

6.17 Reduction to Lower Service / Grade or to a lower stage in a time scale of post for a specified period while imposing penalties - Clarifications

Personnel and Administrative Reforms (FR.1) Department

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From

S. Meikandadevan, I.A.S.,
Secretary to Government

To

All Heads of Departments

Sub: Fundamental Rules- Fundamental Rule 29- Reduction to lower service grade or to a lower stage in a time scale of post while imposing of penalties under the Tamil Nadu Civil Services (Discipline & Appeal) Rules- Certain instruction issued.

In a case filed before the Tamil Nadu Administrative Tribunal, Chennai, it is noticed that while taking disciplinary action under the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a Government servant, the authority ordering the punishment has awarded the punishment of reduction to the substantive post held by the Government servant permanently. The order was challenged by the applicant in the Tamil Nadu Administrative Tribunal, The Tamil Nadu Administrative Tribunal has observed that reversion can be ordered by way of punishment; If it is made on a permanent measure; it would amount to double punishment; there is no scope for imposition of such a punishment as per provisions under Tamil Nadu Civil Services (Discipline and Appeal) Rules read with the provisions under FR.29.

2. I am therefore, to state that if a Government servant is reverted as a measure of penalty to a lower service, grade or post or to a lower stage in his time scale, the authority ordering such reduction should specify the period for which the reduction shall be operative as required under Rule 29 of FR. It is to be noted that the reduction to a lower service, grade or post or to a lower stage in timescale, for any unspecified period or as a permanent measure, is not permissible under the relevant rules.

3. I am also to request you to ensure that such mistake does not occur while considering for the imposition of punishment like reduction to a lower rank, stage, in future.

for SECRETARY TO GOVERNMENT