

Roc. No. 35845/ 2004/ MCA2 dated 20.04.2006

Circular

Sub: Establishment – employees on consolidated pay and NMRs on daily wages – bringing them into regular time scale of pay certain clarifications – issued.

Ref: 1. G.O. Ms. 21 MAWS department dated 23.2.2006
2. This office circular Roc. No. 35845/2004/MCA2 dated 27.2.2006 . 15.3.2006 and 31.3.2006

In the G.O. cited, Government have issued orders directing the Appointing Authorities of Municipalities and Corporations to appoint the employees on consolidated pay and NMRs on daily wages on their roll as on 1.10.1996 in respect of Municipalities and Municipal Corporations (except Chennai) and as on 31.12.1996 in respect of Third Grade Municipalities in the vacant posts and regularize their services in the regular posts from 23.2.2006 subject to the following conditions.

- ⌚ Sanctioned posts should be available;
- ⌚ Persons should fulfill all educational and other qualifications; and
- ⌚ establishment expenditure (pay and pension) of the urban local body should not exceed 49% of revenue after filling up of posts.

They have also been directed not to appoint any person on daily wages or on consolidated pay in Municipalities and Municipal Corporations in future.

2. In this office circulars cited certain doubts raised by officers have been clarified. Despite, specific clarifications, further clarifications on clarifications have been raised and some are without basis. The following points are further clarified:

(i) A doubt has been raised whether the exclusion of Public Health posts for placing before the Appointment Committee is justified in view of the provisions under Section 73 of the **TNDM Act, 1920**. The posts under Public health branch in Municipal councils are covered under **TN Public Health Act 1939** and under **Municipal Public Health Establishment Regulations**. Hence, the provisions under Section 73 of the **TNDM Act** are not applicable to Public Health posts under Municipal Councils. so, for the purpose of bringing the **Municipal public health employees** on consolidated pay and

NMRs on daily wages into regular time scale of pay, the orders may be issued by the Executive Authorities as already clarified as per Section 13 of the TNPH Act, 1939 and Regulation No. 8 of TN Municipal (non-centralised regular) Public Health Establishment Regulations 1976.

(ii) In respect of Corporations, for all posts under Class III and Class IV in all services, including Corporation Public Health Subordinate Services, the Appointment Committees are the Appointing Authorities as per the amendment issued to the said Rules in G.O.Ms. 304 MAWS dated 26.8.2004. Hence, in the case of the Corporations, the approval of Appointment Committee is necessary in respect of Public Health Employees also.

(iii) Wherever the approval of the Appointment Committees has been obtained earlier for appointing NMRs in consolidated pay in appropriate posts, another approval for bringing them into time scale of pay and regularizing them in the said time scale of pay **with effect from 23.2. 2006** is not necessary irrespective of the date of completion of satisfactory service or date of issuing orders, the orders should take effect from 23.2.2006. As there are fresh conditions to be satisfied as indicated in the Government orders cited, a speaking order has to be passed by the Commissioners indicating the satisfactory compliance of the said conditions in the proceedings to be issued. However, in respect of NMRs still on daily wages the fresh approval of the Appointment Committee is necessary.

(iv) The persons already included in the lists sent to this office alone should be considered for bringing into regular time scale of pay and regularization. No fresh case should be included in this.

(V) As already indicated, the vacancies which are to be filled up by promotion based on the 'Direct recruitment: Promotion Ratio' in respect of Junior Assistants etc and on the "Direct Recruitment: Recruitment by transfer ratio" in respect of Record clerks etc provided for in the Rules should not be filled up under this scheme. Attention is invited to Rule 3 (c) (iii) of Part III – Section 1 of the TN Municipal Services Rules, 1970 as amended in G.O.Ms. 222MAWS dated 30.9.99 which reads as follows:

"(iii) Appointment by Direct Recruitment and by promotion to Class VIII shall be made in the ratio of 2:1 and appointment by Direct Recruitment and by Recruitment by transfer to category 2 of Class IX and Category 1 of Class X shall be made in the ratio of 3:1 if sufficient number of candidates are not available for appointment by promotion or by recruitment by transfer the vacancies shall be filled by direct recruitment".

The above provisions should be strictly adhered to. The High Court has also stayed the filling up of vacancies reserved for promotion and recruitment by transfer to Office Assistants etc. under the scheme.

(vi) Instructions have been issued in this office circulars Roc. 3359/2004/H2 dated 15.2.2006 and 7.3.2006 regarding the preliminaries for sending proposals for Compassionate Appointments. It is clarified that 'suitable regular vacancies to all the eligible candidates under NMR daily wages' may be filled up

as the Government order have already been issued Compassionate appointments may be done only after the issuance of G.O.

(Vii) The clarification issued in para 7 of this office Circular dated 15.3.2006 regarding appointment of Assistants in Corporations under the scheme from 'NMR on daily wages is cancelled as the NMRs are to be regularized only at the entry level posts.

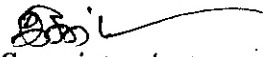
4. The receipt of this circular should be acknowledged.

Sd/- Ambuj Sharma,
Commissioner of Municipal Administration .

To
All Municipal Commissioners.
All Corporation Commissioners.
All Regional Directors of Municipal Administration.

Copy to:
All Officers in Head Office.
Copy to:
Concerned section Superintendents.

//Forwarded By Order//


Superintendent.

hpm
24/10/06