

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 18th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 24 of 2019

A Bill further to amend the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Government Servants (Conditions of Service) Amendment Act, 2019. Short title and commencement.

(2) (a) Section 2 shall be deemed to have come into force on the 15th day of September 2016;

(b) Sections 3, 6, sub-sections (1) and (2) of section 7 and section 8 shall be deemed to have come into force on the 11th day of October 2017;

(c) Section 4 shall be deemed to have come into force on the 1st day of March 2017; and

(d) Section 5 shall be deemed to have come into force on the 27th day of December 2016.

Tamil Nadu Act 14 of 2016.

2. In section 3 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as the principal Act), in clause (j), for sub-clause (vii), the following sub-clauses shall be substituted, namely:— Amendment of section 3.

“(vii) any person who was on deputation in Army Postal Service for more than six months prior to the 14th day of April 1987;

(viii) any person who was boarded out or released on medical grounds and granted medical or disability pension;

(ix) any person discharged on or after July 1987 under Army Rule 13(3) III (V) for the reason that his service is no longer required and in receipt of pension;

(x) such other person as may be notified by the Government from time to time:

Provided that in all cases, an ex-serviceman once recruited to a post in any service or class or category, cannot claim the concession of being called an ex-serviceman for his further recruitment:

Provided further that a person discharged before July 1987 under Army Rule 13 (3) III (V) for the reason that his service is no longer required is not an ex-serviceman;”.

3. For section 4 of the principal Act, the following section shall be substituted, namely:— Substitution of section 4.

"4. Classification— Persons holding posts under the Government shall be classified into Groups as specified in Schedule-XIII."

Amendment of section 8.

4. In section 8 of the principal Act, in the first proviso, the expression "who has taken a degree" shall be omitted.

Amendment of section 20.

5. In section 20 of the principal Act, the proviso to sub-section (5) shall be omitted.

Amendment of section 26.

6. In section 26 of the principal Act, in the proviso to sub-section (2), for the expression "Provided that in the case of direct recruitment to the posts with Grade Pay which does not exceed rupees two thousand and eight hundred", the expression "Provided that in the case of direct recruitment to the posts with the pay which does not exceed level 10 in the pay matrix" shall be substituted.

Substitution of references to certain expressions by other expression.

7. In the principal Act,—

(1) (i) in sub-section (1) of section 7, in clause (ii) and (iii) of sub-section (5) of section 40 and in Schedule-XI, for the expression "scale of pay", wherever it occurs, the expression "levels of pay in the pay matrix" shall be substituted;

(ii) in section 39 for the expressions "time scale of pay" and "time scale", the expression "levels of pay in the pay matrix" shall be substituted;

(2)(i) in clause (a) of section 3, in the proviso to sub-section (6) of section 29, in sub-section (3) of section 40, in the second proviso to sub-section (1) of section 41 and in sub-section (7) of section 47, for the expression "scale of pay or pay band", wherever it occurs, the expression "levels of pay in the pay matrix" shall be substituted;

(ii) in sub-section (3) of section 7 for the expression "time scale or pay band" occurring in two places, the expression "levels of pay in the pay matrix" shall be substituted;

(iii) in sub-section (2) of section 28 and in clause (ii) of sub-section (6) of section 47, for the expression "time scale of pay or pay band", in two places where it occurs, the expression "levels of pay in the pay matrix" shall be substituted.

8. After Schedule XII to the principal Act, the following Schedule shall be added, namely:—

Addition of new Schedule XIII.

"SCHEDULE XIII.

[See section 4].

Group A	Employees in posts drawing level of pay from Rs.59,300-1,87,700 to Rs.1,28,900-2,25,000 (levels 25 to 32 in the pay matrix);
Group B	Employees in posts drawing level of pay from Rs.35,900-1,13,500 to Rs.57,700-1,82,400 (levels 13 to 24 in the pay matrix);
Group C	Employees in posts drawing level of pay from Rs.15,900-50,400 to Rs.35,600-1,12,800 (levels 2 to 12 in the pay matrix);
Group D	Employees in posts drawing level of pay Rs.15,700-50,000 (level 1 in the pay matrix)."

STATEMENT OF OBJECTS AND REASONS

As per the provisions contained in section 8 of the said Tamil Nadu Act 14 of 2016, candidates belonging to Backward Classes, Backward Class Muslims, Most Backward Classes and De-notified Communities who have a degree need not remit the prescribed fee along with the application for appointment in response to a notification issued by a Tamil Nadu Public Service Commission for three chances. However, the holding of a degree has been done away by the Government as per the orders issued in G.O(Ms.) No.32, Personnel and Administrative Reforms Department, dated 01.03.2017.

2. The proviso under sub-section (5) of Section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) provides that differently abled persons may be appointed to the Government service if the defect is not such as it would render the candidate unfit for efficiently discharging the duty. But, in view of the enactment of the rights of persons with Disabilities Act, 2016 (Central Act 49 of 2016), which mandates the reservation of posts for persons with disabilities, the said proviso became redundant one and has to be omitted from the said Tamil Nadu Act 14 of 2016.

3. In G.O (Ms.) No.1102, Public (Ex-Servicemen) Department, dated 10.10.2013 and in G.O(Ms.) No.695, Public (Ex-Servicemen) Department, dated 24.07.2014 orders have been issued to the following effect:-

(a) the personnel who were in deputation in Army Postal Service for more than six months prior to 14th April 1987 would also be considered as Ex-Servicemen with all consequential benefits.

(b) recruits who were boarded out/released on medical grounds and granted medical/ disability pension will be covered under the category of Ex-Servicemen for all practical purposes irrespective of the date of boarding out or release.

4. Further, the Government have issued orders in G.O(Ms.) No.303, Finance (Pay Cell) Department, dated 11.10.2017, for revision of scale of pay for the Government Servants with effect from 01.01.2016 with certain consequential changes in the method of pay fixation.

5. The Government have therefore, decided to amend the said Tamil Nadu Act 14 of 2016 suitably for the aforesaid purposes.

6. The Bills seeks to give effect to the above decision.

D. JAYAKUMAR

Minister for Fisheries,

Personnel and Administrative Reforms.

K. SRINIVASAN,

Secretary.

