

4. *Procedure.*—Before an order under rule 3 is made—

(a) the Collector shall, by notice in writing, inform the servant of the panchayat concerned, of the action proposed to be taken in regard to him and give him an opportunity to make to the Government, within such period as may be specified in the notice, any representation in writing against that action; and

(b) the Government shall take into consideration the representation, if any, so made by the servant of the panchayat.

5. *Suspension.*—Where action under these rules is proposed to be taken in regard to a servant of a panchayat, the Collector shall, before placing him under suspension, permit him to proceed on such leave as may then be admissible to him.

6. *General rules not to apply.*—Nothing contained in the rules relating to the general establishment, appointment and punishment of officers and servants of panchayats shall apply to, or in respect of, any action taken or proposed to be taken under these rules.

7. *Pension gratuity, etc.*—Any person compulsorily retired from service under rule 3 shall be entitled to such compensation, pension, gratuity or provident fund benefits as would have been admissible to him under the relevant rules on the date of such retirement, if he had been discharged from service due to the abolition of his post without any alternative suitable employment being provided.

(G.O. Ms. No. 260, R.D. & L.A., dated 1st February 1962.)

(G.O. Ms. No. 568, R.D. & L.A., dated 11th March 1964.)

46. Deleted.

#### 46-A. MADRAS PANCHAYAT ESTABLISHMENT (APPOINTMENT AND PUNISHMENT) RULES, 1965.

1. *Short title.*—These rules may be called the Madras Panchayats Establishment (Appointment and Punishment) Rules, 1965.

2. *Application.*—These rules shall apply to all members of the establishment under Panchayats (other than the Executive Officers), whether permanent, temporary or officiating, whose pay or the maximum pay of the posts held by them exceeds Rs. 130 per mensem and who are not paid from contingencies.

3. *Compliance as to age by direct recruits.*—(i) No person whose age exceeds thirty years or who does not possess the prescribed qualification shall be appointed to any post in superior service under a Panchayat:

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Provided that nothing contained in this rule shall apply to the appointment of a person by transfer from service under any Panchayat Union Council, Municipal Council or Panchayat in the State of Madras.

(ii) A certificate of age, health and vaccination shall, save in the case of temporary appointments under rule 13 be obtained by the executive authority from every person on his first appointment by direct recruitment to a post in superior service. Such certificate shall ordinarily be one issued by a Government Assistant Surgeon.

*Explanation.*—For the purpose of this and the other rules 'posts in superior service' shall mean the posts which are classified as superior in Annexure I to the rules relating to the grant of gratuities to the officers and servants of Panchayats.

4. *Debarred and dismissed Government Servants not to be employed.*—No person who has been dismissed from the service of the Central or State Government or of any local authority or who has been removed from such service on account of insolvency or who has been debarred from employment in service, of the Central or State Government shall be entertained in service, except with the previous sanction of the Collector.

5. *Retention or re-appointment of a person convicted of an offence involving moral turpitude.*—No Officer or Servant of a Panchayat who is convicted of an offence involving moral turpitude shall be retained in the service of the Panchayat and no person so convicted shall be appointed to any post in its service, except with the special sanction of the Collector.

6. *Appointment of staff.*—(i) No person shall be appointed—

(a) to be a Public Health Subordinate except in consultation with the District Health Officer;

(b) to a post in the water-works and drainage department, the maximum salary of which is not less than fifty rupees per mensem, except with the previous approval of the Chief Engineer (Tamil Nadu Water Supply and Drainage Board) and in case he is already a holder of a technical post in the Town Planning Department; except also with the previous approval of the Director of Town Planning;

(c) to a technical post in the Town Planning Department, except with the approval of the Director of Town Planning, and in case he is already holder of a post in the water-works or

the drainage department, except also with the previous approval of the Chief Engineer (Public Health Engineering and Municipal Works).

(2) If the executive authority decides that the probationer is not suitable for confirmation, he shall, unless the period of probation is extended under rule 11, by order, revert him or discharge him from service.

7. *Reservation of appointments.*—(1) (a) In making appointment by direct recruitment to the posts under Panchayats, out of every hundred vacancies in the same category of posts, thirty one vacancies shall be reserved for the backward classes specified in Appendix I to these rules and eighteen vacancies shall be reserved for the Scheduled Castes and Scheduled Tribes specified in Appendix II thereof and the remaining fifty-one vacancies shall be filled on the basis of merit.

(b) Selection for appointment under this rule shall be made in the order of rotation specified in Appendix III to these rules.

(2) *Claims of members of Scheduled Castes, Scheduled Tribes and Backward Classes for general vacancies.*—The claims of members of Scheduled Castes, Scheduled Tribes and the Backward Classes shall also be considered for the fifty-one appointments which shall be filled on the basis of merit and a candidate belonging to Scheduled Caste and Scheduled Tribe or Backward Class is selected on the basis of merit, the number of posts reserved for Scheduled Castes and Scheduled Tribes or the Backward Classes as the case may be shall not in any way be affected.

8. *Probation.*—(1) (i) Every appointment to a post in superior service 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 to the last grade service shall, from the date on which he joins duty be on probation for a total period of one year on duty within a continuous period of three years.

(ii) A probationer in any post who has been or may be deputed for military duty shall be entitled to count towards the period of probation in such post the period spent by him on military duty.

9. *Termination of probation.*—(1) At any time before the expiry of the period of probation, the executive authority, may in his discretion, for reasons to be recorded in writing, terminate the probation of any person and revert him to his permanent post, if he is already a permanent officer or servant, or to a lower post, if he is not a permanent officer or servant, but is a probationer or an approved probationer in such lower post and if there is a vacancy in such lower post or if a person junior to him is holding such lower post, or discharge him from the service of the Panchayat in other cases : z

Provided that an opportunity to show cause against the termination of probation shall be given to the person concerned after the executive authority has arrived at a provisional conclusion regarding termination of probation.

10. *Declaration of probation.*—At the end of the prescribed period of probation or of the period of probation as extended under rule 11 the executive authority shall consider the probationer's suitability for confirmation in the grade for which he was selected. If the executive authority decides that the probationer is suitable for confirmation, he shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his period of probation on the date of expiry of the prescribed or extended period of probation. If no such order is issued within six months from the date on which he is eligible for such declaration, the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation except in cases where serious charges are pending.

11. *Extension of probation.*—If, at the end of the prescribed period of probation, the executive authority considers that the probationer is not suitable for confirmation, he may extend his probation by a period, which in no case shall be longer than one year from the date of expiry of the period of probation prescribed in rule 8.

12. *Temporary appointments.*—(1) Notwithstanding anything contained in these rules or in any other rules, where it is necessary in the public interest or for administrative reasons to fill immediately a vacancy in a post and there would be delay in making such appointment in accordance with these rules or any other rules governing such appointment, the executive authority may, for reasons to be clearly recorded in writing, temporarily appoint a person otherwise than in accordance with the said rules.

(2) A person appointed under sub-rule (1) shall not be regarded as probationer or be entitled only by reasons of such appointment to any preferential claim to a future appointment. Such person shall be replaced as soon as possible by a candidate qualified to hold the post under the rules :

Provided that in respect of appointments to the posts specified in rule 6, the previous approval of the appropriate authority specified in that rule shall be obtained when the period of appointment exceeds three months. As soon as any such post falls vacant and an unqualified person is appointed, the appointing authority concerned shall promptly intimate the fact to the said appropriate authority :

Provided further that in respect of any post, other than those specified in rule 6, the previous approval of the Collector shall be obtained when the period of appointment exceeds three months :

Provided also that the appointment made under this sub-rule shall not exceed one year at a time.

(3) A person appointed under sub-rule (1) shall be paid either his substantive pay or the minimum pay in the time-scale of pay applicable to the post as the case may be, whichever is higher. The period of service rendered in the post under sub-rule (1) shall not count for increments in the post.

(4) The services of a person appointed under sub-rule (1) are liable to be terminated at any time without notice and without any reason being assigned.

13. *Confirmation.*—A person who has completed his period of probation on a post shall be confirmed at the earliest opportunity according to his seniority as determined with reference to the date of first appointment. When the date by which seniority is determined is the same in the case of two or more persons, their seniority *inter se* be determined by the order of preference, if any, previously laid down in their cases. If no such order is laid down or in case of doubt seniority shall be determined by the executive authority.

13-A. *Language Qualification.*—No person shall be eligible for appointment to any post either by direct recruitment or by recruitment by transfer or by promotion unless he has an adequate knowledge of the official language of the State, namely, Tamil.

*Explanation.*—(a) for the purpose of this rule, a person with an adequate knowledge of Tamil shall mean a person—

(i) who has acquired knowledge in Tamil in the High School Courses; or

(ii) who has passed the Second Class Language Test in Tamil:

Provided that where a person appointed to any post by transfer or by promotion has not acquired an adequate knowledge of Tamil, he should pass the Second Class Language Test in Tamil within a minimum period of four years from the date of his appointment. If he fails to pass the test within the prescribed period he shall not be eligible to draw increments in the time scale of pay applicable to him until he passes the test. Such ineligibility to draw increments after he has passed the test, shall not have the effect of postponing future increments after he has passed the test.

(b) The above rule shall not adversely affect the incumbents who hold the posts regularly prior to the issue of these rules.

14. *Promotion to selection and non-selection posts.*—(1) Every post of Head Clerk or Revenue Inspector (where it carries a scale higher than that of clerk) shall be a selection post. All the ministerial posts other than those specified in this sub-rule shall be non-selection posts.

(2) Promotion to selection posts shall be made on grounds the qualifications and merit seniority being considered only where the qualifications and merit are approximately equal.

(3) Promotion to non-selection posts shall be made in accordance with strict seniority except—

(i) where a senior does not possess the qualifications prescribed for holding the higher post or is definitely proved to be incompetent to hold such post; or

(ii) Where on account of his proved serious misconduct it is considered undesirable to promote him.

(iii) Non-promotion to a non-selection post shall be deemed to be withholding of promotion within the meaning of the rules relating to appointment and punishment of Officers and Servants of Panchayats.

(iv) The Director of Rural Development may call for the records relating to the appointment of Head Clerks and pass

such orders as he may deem fit. The orders passed by the Director of Rural Development shall be carried out by the Executive authority.

15. *Conditions of service similar to that of Government Servants.*—Save as otherwise provided in these rules, or in any other rules in force for the time being the conditions of service of the members of the establishment under panchayats shall be the same as those of Government Servants of similar standing and status in respect of the following matters, namely :—

- (a) Salary and allowances;
- (b) Leave and leave allowances;
- (c) Travelling allowance;
- (d) Superannuation and retirement; and
- (e) refusal of leave preparatory to retirement and grant of such leave after retirement.

Any powers assigned to Government and the head of the department in the provisions applicable to such Government Servants shall be exercised by the Panchayat and the executive authority, respectively.

16. *Security to be furnished in certain cases.*—(1) Security shall be taken from the members of the establishment specified below for amount not being less than that indicated against each :—

- (i) Store-keepers and Clerks—Rs. 100.
- (ii) Bill Collectors and Warrant Officers—Rs. 200.

(2) The security shall be in cash, post office savings bank deposits, Government Promissory Notes, Post Office 10-year Defence Savings Certificates, Post Office 5, 7 or 12 years National Savings Certificates or fidelity bonds of insurance companies approved by the Government.

(3) Where an officer or servant is not able to tender security either in cash in a lump sum or in any of the forms specified in sub-rule (2), the security shall be obtained from him in instalments by deduction from his salary at 10 per cent of the salary or such sum as would make up the security in four years, whichever is greater :

Provided that until the full amount of the security required in cash has been recovered, personal securities shall be obtained for not less than double the amount of the security

required in each from solvent persons or security in immovable property free from all encumbrances and carefully evaluated, for double the amount of security :

Provided further that in the case of bill collectors cash security to the extent of half the amount that may be fixed under sub-rule (1) shall, in any case, be taken in addition to the security mentioned in this sub-rule.

17. *Age of retirement.*—No officer or servant of a panchayat in superior service shall be retained in its service after he has attained the age of 55 years. A person in Last Grade Service shall not be retained in service after he has completed the age of 60 years.—

17 (A) Notwithstanding anything contained in these rules, the appropriate authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire a member of the service by giving him notice of not less than three months, in writing or three months' pay and allowances in lieu of such notice, after he has attained the age of fifty years or after he has completed twenty-five years of qualifying service. Any such member who has attained the age of fifty years or who has completed twenty-five years of qualifying service may likewise retire from service by giving notice of not less than three months, in writing, to the appropriate authority.

*Explanation I.*—In this rule, the expression "appropriate authority" means, the authority which has the power to make substantive appointments to the post of service from which the member of the service is required to retire or wants to retire.

*Explanation II.*—For the purpose of this rule, the three months' notice may be given before the member of the service attained the age of fifty years, provided that the retirement takes place after he has attained that age.

*Explanation III.*—In computing the notice period of three months the date of service of the notice shall be included.

18. *Maintenance of Service Book.*—(1) A service book shall be maintained in such form as may be laid down by the Government from time to time for every officer or servant of a panchayat who subscribes to the Provident Fund establishment and maintained by the council.

(2) The date of birth of an officer or servant of the Panchayat already entered in his service book, shall not be altered **except** with the previous sanction or under the direction of the

Collector. The procedure for making alterations in the date of birth shall be the same as in rule 49 of Part II of the General Rules relating to Madras State and Subordinate Services.

19. *Executive authority to be responsible for the maintenance of Service Books.*—The executive authority shall be responsible for the correct and up-to-date maintenance of the service book of every officer or servant of the panchayat and he shall record an annual certificate of verification in the service book as early as possible after the end of every year.

20. *Statement of permanent posts to be furnished by the executive authority.*—The executive authority shall, early in April in each year prepare a detailed statement of all permanent posts under the panchayat existing on the 1st April and forward it to the auditor appointed under section 141 of the Madras Panchayats Act, 1958 not later than the 15th April.

21. *Consequences of resignation.*—An officer or servant of a panchayat shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all his previous service under the panchayat or any other local authority. The re-appointment of such persons to any post under the panchayat shall be treated in the same way as a first appointment to such post and all rules governing such appointment shall apply; and on such re-appointment he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order.

22. *Pecuniary loss to be made good.*—When a member of the establishments under a panchayat 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 executive authority may, in addition to any other punishment which may be inflicted in respect of such negligence or breach order that the whole or portion of the loss shall be made good by such officer or servant.

23. *Procedure for imposing penalties.*—(1) No order or punishment specified below shall be passed on any officer or servant of a panchayat unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him :—

(i) Censure.

(ii) Fine (in the case of persons on whom the imposition of fine is permissible under these rules).

(iii) Withholding of increments or promotion including stoppage at an efficiency bar.

(iv) (a) Recovery of the whole or a portion of any pecuniary loss caused to the panchayat by negligence, fraud or breach of rules or orders.

(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.

*Explanation.*—In case 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.

(2) (a) In every case where it is proposed to impose on an officer or servant of a panchayat the penalties of reduction to a lower rank in the seniority list or to a lower post of time-scale or to a lower stage in a time-scale suspension not being one under rule 24 removal or dismissals, 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 which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time, to put in a written statement of his defence and to state whether he desires an oral enquiry or only to be heard in person. An oral enquiry, shall be held if such an enquiry is desired by the person charged or is directed by the authority concerned. At that enquiry, oral evidence shall be heard 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 enquiry, may, for special and sufficient reason to be recorded in writing, refuse to call a witness. After the enquiry 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 enquiry 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. The quantum of punishment proposed to be imposed on an officer or servant of the panchayat shall not be made in the charge memorandum itself.

(b) After the enquiry referred to in clause (a) has been completed, the executive authority shall record his findings on each charge and decide whether the charges have been proved or not, if it is held that the charges have been proved, then he shall arrive at a provisional conclusion in regard to the penalty to be imposed. The person charged shall there upon be supplied with a copy of the report of the enquiring authority and be called upon to show cause, within a reasonable time not ordinarily exceeding one month against the particular penalty proposed to be imposed. Any representations 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.

The requirements of sub-rules (1) and (2) shall not apply where it is proposed to impose on an Officer or servant any of the penalties referred to in the rule on the basis of facts which have led to his conviction in a criminal court or by a court martial or where the officer concerned has absconded or where it is for other reasons to be recorded in writing impracticable to communicate with him :

Provided further that none of the punishments specified in this rule shall be inflicted on any member of the technical staff of the establishment specified in column (1) of the Table below, except in consultation with the Officer mentioned in the corresponding entries in column (2) thereof :—

THE TABLE.

<i>Establishment.</i>	<i>Officer to be consulted.</i>
(1)	(2)
Public Health Establishment	... District Health Officer.
Water Works and Drainage Establishment	... Chief Engineer (Tamil Nadu Water Supply and Drainage Board)
Town Planning Establishment	... Director of Town and Country Planning.

(3) All or any of the provisions of sub-rule (1) or (2) may, in exceptional cases, for special and sufficient reasons to be recorded in writing and with the sanction of the appropriate appellate authority, be waived where there is difficulty in observing exactly the requirements of the sub-rule and those requirements can be waived without injustice to the person charged.

*Explanation I—The discharge.*—(a) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation; or

(b) of a person engaged under contract, in accordance with the terms of his contract; or

(c) 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.

*Explanation II.*—The discharge or reversion to a lower post of any person officiating in any post, if made in accordance with such general or special rules or orders as the Government may issue in that behalf, does not amount to removal or dismissal or to reduction within the meaning of the rule.

*Explanation III.*—The removal of a person from the service of the Panchayat shall not disqualify him from future employment unless specifically debarred from future employment either at the time of removal or subsequently. The dismissal of a person from the service of the Panchayat shall disqualify him from future employment.

24. *Suspensions.*—(1) The executive authority of a Panchayat may suspend a member of the establishment for a period not exceeding three months when.

(a) an enquiry into grave charges against him is contemplated or is pending; or

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

Provided that in exceptional cases where the enquiry cannot be completed within three months from the date of suspension the person may be suspended for a further period not exceeding

three months with the previous sanction of the Divisional Development Officer concerned and for any period beyond six months from the date of suspension, with the previous sanction of the Collector.

(2) A member of the establishment 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.

(3) During the period of suspension such member of the establishment shall be paid a subsistence allowance at such rates as the suspending authority may direct, subject to the maximum and minimum laid down in the fundamental rules.

(4) Where a penalty of dismissal or removal from service imposed upon an officer or servant of a Panchayat under suspension 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 directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, or removal and shall remain in force until further orders.

(5) Where a penalty of dismissal, or removal from service imposed upon an officer or servant of a panchayat is set aside or declared or rendered void in consequence of or a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decided to hold a further enquiry against him on the allegations on which the penalty of dismissal, or removal was originally imposed, such officer or servant shall be deemed to have been placed under suspension by the executive authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

(6) An order of suspension under sub-rule (1) may, at any time, be revoked by the executive authority.

25. *Imposition of fine.*—The executive authority of a panchayat shall not impose a fine on a member of the establishment under the panchayat, other than a bill collector or a last grade servant or a worker belonging to the regular establishment but not belonging to the superior service or to the last grade service.

26. *Appeals.*—(1) (a) Every Officer or servant of a Panchayat shall be entitled to appeal, as hereinafter provided, from an order passed by the executive authority imposing upon him any one or more of the penalties specified in rule 23 other than the following namely :—

(i) Censure;

(ii) A fine not exceeding five rupees or a recovery of any sum not exceeding five rupees under rule 22;

(iii) suspension pending enquiry under rule 24;

(b) An appeal shall also lie against all orders of discharge or reversion to a lower post of a person appointed on probation.

Provided that the discharge or revision of any person shall not be deemed to be an order imposing a penalty within the meaning of this sub-rule and no appeal shall lie in cases falling under Explanations I and II to rule 23(3).

(2) An appeal under sub-rule (1) shall lie—

(a) in the case of an order passed by the executive authority in consultation with the Divisional Development Officer to the District Collectors; and

(b) in all other cases to the Divisional Development Officer.

(3) (a) 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 grounds for taking action; and

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

(b) Any error or defect in the procedure followed in imposing a penalty may be discharged 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.

## 27. Powers of revision:—

Notwithstanding anything contained in the preceding rules, the Collector may call for the records relating to an enquiry into the conduct of any member of the establishment of a Panchayat which has been completed and pass such orders as may be deemed fit. The Director of Rural Development shall be the revisionary authority against the orders passed by the Collector as appellate authority as laid down under sub-rule 2 of the rule 26 of said rules.

(2) If the order passed under this sub-rule imposes a punishment where the executive authority of a panchayat had not imposed a punishment or if the order enhances the punishment imposed by such authority, an appeal shall lie as follows:—

(i) to the Director of Rural Development, Madras against an order passed by the Collector or by any officer empowered by the Government; and

(ii) to the Collector, against an order passed by the Divisional Development Officer or any officer empowered by the Collector.

(3) All orders passed on appeal under sub-rule (1) and all orders passed under sub-rule (2) shall be carried out by the executive authority.

28. *Time limit for preferring appeal.*—A member of the establishment under a panchayat preferring an appeal shall do so separately and in his own name and within two months from the date on which the appellant received the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of two months if it is satisfied that there was reasonable cause for the delay in preferring the appeal.

29. *Procedure for preferring appeals.*—Every appeal shall be submitted through the head of the office, if any, to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred. A copy of the appeal may, however, be sent direct to the appellate authority.

30. *Withholding of appeals.*—An appeal may be withheld, by an authority not lower in rank 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 is not preferred within the time-limit prescribed in rule 28 and no reasonable cause is shown for the delay; or

(3) 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 a reconsideration of the case; or

(4) 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 under clause (4) may be resubmitted at any time within one month of date on which the appellant has been informed of the withholding of the appeal; and if resubmitted to the appropriate appellate authority, it shall not be withheld.

31. *Appeal against withholding of appeal.*—No appeal shall lie against the withholding of an appeal by a competent authority.

32. *Procedure for forwarding appeals.*—(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 30 with the reasons for withholding them shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) An appellate authority may call for any appeal admissible under these rules, which has been withheld by a subordinate authority and pass such orders thereon as it thinks fit.

33. *Cancellation or modification of punishments.*—The executive authority of a panchayat shall not cancel or modify an order of punishment whether passed by himself or by any of his predecessors in office without the previous sanction of the appellate authority referred in sub-rule (2) of rule 26.

34. *Powers of executive authority, Divisional Development Officers and Collectors to decide certain matters.*—(1) The executive authority of a panchayat shall decide all matters relating to discharge or reversion of personnel on abolition of posts and re-employment of discharged personnel and any other matters relating to conditions of service of the establishment under panchayats not dealt within these rules as well as any question arising in the application of these rules in consultation with the Divisional Development Officer concerned.

(2) The Divisional Development Officer may, on a reference made to him under sub-rule (1) or *suo motu* call for the connected papers relating to any establishment matter from the executive authority of the panchayat and pass such orders as he deems fit. Such order shall be carried out by the executive authority.

(3) The order passed under sub-rule (2) by the Divisional Development Officer shall be subject to such special or general orders as may be issued by the Collector in any particular case or class of cases, as the case may be.

(4) Notwithstanding anything contained in these rules, Government may either on application or *suo moto* call for and examine any of the record relating to the establishment of the panchayat and pass such order as they think fit.

35. *Constitution of a separate service for Sanitary Inspectors.*—(1) Notwithstanding anything contained in the foregoing rules, the Director of Rural Development may with the previous sanction, of Government by notification constitute the Sanitary Inspectors employed under Panchayats into a separate service for the whole of the State, with effect from a date which shall be specified in the notification.

(2) On the constitution of a service of Sanitary Inspectors under sub-rule (1), the following special provisions shall apply to the members of such service, namely:—

(i) The cadre of the service shall include all the posts of Sanitary Inspectors existing in Panchayats on the date of constitution of the service and those that may be sanctioned by the Collector subsequently and shall consist of two grades, namely Grade I and Grade II.

(ii) The Collector shall sanction the creation or abolition of posts included in the service.

(iii) The Collector shall be authority—

(a) to make appointments to the service (including temporary appointments);

(b) to order extension or termination of probation or to declare satisfactory completion of probation in the case of any member of the service;

(c) to confirm any member of the service in a permanent vacancy;

(d) to promote any member of the service from Grade II to Grade I;

(e) to order the transfer and postings of the members of the service; and

(f) to inflict penalties on the members of the service.

(iv) The Collector may, at his discretion, empower the Divisional Development Officers to exercise all or any of the powers specified in clause (iii) in respect of the members of the service working in Panchayats within their respective jurisdiction.

(v) Where any order of punishment is passed against a member of the service, an appeal shall lie, to the Collector if the order is passed by the Divisional Development Officer and to the Government if the order is passed by the Collector.

(vi) The Collector shall be competent to issue directions from time to time on any matter relating to pay, conditions of service and discipline and conduct of the members of the service.

(3) The provisions in rules 1 to 34 shall apply to the members of the service of Sanitary Inspectors constituted under sub-rule (1) to such extent as these rules are not inconsistent with the special provisions in sub-rule (2)

36. *Reference of corruption cases to Tribunal for Disciplinary proceedings.*—(1) Notwithstanding anything contained in these rules, the executive authority may, with the sanction of the Director of Rural Development, or shall if so required by the State Government, either in any individual case or in any class of cases, refer to a Tribunal for Disciplinary Proceedings, under intimation to Government in Public (Services) Department, cases relating to officers and servants of Panchayat who are involved jointly with Government servants in cases of corruption in the discharge of their official duties if the cases of such Government servants are referred to the Tribunal.

(2) As soon as the records relating to the allegations of corruption against an officer or servant are received, the Tribunal shall frame appropriate charges, communicate them to the Officer or servant concerned together with information as to the date of enquiry into the charges and a list of witnesses likely to be examined in respect of each of the charges. The Tribunal shall, immediately before each witness is examined by the prosecution, furnish the person charged, a copy of any statement taken from the witnesses which forms the basis on which the Tribunal has framed the charge or charges against him. At the enquiry oral evidence shall be heard 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 Tribunal may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. After the enquiry has been completed the person charged shall be entitled to put in, if he so desires, a written statement of his defence or argue the case in person or through a pleader. The proceedings shall contain a sufficient record of the evidence and statement of the finding and the grounds thereof.

(3) After the enquiry has been completed, the Tribunal shall send its findings and recommendations to the executive authority. After the executive authority 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 Tribunal (excluding the recommendations), if any, in regard to punishment made

by it and he shall be called upon to show cause within a reasonable time, not ordinarily exceeding one month against the particular penalty to be inflicted, provided that if for sufficient reasons, the executive authority disagrees with the whole or any part of the Tribunal findings, the point or points of such disagreement together with a brief statement of the grounds thereof shall also be communicated to him. Any representation in this behalf submitted by the person charged shall be taken into consideration by the executive authority before final orders are passed.

(4) Where the person concerned has absconded or where it is for other reasons impracticable to communicate with him or where he does not take part in an enquiry, the enquiry shall still proceed.

(5) All or any of the provisions of sub-rules (2) and (3) may in exceptional cases and for special and sufficient reasons to be recorded in writing, be waived, where there is difficulty in observing the requirements of these sub-rules and the requirements can be waived without injustice to the person charged.

(6) The executive authority shall ordinarily accept the advice of the Tribunal. If the executive authority considers that the advice of the Tribunal should be rejected or deviated, the reasons for such rejection or deviation shall be submitted to the Government who shall in consultation with the Tribunal pass orders.

**37. Appeal against orders passed under rule 36.—**(1) Against any order of the executive authority imposing a penalty after following the procedure prescribed in rule 36, an appeal shall lie to the Director of Rural Development, Madras.

(2) The Tribunal for Disciplinary proceedings shall be consulted before orders are passed on any appeal preferred under sub-rule (1):

Provided that it shall not be necessary to consult the Tribunal:—

(i) in any case in which the Tribunal has at any previous stage given advice, in regard to the order to be passed and no fresh question has thereafter arisen for determination; or

(ii) where the Director of Rural Development proposes to pass orders rejecting the appeal.