



RURAL DEVELOPMENT AND LOCAL ADMINISTRATION  
DEPARTMENT.

**G. O. No.22, 5th January 1972**

Establishment—Municipal Councils—Constitution of Municipal State Service (Pensionable) Discipline and Appeal Rules—Framed—Orders issued.

---

READ—the following papers :—

- G.O. Ms. No. 12, Rural Development and Local Administration, dated 5th January 1970.
- G.O. Ms. No. 20, Rural Development and Local Administration, dated 5th January 1972.
- G.O. Ms. No. 21, Rural Development and Local Administration, dated 5th January 1972.

---

**Order—No. 22, Rural Development and Local Administration dated 5th January 1972.**

In G.O. Ms. No. 12, Rural Development and Local Administration, dated 5th January 1970 the Government have issued Orders Constituting five Municipal Services (Pensionable) with effect from 14th January 1970. In the Government Orders second and third read above Rules and Regulations regulating classification, appointment and conditions of service in respect of staff coming under the five services were framed and orders issued separately.

2. The Discipline and Appeal rules in respect of members holding posts in all the five services except Branch I—Public Health of the Tamil Nadu Municipal Public Health and Medical Service are appended to this order. The members holding posts in Branch I—Public Health of the Tamil Nadu Municipal Public Health and

Medical Service will continue to be governed by the Public Health Regulations framed under the Tamil Nadu Public Health Act, 1938 (Tamil Nadu Act III of 1939).

3. The appended Notification will be published in the *Tamil Nadu Government Gazette*.

(BY ORDER OF THE GOVERNOR)

E. C. P. PRABHAKAR,  
*Secretary to Government*

To the Director of Stationery and Printing, Madras-1 (for publication of the notification in the Extraordinary issue of the Tamil Nadu Government Gazette.

.. Commissioner of all Municipalities.

.. Special Officers of Municipalities.

.. Executive Officers of Township Committees.

.. Director of Municipal Administration, Madras-1.

.. Director of Town Planning, Madras-1.

.. Director of School Education, Madras-3.

.. Managing Director, Water Supply and Drainage Board, Madras-2.

.. Director of Health Services and Family Planning, Madras-6.

.. Additional Director of Health Services and Family Planning, Madras-6.

.. Accountant-General, Madras-16.

.. Examiner of Local Fund Accounts, Madras-1.

.. Education, Public Works and Health and Family Planning Department

Copy to all Municipal Sections in Rural Development and Local Administration Department.

## APPENDIX

### NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 77-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and in modification of the existing rules issued under sections 73 and 75 of the said Act, the Government of Tamil Nadu hereby makes the following rules, the same having been laid before each of the Houses of the State Legislature required under section 305-A of the said Act.

THE TAMIL NADU MUNICIPAL SERVICES  
(DISCIPLINE AND APPEAL) RULES, 1970.

PART I.

GENERAL.

1. *Short title and application.*—(1) These rules may be called the Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

(2) They shall come into force from the date of issue of orders provided that every person to whom these rules shall apply shall be governed by the rule or rules in force prior to the latter date.

(3) They shall apply to—

(i) every member of a municipal service other than the members of services holding posts in any of the categories in Branch I of the Tamil Nadu Municipal Public Health and Medical Service as they are governed by the Regulations framed under the Tamil Nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939).

(ii) every person appointed to a class or category of a municipal service other than the categories in Branch I of the Tamil Nadu Municipal Public Health and Medical Service under rule 8 of the general rules in Part II of the Tamil Nadu Municipal Service Rules 1970. But they shall not apply to any person appointed to a municipal service on contract under rule 9 of the general rules.

*Explanation.*—If any doubt arises as to the application of these rules to any person, the matter shall be referred to the State Government, whose decision thereon shall be final.

2. *Definitions.*—(1) In these rules, unless there is anything repugnant in the context, the words or expressions shall have the same meaning assigned to them in Part I of the Tamil Nadu Municipal Service Rules, 1970.

(2) “Appellate authority” means the authority competent to entertain and pass orders setting aside or confirming or modifying an original order of a disciplinary authority imposing any of the penalties specified in rule 3 of these rules on any member of a service.

(3) "Disciplinary authority" means the authority competent to impose any of the penalties mentioned in rule 3 on any member of a service.

*Explanation.*—Where an appellate authority passes an original order imposing any of the penalties specified in rule 3 he shall in respect of that order be deemed to be a disciplinary authority.

## PART II.

### DISCIPLINE—PENALTIES.

3. *Penalties.*—The following penalties may, for good and sufficient reason, be imposed on any member of a service namely :—

(1) Censure;

(2) Withholding of increments or promotion, including stoppage at an efficiency bar;

(3) Reduction to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale;

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

(5) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld, where such an order cannot be given effect to

(6) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time scale ordered, where such an order cannot be given effect to;

*Explanation.*—In case of stoppage of increment with cumulative effect, the monetary value of three times the amount of increments ordered to be withheld may be recovered.

(7) Compulsory retirement from the municipal service;

(8) Removal from the municipal service;

(9) Dismissal from the municipal service;

(10) Suspension, where a person has already been suspended under rule 8, to the extent considered necessary by the authority imposing the penalty.

*Explanation.*—(1) 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, in accordance with the terms of his contract, or

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

(2) The removal of a person from the Municipal Service shall not disqualify him from future employment but the dismissal of a person from the municipal service shall ordinarily disqualify him from future employment.

4. *Disciplinary authority.*—(1) The authority competent to impose the penalties specified in clauses (1), (2), (4) and (5) of rule 3, on a member of a service other than those holding posts in any of the categories in the Tamil Nadu Municipal Engineering and Water Works Service shall be the Commissioner of the Municipality concerned.

(2) The authority competent to impose any of the penalties mentioned in sub-rule (1) on a member of a service holding a post in any of the categories in the Tamil Nadu Municipal Engineering and Water Works Service the competent authority shall be the Municipal Engineer.

*Explanation.*—(i) In case covered by sub-rule (i), if the delinquent is working in a Municipality other than the Municipality where the lapse was committed the competent authority shall be Commissioner of the Municipality in which the delinquent was working at the time when the lapse was committed.

(ii) In cases covered by sub-rule (2), if the delinquent happens to be working in a Municipality other than the Municipality where the lapse was committed, then the competent authority shall be the Municipal Engineer of the Municipality in which the lapse was committed.

(3) The authority competent to impose the penalties specified in clauses (3), (6), (7), (8), (9) and (10) of rule 3, on a member of a service shall be the appointing authority. The appointing authority in respect of posts included in the Tamil Nadu Municipal Engineering and Water Works Service and in Branch II of the Tamil Nadu Municipal Public Health and Medical Service should consult the head of the Government Department concerned before final orders are passed subject to the following conditions :—

(i) the consultation should be only in respect of technical points, which in the opinion of the disciplinary authority require clarification;

(ii) it should not relate to the adequacy of the explanation or the quantum of penalty to be imposed;

(iii) there should be kept in the file a written record of the consultation.

5. *Appellate authority.*—(1) Notwithstanding the provisions in rule 4 the appellate authority may, in respect of any specific penalty, pass an order imposing penalty on a member of a service in any specified case.

(2) Where in any case the appellate authority has imposed or declined to impose a penalty under this rule, the disciplinary authority shall have no jurisdiction to proceed under this rule in respect of the same case.

(3) The fact that a disciplinary authority has imposed or declined to impose a penalty in any case shall not debar the appellate authority from exercising his jurisdiction under this rule in respect of the same case.

(4) The order of the appellate authority in imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by the disciplinary authority in respect of the same case.

(5) The fact that a disciplinary authority has dropped a charge against a member of a service as not proved, shall not debar the appellate authority from reviving it for reasons to be recorded in writing and taking suitable action on the charge so revived.

6. *Disciplinary authority in respect of persons promoted or transferred.*—Where a person has been promoted or transferred from a class or category of a service to a higher class or category of such service, no penalty shall be imposed on him in respect of his work or conduct while he was a member of the class or category from which he was promoted or transferred, except by an authority competent to appoint him to the class or category to which he has been promoted or transferred.

7. *Disciplinary authority in respect of persons reduced or reverted.*—Where a person has been reduced or reverted from a class or category of a service to a lower class or category of such service, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the class or category from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such class or category, as the case may be.

8. *Procedure for imposing penalties.*—(1) In every case where it is proposed to impose on a member of a service any of the penalties specified in clauses (1), (2), (4) and (5) of rule 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 sub-rule shall not apply where it is proposed to impose on a member of a service any of the penalties aforesaid on the basis of facts which have led to his conviction by a court martial or where the officer concerned has absconded or where it is for other reasons unpracticable to communicate with him.

(2) In every case where it is proposed to impose on a member of a service any of the penalties specified in clauses (3), (6), (7), (8) and (9) of rule 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 allegations on which each charge is based and of any other circumstances on which it is proposed to take into consideration in passing orders on the case. The person so charged 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 only 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. At that inquiry oral evidence shall be taken 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. After the inquiry has been completed, the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If no inquiry is held and if he had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

(3) After the inquiry referred to in sub-rule (2) has been completed and after the authority competent to impose the penalty has arrived at a provisional conclusion in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the enquiring authority and he shall be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted.

(4) Any representation in this behalf submitted by the person charged shall be taken into consideration before final orders are passed, provided that such representation shall be based only on the evidence adduced during the enquiry.

*Explanation.*—An opportunity to show cause against the imposition of any of the penalties referred to in sub-rule (2) shall be given, after the authority competent to impose the penalty arrives at a provisional conclusion in regard to the penalty to be imposed, either by such authority himself or under his direction, by a subordinate authority who is superior in rank to the person on whom it is proposed to impose the penalty.

(5) The requirements of sub-rule (2) shall not apply where it is proposed to impose on a member of a service any such penalty as is referred to therein on the basis of the facts which have led to his conviction in a criminal court (whether or not he has been sentenced 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.

(6) The requirements of sub-rule (2) shall not apply where it is proposed to impose on a member of a service any of the penalties mentioned in rule 3 on the basis of the facts which have led to his conviction by a court martial or where the person concerned has absconded or where it is for other reasons impracticable to communicate with him.

(7) The provisions of sub-rule (2) shall not apply where the State Government are satisfied that in the interest of the security of the State it is not expedient to follow the procedure prescribed in that sub-rule.

(8) All or any of the provisions of sub-rules (1) and (2) 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 said sub-rules and those requirements can be waived without injustice to the person charged. If any question arises whether it is reasonably practicable to follow the procedure prescribed in sub-rule (2), the decision thereon of the authority competent to dismiss or remove such person or reduce him in rank, as the case may be, shall be final.

(9) A member of a service may be placed under suspension from service, where—

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

(ii) a complaint against him of any criminal offence is under investigation or trial and if such suspension is necessary in the public interest.

(10) A member of a service, 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 rule.

(11) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of a service under suspension is set aside in appeal or on review under these rules 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 original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(12) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of a service 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 inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, such member of a service shall be deemed to have been placed under suspension by the appointing authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(13) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made the order or by the appellate authority or the State Government.

9. *Maintenance of records.*—The competent authority imposing any penalty under these rules shall maintain a record showing:—

(1) the allegations upon which action was taken against the person punished;

(2) the charges framed, if any;

(3) the person's representation, if any, and the evidence taken, if any; and

(4) the finding and the grounds thereof, if any.

10. *Order of punishment to state grounds and to be communicated.*—All orders of punishment shall state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

11. *Appeals.*—Every member of a service shall have the right of appeal against an order passed by an authority:—

(1) imposing on him any of the penalties specified in **rule 3;**

(2) discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a period exceeding three years at the time when his services are terminated.

12. *Appeals to appointing authority.*—A member of a service on whom any of the penalties mentioned in clauses (1), (2), (4) and (5) of rule 3 has been imposed may appeal against the order imposing that penalty to the authority competent to appoint him to the post held by him at the time when the cause for the disciplinary proceedings arose.

13. *Appellate authority.*—(a) Where any of the penalties mentioned in rule 12 has been imposed by the Municipal Commissioner as an appointing authority in respect of a member of a service holding post in any of the categories in the Tamil Nadu Municipal General Service, the Tamil Nadu Municipal Educational Service and Branch II of the Tamil Nadu Municipal Public Health and Medical Service the appeal shall lie to the Director of Municipal Administration and in the case of Tamil Nadu Municipal Town-Planning Service to the Director of Town-Planning.

(b) A member of service on whom any of the penalties mentioned in clauses (3), (6), (7), (8) and (9) of rule 3 has been imposed may appeal against the order imposing that penalty where such an order has been passed by the Municipal Commissioner, to the Director of Municipal Administration in the case of members of a service holding posts in any of the categories in the Tamil Nadu Municipal General Service, the Tamil Nadu Municipal Engineering and Water Works Service, the Tamil Nadu Municipal Educational Service and Branch II of the Tamil Nadu Municipal Public Health and Medical Service and to the Director of Town-Planning in the case of members in the Tamil Nadu Municipal Town-Planning Service and where the order has been passed by the Director of Municipal Administration or the Director of Town-Planning to the State Government.

14. *Appeal to Government.*—Notwithstanding anything contained in rules 12 and 13, where an original order imposing a specific penalty imposed on a member of a service has been passed by the appellate authority in exercise of the powers conferred by rule 5, an appeal against such orders shall lie only to the State Government :

Provided that where the appellate authority who has passed the original order imposing the penalty happens to be the State Government, the person aggrieved by the order may again appeal to the State Government to reconsider the order. The State Government shall, thereupon, review the records of the case and pass such orders thereon as it may appear to them to be just or expedient.

15. *Procedure to be followed by the appellate authority.*—

(1) In the case of an appeal against an order imposing any penalty specified in rule 3, the appellate authority shall consider:—

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

(ii) whether the facts established afford sufficient ground for taking action; and

(iii) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such orders as it thinks proper.

(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 caused injustice to the person concerned nor affected the decision of the case.

16. *Appellate authority to decide appeals.*—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.

17. *Mode of preferring an appeal.*—(a) Every person preferring an appeal shall do so separately and in his own name.

(b) Every appeal preferred under these rules 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 from whose order the appeal is preferred.

18. *Withholding of appeal.*—An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if,

(1) it is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provisions of rule 17 (b);  
or

(3) 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

(4) it is a 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 grounds for reconsideration of the case; or

(5) it is addressed to an authority to which no appeal lies under these rules :

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 rule 17 (b) 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 an appeal resubmitted in a form which complies with those provisions, shall not be withheld.

19. *No appeal to lie against withholding of any appeal.*—No appeal shall lie against the withholding of an appeal by a competent authority.

20. *Powers of appellate authority or Government when no appeal is preferred.*—The authority by whom an order imposing a penalty specified in rule 3 may be reversed or altered in cases in which no appeal is preferred shall be the appellate authority prescribed in the rules or the State Government.

21. *Forwarding of appeal and list of appeals withheld to the appellate authority.*—(1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.

(2) A list of appeals withheld under rule 18, with the reasons for withholding them shall be forwarded half-yearly by the withholding authority to the appellate authority.

22. *Powers of appellate authority to call for a withheld appeal.*—An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

23. *Savings.*—Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time, when preferred after, these rules came into force shall be deemed to be an appeal under these rules, and rule 15 shall apply as if the appeal were against an order appealable under these rules.

24. *Revision petition to Government.*—Where the original order imposing any of the penalties specified in rule 3 has been imposed on a member of a service by the State Government, such member may, within two months on the date on which the order is communicated to him, submit a revision petition to the Government against the order. In disposing of such petition, the State Government shall, as far as possible, follow the procedure prescribed for dealing with appeals.

25. *Powers of Government to pass orders on completed disciplinary proceedings.*—Notwithstanding anything contained in these rules, the State Government shall have the power to call for the records relating to a disciplinary proceedings which has been completed either by the disciplinary authority or by the appellate authority and pass such orders on it as they may consider just or expedient:

Provided that before a penalty is imposed in a case where it has been imposed or a penalty which has been imposed is enhanced, the persons concerned should be given an opportunity to show cause why the penalty should not be imposed or enhanced, as the case may be.