointment.

14. Appointment of full members:-An approved probationer shall be considered for confirmation of service immediately after the declaration of his probation. Such confirmation of service shall be made in the entry level post to which he was first appointed. A specific order of confirmation of service shall be issued.

15. Promotion:-All promotions shall be made by the appointing authority.

16. Reservation of appointment:-The principle of reservation of appointments, as provided in section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016), shall apply for appointments by direct recruitment.

17. Pay, allowances, leave, leave salary, pension and other conditions of services:-The Fundamental Rules of the Tamil Nadu Government, the Tamil Nadu Leave Rules, 1933, and the subsidiary Rules thereunder, the Tamil Nadu Government Servants' Conduct Rules, 1973, the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016), the Tamil Nadu General Provident Fund (Tamil Nadu) Rules, the Tamil Nadu Pension Rules, 1978 and other rules and orders for the time being in force applicable to officers and employees under the rule making control of the Government in so far as they are not inconsistent with these rules, shall govern the members of the service in the matter of their pay, allowances, leave, leave salary, pension and other conditions of service.

18. Competent authority to impose penalties:-The competent authority to impose penalties against various categories and the appellate authorities shall be as specified in Schedule-III.

19. Savings:-Nothing contained in these rules shall adversely affect any person holding the posts referred to in these Rules on the date of issue of these Rules.

APPENDIX

SCHEDULE-I

(See rules 2(1), 3 and 4)

Sl. No.	Name of the post	No. of post	Pay and Grade Pay (in Rs.)
1.	Secretary (in the cadre of DRO)	1	15600 - 39100 +GP 7600
2.	Registrar (in the cadre of Deputy Secretary to Government)	1	15600 - 39100 +GP 7600
3.	Financial Adviser and Chief Accounts Officer (in the cadre of Deputy Secretary to Government from Finance Department)	1	15600 - 39100 +GP 7600

4.	Under Secretary (Administration)	1	15600 - 39100 +GP 6600
5.	Assistant Registrar (in the cadre of UnderSecretary to Government)	3	15600 - 39100 +GP 6600
6.	Principal Private Secretary (in the cadre ofDeputy Secretary to Government)	1	15600 - 39100 +GP 7600
7.	Private Secretary (in the cadre of Section Officer)	8	15600 - 39100 +GP 5400
8.	Section Officer	11	15600 - 39100 +GP 5400
9.	Assistant Section Officer	7	9300 - 34800 +GP 4600
10.	Assistant	4	5200 - 20200 + GP 2600
11.	Personal Assistant	9	9300 - 34800 +GP 4600
12.	Personal Clerk	10	5200 - 20200 +GP 2800
13.	Typist	6	5200 - 20200 +GP 2400
14.	Record Clerk	2	4800 - 10000 +GP 1400
15.	Office Assistant	21	4800 - 10000 +GP 1300
16.	Driver	8	5200 - 20200 +GP 2000
	Total	94	

SCHEDULE – II

(See rule 9)

<i>Category</i> (1)	<i>Method of appointment</i> (2)	<i>Qualification</i> (3)
1. Secretary	By deputation or by recruitment by transfer from the post of District Revenue Officer	
2. Registrar	By deputation or by recruitment by transfer from among the holders of the post of- (a) Deputy Secretary to Government; or (b) Deputy Registrar in High Court.	Must possess a degree in any discipline from any University recognized by the University Grants Commission. Preference shall be given to a person possessing a degree in Law of any University recognized by the University Grants Commission.
3. Financial Adviser and Chief Accounts Officer	By deputation or by recruitment by transfer from among the holders of the post of Under Secretary or Deputy Secretary to Government in the Finance Department.	

<i>Category</i> (1)	<i>Method of appointment</i> (2)	<i>Qualification</i> (3)
4. Under Secretary (Administration)	By deputation or by recruitment by transfer from among the holders of the post of Under Secretary to Government in the Tamil Nadu General Service in the departments of Secretariat under one unit.	Must possess a degree from any University recognized by the University Grants Commission.
5. Assistant Registrar	By deputation or by recruitment by transfer from among the holders of the post of Under Secretary to Government in the Tamil Nadu General Service in the departments of Secretariat.	Must possess a degree in any discipline from any University recognized by the University Grants Commission. Preference shall be given to a person possessing a degree in Law of any University recognized by the University Grants Commission.
6. Principal Private Secretary	By deputation or by recruitment by transfer from among the holders of the post of Principal Private Secretary in the Departments of Secretariat under one unit.	
7. Private Secretary	(i) By deputation or by recruitment by transfer from among the holders of the post of Private Secretary in the departments of Secretariat under one unit; or (ii) By promotion from among the holders of the post of Personal Assistant	Must have put in a service for a period of not less than eight years as Personal Assistant.
8. Section Officer	By deputation or by recruitment by transfer from among the holders of the post of Section Officers in the Departments of Secretariat under one unit.	Must possess a degree in any discipline from any University recognized by the University Grants Commission.
8. (a) Section Officer from Finance Department.	By deputation or by recruitment by transfer from among the holders of the post of Section Officers in the Finance Department.	Must possess a degree in any discipline from any University recognized by the University Grants Commission.
9. Assistant Section Officer	By deputation or by recruitment by transfer from among the holders of the post of Assistant Section Officer in the Departments of Secretariat under one unit.	Must possess a degree in any discipline from any University recognized by the University Grants Commission.
9. (a) Assistant Section Officer from Finance Department	By deputation or by recruitment by transfer from among the holders of the post of Assistant Section Officer in the Finance Department.	Must possess a degree in any discipline from any University recognized by the University Grants Commission.
10. Assistant	(i) By deputation or by recruitment by transfer from among the holders of the post of Assistant in the Departments	Must possess a degree in any discipline from any University recognized by the University

Category (1)	of Secretariat; <i>Method of appointment</i> (2)	Grants Commission. <i>Qualification</i> (3)
	or	
	(ii) By promotion from among the holders of the post of Typist.	(i) Must possess a degree in any discipline from any University recognized by the University Grants Commission; (ii) Must have put in a service of not less than three years as Typist.
11. Personal Assistant	(i) By deputation or by recruitment by transfer from among the holders of the post of Personal Assistant in the Departments of Secretariat; or (ii) By promotion from among the holders of the post of Personal Clerk:	(i) Must possess a degree in any discipline from any University recognized by the University Grants Commission; (ii) Must have put in a service of not less than five years as Personal Clerk.
12. Personal Clerk	(i) By deputation or by recruitment by transfer from among the holders of the post of Personal Clerk in the departments of Secretariat; or (ii) By direct recruitment, if no candidate is available under the method specified in item (i) above.	(i) Must possess a degree from any University recognised by the University Grants Commission; (ii) Must have passed the following Government Technical Examinations,- (a) Typewriting in Tamil and English both by Higher Grade; (b) Shorthand in Tamil and English both by Higher Grade: Provided that if candidates with the qualifications prescribed in item (ii) are not available, candidates who have passed the following examinations in the order of preference indicated below shall be appointed, namely:-

Category (1)	Method of appointment (2)	Qualification (3)
13. Typist	By deputation or by recruitment by transfer from among the holders of the post of Typist in the Tamil Nadu Secretariat Service	<p>(a) Government Technical Examinations in Typewriting and Shorthand in Tamil by Higher Grade and English by Lower Grade;</p> <p>(b) Government Technical Examinations in Typewriting and Shorthand in English by Higher Grade and in Tamil by Lower Grade; and</p> <p>(iii) Must not have completed the age of thirty years on the 1st day of July of the year in which selection for appointment is made</p> <p>(1) Must possess Minimum General Educational Qualification viz., Must have passed S.S.L.C. Public Examination or its equivalent with eligibility for admission to Higher Secondary Courses of Studies or to College Courses of studies.</p> <p>(2) Must have passed the Government Technical Examination in Typewriting by Higher or Senior Grade in Tamil and English:</p> <p>Provided that if candidates with the qualification prescribed in item (2) are not available, candidates who have passed the following examinations in the order of preference indicated below shall be appointed, namely:-</p> <p>(a) by Higher or Senior Grade in Tamil and Lower or Junior Grade in English;</p> <p style="text-align: center;">Or</p> <p>(b) by Higher or Senior Grade in English and Lower or Junior Grade in Tamil.</p>
14. Record Clerk	(i) By deputation or by recruitment by transfer from among the holders of the post of Record Clerk in the Tamil Nadu General Subordinate Service; or (ii) By recruitment by transfer from among the holders of the posts in the Tamil Nadu Basic Service.	<p>(i) Must have passed VIII standard;</p> <p>(ii) Must have completed three years of service in Tamil Nadu Basic Service.</p>

Category (1)	Method of appointment (2)	Qualification (3)
15. Office Assistant	(i) By deputation; or (ii) By recruitment by transfer from among the holders of the post in Class IV of the Tamil Nadu Basic service; or (iii) By direct recruitment	(i) Must have passed VIII standard; (ii) Must Know cycling. Possession of a valid driving license for geared two wheeler will be an added qualification; and (iii) Must not have completed the age of thirty years on the first day of July of the year in which the selection for appointment is made.
16. Driver	(i) By deputation or by recruitment by transfer from among the holders of the post of Driver in Tamil Nadu Secretariat or from any other departments of Government; or (ii) By direct recruitment	(i) Must have passed VIII Standard; (ii) Must possess a current Driving License of Light or Heavy Vehicle issued by a competent authority under the Motor Vehicles Act, 1988 (Central Act 59 of 1988); (iii) Must possess practical experience in driving a Light Motor Vehicle for a period of not less than five years; and (iv) Must not have completed the age of thirty years on the first day of July of the year in which the selection for appointment is made: Provided that educational qualification and age limit prescribed in item (iii) and (iv) shall not be insisted in the case of Ex- servicemen.
	(iii) By recruitment by transfer from among the holders of the posts of Record Clerk and Office Assistant.	(i) Must possess a current Driving License of Light or Heavy Vehicle issued by a competent authority under the Motor Vehicles Act, 1988 (Central Act 59 of 1988); (ii) Must possess practical experience in driving a Light Motor Vehicle for a period of not less than five years.

SCHEDULE – III

(See rule 18)

	Category (1)	Competent Authority to impose penalties		Appellate Authority In respect of penalties specified in columns 2(a) and 2(b) (3)
		2(a) Major Penalties	2(b) Minor Penalties	
1.	Secretary.	Government	Government	Governor
2.	Registrar.	State Chief Information Commissioner	State Chief Information Commissioner	Governor
3.	Financial Adviser and Chief Accounts Officer.			
4.	Under Secretary (Administration).			
5.	Assistant Registrar.			
6.	Principal Private Secretary.			
7.	Private Secretary.	Secretary	Secretary	State Chief Information Commissioner
8.	Section Officer.			
8(a).	Section Officer (one post from Finance Department).			
9.	Assistant Section Officer.			
9(a).	Assistant Section Officer (one post from Finance Department).			
10.	Assistant.			
11.	Personal Assistant.			
12.	Personal Clerk.			
13.	Typist.			
14.	Record Clerk.			
15.	Office Assistant.			
16.	Driver			

S. SWARNA,
Secretary to Government.