



## ABSTRACT

Public Services – Disciplinary Cases relating to Retired Government Servants under Tamil Nadu Pension Rules 1978 – Modification to Rule 9 of the Tamil Nadu Pension Rules, 1978 – Orders – Issued.

### PERSONNEL AND ADMINISTRATIVE REFORMS (N) DEPARTMENT

G.O.(Ms) No.31

Dated: 23.2.2012

மாசி-11

திருவள்ளூர் ஆண்டு 2042.

Read:

### ORDER:

Rule 9 (1) of the Tamil Nadu Pension Rules, 1978 vests with the Government, the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement / the right of ordering recovery from the pension of the whole or part of the pecuniary loss caused by such grave misconduct or negligence. The proviso to Rule 9 (2) (a) of the Tamil Nadu Pension Rules, 1978, requires that where the departmental proceedings are instituted by an authority under rule 9 (2) (a) and that authority is subordinate to the Government, that authority shall submit a report recording its findings to the Government. The Rule 9 (2) (b) (i) stipulates that the disciplinary proceedings if not instituted while the Government Servant was in service whether before his retirement or during his reemployment shall be instituted with the sanction of the Government.

2. In view of the aforesaid rule positions, once a Government servant retires, irrespective of their category, the disciplinary cases are referred to Government for its disposal and issue of final order in the disciplinary proceedings, which results in accumulation of disciplinary cases at the Government level.

3. The Government, after careful examination, has proposed to modify the provisions in rule 9 of the Tamil Nadu Pension Rules, 1978 suitably. Accordingly, the Government direct that the disciplinary cases of the pensioners who belong to State Service alone be sent to the Government and other cases shall be dealt with by the Heads of Department concerned.

4. Necessary amendment to the Tamil Nadu Pension Rules, 1978 will be issued separately by the Finance Department.

5. This order issues with the concurrence of the Finance Department in U.O. No.548/FS/P/Pen/2012, dated 22.02.2012.

(BY ORDER OF THE GOVERNOR)


V.IRAI ANBU  
SECRETARY TO GOVERNMENT


To  
All Principal Secretaries/ Secretaries to Government, Chennai-9  
All Departments of Secretariat, Chennai-9  
The Finance (Pension) Department, Chennai-9 (For issuing necessary amendments to T.N.Pension Rules, 1978)  
The Registrar, High Court, Chennai-104  
All Heads of Departments (Including District Collectors and District Judges)  
The Personnel and Administrative Reforms, (LI, LII and LIII) Department, Chennai - 9 (5 copies each)  
The Secretary, Tamil Nadu Public Service Commission, Chennai-6  
The Tamil Nadu Vigilance Commission, Chennai-9  
Law (P & A.R /Sty.) Department, Chennai-9

Copy to:

The Secretary to Hon'ble Chief Minister, Chennai-9  
The Private Secretary to Chief Secretary to Government, Chennai-9.  
The Private Secretary to Secretary to Government, Personnel and Administrative Reforms (Trg) Department, Chennai-9.  
The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms Department, Chennai-9.  
All Officers in Personnel and Administrative Reforms Department, Chennai-9  
All Sections in Personnel and Administrative Reforms Department, Chennai-9  
The Personnel and Administrative Reforms (AR-II/CC (to upload in Website)) Department, Chennai - 9.  
S.F/S.C.

/Forwarded by order /

  
SECTION OFFICER

  
27/2/12