

**Kanniyakumari District Village Panchayats Group Clerks-Cum-Bill Collectors (Appointment, Discipline And Appeal) Rules, 1997**

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**[G.O.Ms.No.278, Rural Development, dated 11<sup>th</sup> September 1997]**

In exercise of the powers conferred by sub-section (1) of Section 102 of the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994), the Governor of Tamil Nadu hereby makes the following Rules: -

**RULES**

**1. Short title and commencement.-** (a) These Rules may be called the Kanniyakumari District Village Panchayats Group Clerks-cum-Bill Collectors (Appointment, Discipline and Appeal) Rules, 1997.

(b) They shall be deemed to have come into force on the 22<sup>nd</sup> April 1994.

**2. Application.-** These Rules shall apply to the posts of Group Clerks-cum- Bill Collectors in Village Panchayats in Kanniyakumari district.

**3. Appointment.-** Appointment to the post shall be made, -

(i) by direct recruitment; and

(ii) by recruitment by transfer from any other service or category.

**4. Appointing Authority.-** The Appointing Authority for the post shall be the Collector of Kanniyakumari district.

**5. Qualification.-** (a) Age.- No person shall be eligible for appointment to the post by direct recruitment if he has completed or will complete 30 years of age on the first day of July of the year in which the selection for appointment is made.

(b) Other qualification.-

(i) By direct recruitment.- Minimum general educational qualification, namely, S.S.L.C. issued under the authority of Government of Tamil Nadu or any other equivalent examination as may be considered by the Government to be equivalent thereto ;

(ii) Recruitment by transfer.- (i) Must have passed S.S.L.C. issued under the authority of Government of Tamil Nadu or any other equivalent examinations as may be considered by the Government to be equivalent thereto ;

(ii) Must have completed five years of continuous service in the cadre of full-time Water Supply Attender or Office Assistant or Watchman of Panchayat Union Service or Panchayat Service; and

(iii) Should have been in the first instance recruitment through employment exchange.

**6. Reservation of appointment.-** The Rule of reservation of appointments shall apply to the appointment to the post by direct recruitment.

**7. Administrative control.-** (a) Every person appointed to the post shall be under the control of the Additional Block Development Officer of the respective Panchayat Union.

(b) Increment and leave for the Group Clerk-*cum*- Bill Collector shall be sanctioned by the Additional Block Development Officer. The Appointing Authority shall be the sanctioning authority for leave exceeding sixty days.

(c) Transfer of the Group Clerks-*cum*- Bill Collectors shall be made by the Additional Block Development Officer, within the Panchayat Union and by the Appointing Authority within the district.

**8. Probation.-** (a) Every person appointed to this post 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 a person appointed by recruitment by transfer need not undergo any probation in this post if he is an approved Probationer.

(b) A Probationer who has been or may be deputed for military shall be entitled to count towards the period of probation, the period spent by him on military duty.

**9. Termination of extension of probation.-** The Appointing Authority may, at any time before the expiry of the prescribed period of probation, for reason to be specified in writing, terminate the probation of any person and revert him to his permanent post if he is already a permanent servant or discharge him from the service in other cases.

**10. Conditions of service similar to that of Government servant.-** Save as otherwise provided in these Rules as in another Rules for the time being in force, the conditions of service of the Group Clerks-*cum*-Bill Collectors shall be the same as those of Government servants of similar standing and status in respect of the following matters, namely: -

- (i) Salary and allowances;
- (ii) Leave and leave allowances;
- (iii) Travelling allowances;
- (iv) Superannuation and retirement;
- (v) Refusal of leave preparatory to retirement and grant of such leave after retirement;
- (vi) Pension, gratuity and leave salary;

(vii) Resignation and voluntary retirement.

**11. Security to be furnished.-** (a) Security shall be taken from the members of this category for a sum of Rs.750 (Rupees seven hundred and fifty only).

(b) The Security shall be in Post Office Savings Bank Deposits, National Savings Certificates or Fidelity Bonds of Insurance Companies approved by the Government.

**12. Pecuniary loss to be made good.-** When a Group Clerk-*cum*- Bill Collector is found guilty of any negligence, fraud, breach of Rules or Orders, in consequence of which pecuniary loss has been caused to the Panchayat, the Appointing Authority may, in addition to any other penalty, which may be imposed in respect of such negligence, fraud or breach of Rules or Orders, order that the whole or portion of the loss shall be made good by such Group Clerk-*cum*-Bill Collector.

**13. Service Register.-** A Service Register shall be maintained for each servant. The Additional Block Development Officer shall be responsible for correct and up-to-date maintenance of Service Register of every servant and shall record an annual certificate of verification.

**14. Suspension.-** (a) The appointing authority may suspend Group Clerk-*cum*-Bill Collector where,-

(i) an enquiry into grave charges 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.

(b) A Group Clerk-*cum*-Bill Collector, who is detained in custody whether on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended under this Rule.

(c) During the period of suspension, the Group Clerk-*cum*-Bill Collector shall be paid a subsistence allowance at such rate as the suspending authority may direct subject to the maximum limit laid down in the Fundamental Rules.

(d) Where a penalty of dismissal or removal from service imposed upon the Group Clerk-*cum*-Bill Collector is set aside in appeal or on review under these Rules and the case is remitted for further enquiry or action or with any other direction, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal or removal and shall remain in force until further orders.

(e) Where a penalty of dismissal or removal from service imposed upon the Group Clerk-cum-Bill Collector is set aside or declared or endured *void* in consequence of a decision of a Court of law and the disciplinary authority on consideration of the circumstances of the case decides to hold a further enquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, such Group Clerk-cum-Bill Collector shall be deemed to have been placed under suspension from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

(f) An order of suspension under sub-Rule (a) may, at any time, be revoked by the Appointing Authority or by any authority higher than that of the authority by which he was suspended.

**15. Procedure for imposing penalties.-** (a) In every case where it is proposed to impose any of the penalty specified below on any Group Clerk-cum-Bill Collector of Panchayat, 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 of penalty is passed.

(i) Censure;

(ii) Withholding of increments;

(iii) Suspension, where a person has already been suspended under Rule 14 to the extent necessary;

(iv) (a) recovery of the whole or part of any pecuniary loss caused to the Panchayat or to any other local body or Government by negligence, fraud or breach of Rules or laws.

(b) 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.

(c) 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.-** (a) In cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered.

(b) In every case where it is proposed to impose any of the penalties specified below, the procedures prescribed under Rule 7(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, shall be followed.

(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 any other service or to a lower stage in the time scale.

(ii) Compulsory retirement.

(iii) Removal from service.

(iv) Dismissal from service.

**16. Authority competent to impose the penalties.-** The Authority competent to impose the penalties shall be the Appointing Authority.

**17. Appeal.-** (a) No appeal shall lie in the case of penalty of censure and for other penalty referred to in Rule 15. An appeal shall lie to the Director of Rural Development within two months from the date of receipt of the order imposing the punishment.

(b) 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 pass such orders it think proper.

(c) Any error or defect in the procedure followed while 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 defects was not material and has neither caused injustice to the person concerned or affected the decision of the case.

**18. Power of revision.-** Notwithstanding anything contained in the preceding Rules, the Government may call for the records relating to an enquiry into the conduct of any Group Clerk-*cum*-Bill Collector which has been completed and pass such orders as they may deem fit.

**19. Cancellation or modification of orders of suspension and imposition of penalties.-** The Executive Authority of a Panchayat shall not cancel or modify an order of suspension or penalty passed by the authorities specified under these Rules.

**20. Savings.-** Nothing contained in the Rules 1 to 11 shall adversely affect the incumbents who are in service, on the date of coming into force of these Rules.

**N. NARAYANAN**  
SECRETARY TO GOVERNMENT