

TAMIL NADU PUBLIC SERVICE COMMISSION REGULATIONS, 1954.

(Corrected up to 31st August, 2007)

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TAMIL NADU PUBLIC SERVICE COMMISSION REGULATIONS, 1954

In exercise of the powers conferred by Article 318 and the proviso to Article 320(3) of the Constitution of India, and in supersession of the Tamil Nadu Public Service Commission Regulations, 1950, published with Public (Services) Department Notification No.36, dated the 26th December 1950, at pages 403-407 of Part I of the Fort St. George Gazette, dated the 13th March 1951, as subsequently amended, the Governor of Tamil Nadu hereby makes the following regulations:-

PART I

PRELIMINARY

These regulations may be called the Tamil Nadu Public Service Commission Regulations, 1954.

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

- (a) "Constitution" means the Constitution of India;
- (b) "Commission" means the Tamil Nadu Public Service Commission;
- (c) "Member" means a Member of the Commission and includes the Chairman thereof.

PART II

COMPOSITION, CONDITIONS OF SERVICE ETC. OF THE COMMISSION AND ITS STAFF

3. The Commission shall consist of a Chairman and Fourteen * other Members.

the Tamil Nadu Ministerial Service, or Tamil Nadu Judicial Ministerial Service, the Commission shall be consulted.

* Substituted vide G.O.Ms.No.90, P & A.R. (M) Department, dated 30.7.2002 w.e.f.30.7.2002

(d) in regard to the making of any appointment to -

(i) any honorary post; or

(ii) any post other than the post of Town Planning Expert, the terms of which are to be governed by contract;

Provided that in every case of appointment on contract which may involve a total period of service on contract in excess of five years, the Commission shall be consulted before the contract is made or renewed;

Explanation: For the purpose of sub-clause (i) of this clause, "honorary post" means a post the holding of which does not carry with it the right to receive any emolument or remuneration for service rendered other than an allowance for defraying travelling and other expenses incurred in the performance of duty;

(e) in regard to the re-employment in any service of a person who has retired on a Civil pension or gratuity or who, while in service was a subscriber to a Contributory Provident Fund;

(f) in regard to the employment in any service or post of a person who is a member of an All-India Service; and

(g)(i) in any case falling under sub-clause (c) of clause (3) of Article 320 of the Constitution in which an enquiry has been held by a Judge of the High Court of Judicature at Madras; or

(ii) in any case falling under sub-clause (i) above in which the State Government revise an order passed by them;

(iii) as respects any of the matters mentioned in sub-clauses (a) to (c) of clause (3) of Article 320 of the Constitution in the case of -

(a) all posts in the Tamil Nadu Police Subordinate Service and the Malabar Special Police Subordinate Service;

(b) the Comptroller, Governor's Household;

(c) the Personal Assistant (Household Supervision), Governor's Household;

(d) the Private Secretary to the Governor;

(e) the Personal Assistant to the Governor;

(f) Under Secretary to the Governor of Tamil Nadu.

(g) Section Officer in the Governor's Secretariat.

17.(1) It shall not be necessary to consult the Commission regarding the appointment of a person temporarily for a total period not exceeding three months in the case of each individual to a post to which appointment has to be made after consulting the Commission -

(i) where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in the post and there would be undue delay in making the appointment after such consultation; or
(ii) where it is necessary to fill a short vacancy in the post and appointment of the person who is entitled to appointment under the general and the special rules applicable to the service would involve excessive expenditure on travelling allowance or exceptional administrative inconvenience.

(2) In addition to the concurrence to be obtained under clause (1) for the continuance of the temporary appointment of a person beyond the first three months a second concurrence of the Commission shall be

obtained sufficiently in advance if, in any individual case, it becomes essential to continue such appointment beyond a total period of one year.

(3) In addition to the concurrence to be obtained under clauses (1) and (2), further concurrence of the Commission should be obtained at intervals every six months the first being at the end of eighteen months, if in any, individual case, it becomes essential to continue such appointment beyond one year. Requests for such further concurrence should be made through the Departments of the Secretariat, where the subordinate Officers, the requests for such concurrence should, in the first instance (at the end of 18 months), be submitted through the Head of the Department concerned, and thereafter through the administrative Department of the Secretariat.

18.(1) It shall not be necessary for the Commission to be consulted on any disciplinary matter affecting a person serving in connection with the affairs of the State, except -

(a) where the State Government on admitting an appeal, review or revision, propose to pass an order on such appeal, review or revision; or

(b) where the State Government propose to pass an original order imposing any of the following penalties namely:-

(i) Reduction to a lower rank in the seniority list or to a lower post or time-scale whether in the same service or in another service, State or Subordinate or to a lower stage in a time-scale;

(ii) Recovery from pay of the whole or part of any pecuniary loss caused to the State Government or the Central Government or to a local body by negligence or breach of orders;

(iii) Compulsory retirement otherwise than under rule 33 and rule 42 of the Tamil Nadu Pension Rules, 1978;

(iv) Removal from the civil service of the State Government; or

(v) Dismissal from the civil service of the State Government.

(c) "where the State Government propose to pass an order under rules 6 and 9 of the Tamil Nadu Pension Rules, 1978 in respect of a retired Government servant who does not agree to the punishment of reduction of pension or gratuity or both or withholding or withdrawing the pension". (G.O.Ms.No.197, dated 15-4-1996).

(d) where the State Government propose to pass an original order or an order on an appeal under rule 8 of the Tamil Nadu Pension Rules, 1978;

(2) Nothing contained in clause (1) shall be deemed to make it necessary for the State Government to consult the Commission in any case:-

(a) relating to the termination of probation of any person before the expiry of the prescribed or extended period of probation or to the discharge of a person after the expiry of such period of the ground that he is unsuitable for full membership of the service;

(b) relating to the discharge or reversion of an officer otherwise than as a penalty;

(c) relating to the termination of the employment of any person in accordance with the terms of his contract of employment;

(d) relating to compulsory retirement under rule 33 and rule 42 of the Tamil Nadu Pension Rules, 1978, of any person who has rendered 25 years of qualifying service or more;

(e) relating to the imposition of any penalty laid down in any rule or order or failure to pass any test or examination within a specified time;

(f) in which the Commission has, at any previous stage, given in regard to the order to be passed and no fresh question has thereafter arisen for determination;