



ABSTRACT

Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 – Orders – Issued.

Rural Development and Panchayat Raj (E5) Department

G.O.(Ms).No.113

Dated :13.09.2023

சோபகிருது, ஆவணி 27

திருவள்ளூர்ஆண்டு 2054

Read:

1. G.O(Ms)No.175, Rural Development & Panchayat Raj (E5) Department, Dated.05.12.2006.
2. G.O(Ms)No.72, Rural Development & Panchayat Raj (E5) Department, Dated.09.07.2013.
3. From the Director of Rural Development and Panchayat Raj, Letter No.90460/2013/E4, Dated 29.04.2022 and 31.05.2022.
4. Tamil Nadu Panchayats (Amendment) Act, 2022, No.27 of 2022 in Tamil Nadu Government Gazette No.304, dated 26.05.2022.
5. G.O.(Ms).No.67, Rural Development & Panchayat Raj (PR-1) Department, dated 06.06.2022 in Tamil Nadu Government Gazette No.319, dated 06.06.2022.
6. From the Commissioner of Rural Development and Panchayat Raj, Letter No.90460/2013/E4, dated 08.08.2022, 11.01.2023 and 16.06.2023.

ORDER:

The following Notification will be published in the Tamil Nadu Government Gazette, Extra ordinary, dated the 13th September 2023:-

NOTIFICATION.

In exercise of the powers conferred by sub-section (1) of section 102 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the Governor of Tamil Nadu hereby makes the following Rules, namely:-

RULES.

1. Short title.- These Rules may be called the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023.

2. Definitions.- In these Rules, unless the context otherwise requires,-

(1) "Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);

(2) "Collector" means the Collector of the district concerned;

(3) "Executive authority" means the Executive authority of a Village Panchayat appointed by the Government under section 83 of the Act;

(4) "Village Panchayat Secretary" means the Secretary of a Village Panchayat;

(5) "Block Development Officer (Village Panchayats)" means the Block Development Officer (Village Panchayats) of the block in which the Village Panchayat is located.

3. Appointment.- (1) Appointment to the post of Village Panchayat Secretary shall be made by direct recruitment.

(2) (i) The Village Panchayat Secretary shall be selected through a open competitive recruitment process.

(ii) The recruitment shall be done by a District Level Committee chaired by the District Collector and consisting of Project Director/Additional Collector (Development), District Rural Development Agency, Assistant Director (Panchayats) and Personal Assistant to Collector (Development) as its members.

(iii) The recruitment shall be done in the manner as may be ordered by the Government.

(iv) The selection so made shall be placed in the Village Panchayat meeting and appointment shall be made by the Executive authority of the Village Panchayat.

(v) The Village Panchayat Secretary shall reside in the respective Village Panchayat.

(3) The principle of reservation as provided in section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) shall apply for appointment to the post.

4. Appointing authority.- The appointing authority for the post of Village Panchayat Secretary shall be the Executive authority of the Village Panchayat.

5. Qualifications.- (1) Age.- No person shall be eligible for appointment to the post if he has not completed eighteen years or has completed or will complete thirty two years of age on the first day of July of the year in which the notification for appointment to the post is made:

Provided that in respect of candidates belonging to Backward Classes (Other than Backward Class Muslims), Backward Class (Muslims), Most Backward Classes / Denotified Communities, the upper age limit shall be thirty four years and for the Scheduled Castes and the Scheduled Tribes and destitute widows of all categories, the upper age limit shall be thirty seven years.

Provided further that persons with benchmark disabilities shall be eligible for age concession upto ten years over and above the maximum age limit:

Provided also that for ex-servicemen, the maximum age limit shall be fifty years:

Provided also that for ex-servicemen belonging to the Scheduled Castes, and the Scheduled Tribes, Most Backward Classes / Denotified Communities, Backward Classes (Other than Backward Class Muslims) and Backward Class (Muslims), the maximum age limit shall be fifty five years:

Provided also that an ex-servicemen once recruited to a post in any service, class or category cannot claim the age concession.

(2) Other Qualifications.- Must have passed 10th Standard or any other examination prescribed by the Government to be equivalent thereto.

6. Regularisation.- (1) The appointing authority shall regularise the service of the Village Panchayat Secretary from the date of his joining the post.

(2) Each revenue district shall be the unit for fixing the seniority in the post.

7. Probation.- (1) Every person appointed to the 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 and probation shall be declared by the appointing authority:

Provided that the appointing authority may extend the period of probation for a further period of two years so as to enable him to pass the prescribed tests.

(2) The appointing authority may terminate the probation of a person appointed to the post if he fails to pass the prescribed tests within the period of probation after giving him a reasonable opportunity of showing cause against the proposed termination of probation or extended period of probation under the proviso to sub rule (1).

8. Pay.- There shall be paid to the holder of the post, a monthly pay calculated in the level of Rs.15900-50400 (Level 2) with admissible allowances.

9. Training.- Every person appointed to the post shall undergo training for a period of one month at the Regional Institute of Rural Development and Panchayat Raj or any other institution, as ordered by the Government and pass the test conducted at the end of the training within the period of his probation.

10. Test.- Every person appointed to the post shall pass the departmental test for staff of Rural Development and Panchayat Raj Department, namely, the Tamil Nadu Panchayats Act, 1994 and Rules and the Constitution of India, conducted by the Tamil Nadu Public Service Commission within the period of probation.

11. Maintenance of Service Register.- A Service Register shall be maintained in respect of each Village Panchayat Secretary by the Block Development Officer (Village Panchayats) concerned.

12. Administrative control.- Every person appointed to the post of Village Panchayat Secretary shall work under the administrative control of the Executive Authority of the Village Panchayat. The said authority shall also be competent to sanction annual increment to the holder of the said post.

13. Transfer.- (1) Transfer within the block may be made by the Block Development Officer (Village Panchayats) concerned. Transfer within the district may be made by the Personal Assistant (Development) to District Collector. The Commissioner / Director of Rural Development and Panchayat Raj may transfer any Village Panchayat Secretary from one district to another district on administrative grounds.

(2) A Village Panchayat Secretary who has completed his probation may apply for one way or mutual transfer outside the district by forgoing his seniority. The district transfer application shall be considered on merits and circumstances by the Commissioner/Director of Rural Development and Panchayat Raj.

14. Leave Eligibility.- (1) A person holding the post is.-

(a) eligible for twelve days of casual leave in a year with prior permission of the executive authority concerned;

(b) eligible for medical leave supported by medical certificate issued by a registered Medical practitioner for ten days at a time and can avail ninety days in total in their service with full pay. The Personal Assistant (Development) to Collector is the competent authority to sanction leave on medical certificate;

(c) eligible for thirty days of leave without pay and allowances per year, which shall be sanctioned by the Block Development Officer (Village Panchayats) concerned.

(2) Every married women Village Panchayat Secretary with less than two surviving children shall be eligible for maternity leave for a period of 365 days with pay, which may be spread over for pre-confinement rest to post confinement recuperation, at her option.

15. Retirement.- Every person appointed to the post of Village Panchayat Secretary shall retire on the afternoon of the last day of the month in which he attains the age of sixty years. He shall not be retained in the post after that age.

16. Disciplinary Authority.- The Block Development Officer (Village Panchayats) shall be the disciplinary authority for the Village Panchayat Secretary.

17. Penalties.- The following penalties may, for good and sufficient reasons and as herein provided be imposed on the person holding the post, namely:-

(a) Minor penalties.-

(i) Censure;

(ii) Stoppage of increment without cumulative effect.

(b) Major penalties.-

(i) Stoppage of increment with cumulative effect;

(ii) Reduction to lower stage in scale of pay;

(iii) Removal;

(iv) Dismissal.

18. Disciplinary action.- (1) The disciplinary authority may, for good and sufficient reasons initiate disciplinary proceedings against a person holding the post of Village Panchayat Secretary.

(2) In a case, where the Village Panchayat Secretary and a subordinate employee of the Village Panchayat are jointly involved, the authority competent to institute disciplinary proceedings shall be the Block Development Officer (Village Panchayats) concerned.

(3) In a case, where the Village Panchayat Secretary and a Government servant who is higher in rank are jointly involved, then the competent disciplinary authority for such Government servant shall be the authority competent to impose any of the penalties specified in rule 17 on the Village Panchayat Secretary and the disciplinary proceedings against both of them shall be taken together under rule 9-A of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

19. Procedure to be followed before imposing minor penalty.- In every case, where it is proposed to impose any of the minor penalties specified in rule 17(a), the delinquent 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.

20. Procedure to be followed before imposing major penalty.- (1) In every case where it is proposed to impose any of the major penalties specified in rule 17(b), 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 allegation on which each charge is based and of any other circumstances, which it is proposed to take into consideration in passing order in the case. He shall be required, within a reasonable time to put in a written statement of his defence.

(2) After receipt of the written statement of defence from the delinquent, the disciplinary authority shall appoint an officer not below the rank of Zonal Deputy Block Development Officer or any other officer not below the said rank, as enquiry officer to enquire into the charges framed. During such enquiry, the delinquent shall be permitted to cross examine the witnesses. After completion of enquiry, the enquiry officer shall submit his report to the disciplinary authority.

(3) On receipt of the enquiry report, the delinquent shall be given an opportunity to submit his further representation on such report and the disciplinary authority shall pass the final order after careful examination of the charges, the explanation of the delinquent, report of the enquiry officer, statements of witnesses, further representation of the delinquent and other relevant records.

21. Application of rules.- (1) The Tamil Nadu Government Servants' Conduct Rules, 1973 shall be applicable to the post.

(2) In respect of any procedure relating to disciplinary proceedings which is not provided for in these rules, the procedure laid down in the Tamil Nadu Civil Services (Discipline & Appeal) Rules shall be applicable.

22. Suspension.- (1) The disciplinary authority may place a person holding the post, under suspension, if it is necessary in public interest where,-

- (i) an inquiry 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.

(2) A person holding the post 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.

(3) The disciplinary authority who places the person holding the post under suspension shall examine whether to continue the suspension beyond six months or not and pass appropriate orders.

(4) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the disciplinary authority.

23. Appointment in the place of Village Panchayat Secretary dismissed or removed from service.- Any vacancy caused due to the dismissal or removal of a Village Panchayat Secretary shall not be filled substantively, until expiry of the period of appeal against such dismissal or removal or such appeal, if any, preferred is disposed of, whichever is later.

24. Appeal.- (1) An appeal against an order of the disciplinary authority may be made to the Personal Assistant (Development) to Collector, within thirty days from the date of receipt of the order.

- (2) While passing an order in appeal, 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, adequate or inadequate or excessive and pass such orders, as it may deem fit.

(3) The appellate authority shall pass such order as appears to it just and equitable, having regard to the circumstances of the case.

25. Revision.- Notwithstanding anything contained in these rules, the District Collector concerned may, at any time, either on his own motion or otherwise call for the records of any order passed in any disciplinary proceeding, including appeal, confirm, modify or set aside the order or remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as he may consider proper in the circumstances of the case or pass such other order as he deems fit.

26. Repeal and Saving.- (1) The Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 is repealed.

(2) Notwithstanding such repeal, the State Government may, within three months from the date of coming into force of these rules, either on their own motion or otherwise, call for the records of any inquiry, revise any order passed in any

disciplinary proceeding, including appeal, under the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 and pass such orders as they deem fit.

(3) Nothing contained in these rules shall adversely affect any person holding the post of Village Panchayat Secretary on the date of coming into force of these rules.

(BY ORDER OF THE GOVERNOR)

P.SENTHILKUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Stationary and Printings, Chennai- 600002.

(for publishing in Tamil Nadu Government Gazette Extraordinary)

The Director of Rural Development and Panchayat Raj,

Chennai – 600015.

The Accountant General, Chennai – 600018.

The Director of Local Fund, Chennai – 600035.

All District Collectors (Except Chennai)

Copy to:

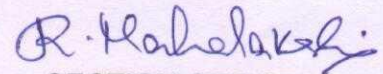
The Law Department, Chennai – 600 009.

The Senior Personal Assistant to Hon'ble Minister (Rural Development),

Chennai – 600 009.

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//FORWARDED BY ORDER//



SECTION OFFICER

Endt.No.90460/2013/E4
Dated: 15.09.2023

Directorate of Rural Development and
Panchayat Raj, Chennai-15.

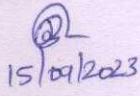
G.O.(MS).No.113 Rural Development and Panchayat Raj(E5)
Department dated: 13.09.2023

Forwarded


For Director

Rural Development and Panchayat Raj

To
All District Collectors.


15/09/2023