



ABSTRACT

Tamil Nadu Government Servants' Conduct Rules, 1973 – Rule 13 - Appearing for enquiry / adducing evidence during enquiry- Amendment – Issued.

Human Resources Management (A) Department

G.O.(Ms.)No.97

Dated : 08.11.2023

சோபகிருது, ஐப்பசி - 22,

திருவள்ளூர்வராண்டு 2054.

ORDER :

The Tamil Nadu Government Servants' Conduct Rules, 1973 stipulates as follows:-

"13. Evidence before committee or any other authority

(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to –

(a) evidence given at an enquiry, before an authority appointed by the Government, by Parliament or by a State Legislature; or

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental inquiry ordered by authorities subordinate to the Government.

xxx xxx xxx "

2) It has been held in various Judgments that the Government servants shall appear for enquiry only when a written notice or summon is served from the competent authority. It has therefore been decided that the Government Servants shall attend enquiry only when a written notice or summon is served. It has also been decided to amend the rules suitably.

...2...

3) Accordingly, the following Notification will be published in the Tamil Nadu Government Gazette:-

NOTIFICATION.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Government Servants' Conduct Rules, 1973:-

AMENDMENT.

In the said Rules, in rule 13, after sub-rule (3), the following sub-rule shall be inserted, namely:-

“(3-A) When evidence is given by a Government Servant at an enquiry conducted by any person, committee or authority appointed by the Government, State or Central, he shall, -

- (i) attend such enquiry only when a written notice or summon is served on him and after giving intimation thereof to the appropriate authority.
- (ii) give or produce any official document to that person, Committee or authority only after getting the prior permission of the appropriate authority.

Explanation.- For the purpose of this sub-rule, 'appropriate authority' means, the immediate superior authority of the Government servant concerned.”.

(BY ORDER OF THE GOVERNOR)

**SHIV DAS MEENA
CHIEF SECRETARY TO GOVERNMENT**

To

All Secretaries to Government, Chennai-600 009.

All Departments of Secretariat, Chennai-600 009.

All HODs including District Collector / District Judges /
District Magistrates.

The Secretary, Tamil Nadu Public Service Commission,
Chennai-600 003.

The Registrar General, High Court of Madras, Chennai-600 104.

The Registrar, Madurai Bench of Madras High Court, Madurai.

The Works Manager, Government Central Press, Chennai-600 079.

(for publication in Tamil Nadu Government Gazette - 2 Copies).

The Human Resources Management (AR-II) Department,
Chennai-600 009. (to publish in the internet).

Copy to:

The Secretary I, II, III, IV to Chief Minister, Chennai-600 009.

The Chief Minister's Office, Chennai-600 009.

The Special Personal Assistant to Minister, Finance and
Human Resources Management, Chennai – 600 009.

The Principal Private Secretary to Chief Secretary to Government,
Chennai-600 009.

The Senior Principal Private Secretary to Secretary to Government,
Human Resources Management Department, Chennai-600 009.

All Sections / All Officers in

Human Resources Management Department, Chennai-600 009.

The Law (HRM / Scrutiny) Department, Chennai-600 009.

Stock File / Spare Copy.

//FORWARDED BY ORDER//

G. V. Kasibala
SECTION OFFICER
8/11/23
8/11/23