



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th December 2014 and is hereby published for general information:—

ACT No. 27 OF 2014.

An Act to provide for the establishment of Ombudsman for conducting enquiry on the allegations against the elected members of the local bodies and the officers and employees working under the local bodies in the State of Tamil Nadu and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Tamil Nadu Local Bodies Ombudsman Act, 2014.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 13th day of November 2014.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) “action” means action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes wilful failure in taking action or omission to act and all other expressions relating to such action shall be construed accordingly;

(2) “allegation”,—

(a) in relation to a public servant, means any affirmation that such public servant,—

(i) has abused his position as such for any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;

(ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives;

(iii) is guilty of corruption, favouritism, nepotism or lack of integrity;

(iv) is guilty of any action as public servant which facilitates or causes to make any loss of the fund or other property of the local bodies; or

(v) has failed to act in accordance with the norms of integrity and conduct which ought to be followed by public servants of the class to which he belongs;

(b) in relation to a local body, means and includes any affirmation that such local body has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the orders and directions of the Government;

(3) “complaint” means a statement of allegation that a public servant or a local body is guilty of corruption or maladministration and includes any reference to an allegation in respect of which *suo-motu* enquiry has been proposed or recommendation for enquiry has been made by the Government;

(4) “corruption” includes anything punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act, 1988;

(5) “Government” means the State Government;

(6) "incapacity" means physical or mental illness of a person or otherwise becoming unable to discharge his functions;

(7) "local body" means,—

(i) the Municipal Corporation of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Tiruppur, Erode, Vellore, Thoothukudi, Thanjavur, Dindigul or any other municipal corporation that may be constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920; or

Tamil Nadu
Act V of 1920.

(iii) a District Panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

Tamil Nadu
Act 21 of
1994.

(8) "maladministration" means an action taken or purported to have been taken in the exercise of administrative function in any case,—

(i) where such action, administrative procedure or practice governing such action is unreasonable, unjust, oppressive, discriminatory or nepotistic and will make illegitimate gain or loss or will deny deserving benefits; or

(ii) where there is wilful negligence or delay in taking such action, or the administrative procedure or method regulating such action will cause undue delay and includes the action leading to loss or waste or misuse of fund by malfeasance or misfeasance;

(9) "misbehaviour" means, if the Ombudsman is, or becomes, in any way concerned or interested in any contract or agreement, made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof, or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company;

(10) "Ombudsman" means an authority for making enquiries in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions in accordance with the provisions of the relevant law, by the local bodies and public servants working under the local bodies and for the disposal of such complaint;

(11) "public servant" means an elected member of the local body including its Chairperson or Vice-Chairperson, Mayor or Deputy Mayor and includes the officers and employees working under the local body;

(12) "relevant law" means,—

(i) in the case of Chennai City Municipal Corporation, the Chennai City Municipal Corporation Act, 1919;

Tamil Nadu Act
IV of 1919.

(ii) in the case of Madurai City Municipal Corporation, the Madurai City Municipal Corporation Act, 1971;

Tamil Nadu Act
15 of 1971.

(iii) in the case of Coimbatore City Municipal Corporation, the Coimbatore City Municipal Corporation Act, 1981;

Tamil Nadu Act
25 of 1981.

(iv) in the case of Tiruchirappalli City Municipal Corporation, the Tiruchirappalli City Municipal Corporation Act, 1994;

Tamil Nadu Act
27 of 1994.

Tamil Nadu Act 28 of 1994.	(v) in the case of Tirunelveli City Municipal Corporation, the Tirunelveli City Municipal Corporation Act, 1994;
Tamil Nadu Act 29 of 1994.	(vi) in the case of Salem City Municipal Corporation, the Salem City Municipal Corporation Act, 1994;
Tamil Nadu Act 7 of 2008.	(vii) in the case of Tiruppur City Municipal Corporation, the Tiruppur City Municipal Corporation Act, 2008;
Tamil Nadu Act 8 of 2008.	(viii) in the case of Erode City Municipal Corporation, the Erode City Municipal Corporation Act, 2008;
Tamil Nadu Act 26 of 2008.	(ix) in the case of Vellore City Municipal Corporation, the Vellore City Municipal Corporation Act, 2008;
Tamil Nadu Act 27 of 2008.	(x) in the case of Thoothukudi City Municipal Corporation, the Thoothukudi City Municipal Corporation Act, 2008;
Tamil Nadu Act 24 of 2013.	(xi) in the case of Thanjavur City Municipal Corporation, the Thanjavur City Municipal Corporation Act, 2013;
Tamil Nadu Act 25 of 2013.	(xii) in the case of Dindigul City Municipal Corporation, the Dindigul City Municipal Corporation Act, 2013;
Tamil Nadu Act V of 1920.	(xiii) in the case of Municipalities and Town Panchayats, the Tamil Nadu District Municipalities Act, 1920; and
Tamil Nadu Act 21 of 1994.	(xiv) in the case of District Panchayats, the Tamil Nadu Panchayats Act, 1994;

(13) "Secretary" means the Secretary referred to in section 6;

(14) "State" means the State of Tamil Nadu.

3. (1) There shall be an authority for the local bodies at State level to be known as "Ombudsman".

Appointment
of
Ombudsman.

(2) The Governor shall, on the advice of the Chief Minister, appoint a person who has been an officer of the Government not below the rank of Principal Secretary to Government of Tamil Nadu as Ombudsman.

(3) A person appointed to be an Ombudsman shall, before entering upon his/her office, make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out in the Schedule.

4. (1) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he/she enters upon his/her office:

Term of office
and
conditions of
service of
Ombudsman.

Provided that,—

(a) the person appointed as Ombudsman may, at any time by writing under his/her hand addressed to the Governor, resign his/her office;

(b) the person appointed as Ombudsman may be removed from his/her office in the manner specified in section 5; and

(c) the person appointed as Ombudsman shall retire from office if, during the term of his/her office, he/she completes the age of seventy years.

(2) The Ombudsman shall be entitled for payment of salary and allowances as may be admissible to the Tamil Nadu State Election Commissioner.

Removal of
Ombudsman.

5. (1) The Ombudsman shall not be removed from his/her office, except by an order of the Governor, passed after a resolution of Legislative Assembly of the State, supported by a majority of the members of the Legislative Assembly present and voting, for such removal, on the ground of proved misbehaviour or incapacity.

(2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of the rules framed for the purpose by the Government.

(3) Notwithstanding anything contained in sub-section (1), the Ombudsman shall be removed from office by the Governor on the advice of the Chief Minister, if he/she,—

(a) is adjudicated as an insolvent; or

(b) engages during his/her term of office in any paid employment outside the duties of his/her office; or

(c) is convicted and sentenced to imprisonment for an offence which involves moral turpitude.

Officers and
employees
of
Ombudsman.

6. (1) The Ombudsman shall have a Secretary, and such other officers and employees as the Government may determine in consultation with the Ombudsman to assist the Ombudsman in the exercise of his/her powers and discharge of his/her functions under this Act.

(2) The appointment and conditions of service of the Secretary, officers and other employees shall be such as may be prescribed.

(3) The officers and other employees referred to in sub-section (1) shall be under the superintendence and control of the Ombudsman.

(4) Without prejudice to the provisions of sub-section (1), the Ombudsman may, for the purpose of conducting enquiry under this Act, utilise the services of,—

(a) any officer or investigating agency of the Government; or

(b) any other State agency.

(5) The Ombudsman may requisition the services of any person who is having experience and expertise in any particular subject in deciding the questions before him.

Functions of
Ombudsman.

7. The Ombudsman shall perform all or any of the following functions, namely:—

(i) enquire into any written complaint from the Government or that has come to the notice of the Ombudsman in which corruption or maladministration of a public servant or a local body is alleged;

(ii) pass an order on the proved allegation in the following manner, namely:—

(a) where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate investigating agency for necessary action;

(b) where the irregularity involves loss of the fund of the local body, order recovery of such loss from those who are responsible for such irregularity;

(c) where the irregularity is due to wilful negligence or dereliction of duty of any officer or employee of the local body, recommend for departmental action by the appropriate authority under the relevant rules.

Powers of
Ombudsman.

8. (1) The Ombudsman shall, for the purpose of any enquiry, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of complainant or witnesses and examining him/her on oath;

Central Act V
of 1908.

(b) requiring the discovery and production of any relevant and necessary document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record, or copy thereof from any court or office;

(e) issuing commission for the examination of witness and documents; and

(f) any other matter which may be prescribed.

(2) Where the Ombudsman finds after enquiry that the allegation contained in a complaint is without any substance, he/she may, by an order, direct the complainant to pay to the opposite party an amount specified in the order by way of cost.

(3) Where the allegation contained in a written complaint is about the loss of the fund of the local body, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in his/her order, the amount to be realised from the person responsible.

(4) If the amount payable as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by him/her, the same shall be recovered as if it were an arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864.

Tamil Nadu
Act II of 1864.

9. The Government may, at the request of the Ombudsman, make available the services of officers and employees of the Government including police personnel to assist the Ombudsman in the conduct of enquiry.

Service of
Government
Department.

10. (1) Notwithstanding anything contained in this Act, the Government may refer any allegation of corruption or maladministration against a local body or a public servant which is within their knowledge or brought to their notice, to the Ombudsman and the Ombudsman shall enquire into it as if it was a complaint filed under this Act.

Enquiry.

(2) The Ombudsman may, on receipt of a complaint, examine the complaint and supporting documentary proof and where there is *prima facie* case, he/she may enquire into it.

(3) The Ombudsman shall not enquire into matters relating to,—

(a) any matter in respect of which a formal and public enquiry has been ordered by the Government;

(b) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 or any matter pending before a Court;

(c) any complaint filed after the expiry of five years from the date on which the occurrence is said to have taken place.

(4) After an enquiry, if the Ombudsman is satisfied that,—

(a) the complaint is frivolous or vexatious or is not made in good faith; or

(b) there is no sufficient ground to continue proceedings; or

(c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case,

he/she may reject the complaint after recording his/her findings stating the reason therefor, and communicate the same to the complainant.

(5) The Ombudsman shall, subject to the provisions of this Act and the rules made thereunder, have power to regulate its procedure by fixing the time and place of sitting.

Central Act LX
of 1952.

Initiation of
prosecution.

11. (1) If, after an enquiry, the Ombudsman finds that there is a *prima facie* case against a public servant involving a criminal offence, the Ombudsman may refer the complaint and the findings with recommendation to the appropriate investigating agency.

(2) The appropriate investigating agency, on completion of investigation, shall initiate prosecution after obtaining sanction from the competent authority.

Disposal of
complaints.

12. (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, namely:—

(a) order the recovery of loss caused to the local body from the person responsible;

(b) order the recovery of loss from the accused failing which order for recovery of the amount as if it were an arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864;

(c) refer the complaint to the appropriate authority to take disciplinary action for willful negligence or dereliction of duty of any officer or employee of the local body;

(d) order other necessary remedial measures considering the facts and circumstances of the case;

(e) where the Ombudsman finds that the procedure or practice regarding the administration of local body gives room for complaint, he/she may give suggestions to the Government or local body relating to the measures for avoiding the recurrence of such complaint.

(2) The Ombudsman shall submit an annual report regarding the performance of his/her functions under this Act to the Government and the Government shall lay it before the Legislative Assembly with an explanatory memorandum.

Protection of
action taken
in good faith.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to give
direction.

14. The Government may, from time to time, issue such directions, as it may deem fit, for giving effect to the provisions of this Act.

Power to
remove
difficulties.

15. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing such difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Power to make
rules.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions of service of the Ombudsman's Secretary, officers and employees;

(b) the form and manner of filing complaints before the Ombudsman;

(c) procedure to be followed during the inquiry, which, as far as possible, be summary proceedings;

(d) the manner of implementing the order of the Ombudsman;

(e) any other matter which the Government may deem necessary to prescribe.

Tamil Nadu
Act II of
1864.

(3) All rules made and notification issued under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(4) Every rule, notification or order made or issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

17. Nothing contained in this Act shall affect the provisions of the relevant laws in so far as it relates to public servant.

Saving.

18. (1) The Tamil Nadu Local Bodies Ombudsman Ordinance, 2014 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done, any action taken or any direction given under the said Ordinance, shall be deemed to have been done, taken or given under this Act.

THE SCHEDULE.

[See Section 3].

I, having been appointed as the Ombudsman for local bodies, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 203]

CHENNAI, MONDAY, SEPTEMBER 28, 2015
Purattasi 11, Manmadha, Thiruvalluvar Aandu-2046

Part III—Section 1(a)

**General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.**

NOTIFICATIONS BY GOVERNMENT

MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT

**THE TAMIL NADU LOCAL BODIES OMBUDSMAN (MANNER OF FILING, INQUIRY AND DISPOSAL OF COMPLAINTS)
RULES, 2015.**

[G.O. Ms. No. 143, Municipal Administration and Water Supply (Election), 28th September 2015.]

No. SRO A-15(b)/2015.

In exercise of the powers conferred by sub-section (1) of section 16 of the Tamil Nadu Local Bodies Ombudsman Act, 2014 (Tamil Nadu Act 27 of 2014), the Governor of Tamil Nadu hereby makes the following rules, namely:-

RULES

1. Short title.— These rules may be called the Tamil Nadu Local Bodies Ombudsman (Manner of Filing, Inquiry and Disposal of Complaints) Rules, 2015.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Tamil Nadu Local Bodies Ombudsman Act, 2014 (Tamil Nadu Act 27 of 2014), as amended from time to time; and

(b) "Form" means a form appended to these rules;

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Office.—(1) The Office of the Ombudsman shall be at Chennai.

(2) For the speedy and effective performance of the duties, the Ombudsman may conduct sittings and dispose the complaints at any other such places and such times convenient to him/her.

4. Form and Manner of filing a complaint.—Each complaint shall be in writing in Form I with supporting documents, if any, and shall be filed either in person before the Secretary to the Ombudsman or sent to him/her by registered post.

5. Copies of the complaint.—Each complaint shall be accompanied with such number, equal to the number of respondents in the Complaint, of copies of the Complaint along with its enclosures.

6. Fees.— The complainant shall affix Court Fees Stamp to the value of Rupees Ten on each complaint towards fee:

Provided that no fees shall be paid if a complaint is filed on behalf of the Government by a person authorised by the Government.

7. Assigning of number and registration of complaints.— On the receipt of a complaint, it shall be examined whether it is in conformity with the provisions of the Act and the Rules and in that case, it shall be numbered serially and the details of the complaint shall be entered in the Complaint Register in Form-II. On registration, an acknowledgement in Form-III shall be issued to the complainant.

8. Defective complaints.— (1) A complaint, which is not in conformity with the provisions of the Act and these rules shall not be registered in the Complaint Register.

(2) The defective complaints shall be returned to the complainant after indicating the defects. If the complaint is filed after rectifying the defects, further action shall be taken considering the same as a fresh complaint under rule 4.

9. Service of notice on the respondent.— If, after examining the complaint, the Ombudsman is satisfied that there is prima facie case, he/she shall issue a notice in Form-IV to the respondent(s), along with a copy of the complaint and the relevant documents, requiring the respondent(s) to file a written statement of defence with connected documents within fifteen days from the date of receipt of the notice, failing which the complaint shall be decided *ex-parte*.

10. Language to be used in the proceedings and orders.— The Ombudsman shall use either Tamil or English during his/her enquiry, proceedings and passing of orders, as he/she may deem fit.

11. Rectification of error in the order.— The Ombudsman may, either *suo-moto*, or on an application, rectify any error or omission in his/her order:

Provided that the concerned parties shall be given an opportunity of hearing before such rectification.

12. Implementation of the order of the Ombudsman.— All the parties to the complaint and other persons to whom a direction was issued by Ombudsman in his/her order, as the case may be, are liable to implement the order of the Ombudsman. In case of non-implementation, severe action shall be taken by the competent authorities against those who fail to implement the orders of the Ombudsman, on a reference made by the Ombudsman.

13. Giving copy of the order.— (1) A copy of final order of the Ombudsman shall be given to each party to the complaint within one month from the date of disposal of the complaint:

Provided that if any party to the complaint makes a request in writing to the Ombudsman that a copy of the final order is immediately required, then it shall be given within one week from the date of receipt of such request.

(2) The original order issued by the Ombudsman shall bear his/her signature and office seal. In the cases where copies of the order of the Ombudsman are issued, they shall bear the signature and office seal of the Secretary to the Ombudsman.

(3) All records and documents such as files and registers in respect of each complaint shall be preserved in the office of the Ombudsman.

14. Certain powers of the Ombudsman.— In case there is no specific provision in these rules regarding the procedure to be followed in any contingency in the disposal of the complaints, the Ombudsman may follow any appropriate procedure as he/she thinks fit.

K. PHANINDRA REDDY,
Principal Secretary to Government.

APPENDIX

FORM – I

[See rule 4]

Compliant filed before the Tamil Nadu Local Bodies Ombudsman constituted under section 3 of Tamil Nadu Local Bodies Ombudsman Act, 2014.

1. Name of the Complainant :
2. Address for communication :
 - (a) Residential Address
 - (b) Mobile Number
 - (c) Landline Number
 - (d) E-mail ID
3. Name and Address of the Respondent(s) :
4. Nature of complaint and details
(In separate sheets, if needed) :
5. Name and address of witness, if any :
6. Description of documents produced
with the complaint. :
 - 1.....
 - 2.....
 - 3.....
 - 4.....
 - 5.....

DECLARATION

I, hereby declare that the facts given above are true and correct to the best of my knowledge and belief.

Place:

Date:

Signature of the Complainant.

FORM – II

[See rule 7]

COMPLAINT REGISTER.

Sl.No	Date of Receipt of Complaint	Date of Registration of Complaint	Name and Address of Complainant	Name and Address of Respondents	Summary of Complaint	Date and summary of interim order	Date of Final Order	Summary of Order	Signature of Ombudsman	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM – III

[See rule 7]

ACKNOWLEDGEMENT

Your complaint dated..... received on (Date) has been registered as Complaint No..... of (Year)

Place:

Date:

Secretary,
The Tamil Nadu Local Bodies Ombudsman.

To

(Name and Address of Complainant)

FORM-IV

(See rule 9)

NOTICE.

[Complaint No.....of (year)

Complainant -

Respondents -

Whereas a complaint has been filed before the Tamil Nadu Local Bodies Ombudsman, Chennai, by the above mentioned person(s).

Notice is hereby given that you are requested to file a written statement regarding your defence on the said complaint and the related documents, within fifteen days from the date of receipt of this notice. If you fail to submit the written statement within the said period of fifteen days, the complaint will be decided *ex parte*.

If the respondent is a Corporation/Municipality/Town Panchayat/District Panchayat Office, the related files and records thereof in original shall be submitted along with the written statement. If there is any genuine difficulty in producing the original records, then, after specifying the same, true copies of the said records shall be produced.

A copy of the complaint and the documents produced by the complainant is attached herewith.

Given under the signature and seal of the Ombudsman on

..... Date Month

Respondents

The Tamil Nadu Local Bodies Ombudsman.

.....

.....

K. PHANINDRA REDDY,
Principal Secretary to Government.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 225]

CHENNAI, MONDAY, OCTOBER 26, 2015
Aippasi 9, Manmadha, Thiruvalluvar Aandu-2046

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT

THE TAMIL NADU LOCAL BODIES OMBUDSMAN (CONDITIONS OF SERVICE) RULES, 2015.

[G.O. Ms. No. 153, Municipal Administration and Water Supply (Election), 26th October 2015.]

No. SRO A-17(a)/2015.

In exercise of the powers conferred by sub-section (1) of Section 16 of the Tamil Nadu Local Bodies Ombudsman Act, 2014 (Tamil Nadu Act 27 of 2014), the Governor of Tamil Nadu hereby makes the following rules, namely:-

RULES

1. Short title.— These rules may be called the Tamil Nadu Local Bodies Ombudsman (Conditions of Service) Rules, 2015.

2. Definitions.— (1) In these rules, unless the context otherwise requires, —

(a) "Act" means the Tamil Nadu Local Bodies Ombudsman Act, 2014, (Tamil Nadu Act 27 of 2014), as amended from time to time;

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Cessation of Government Service. — (1) Any person who, on the date of his appointment as Ombudsman, was holding a post under the Central or State Government shall be deemed to have retired from such post with effect on and from the date on which he joins duty as Ombudsman:

Provided that the Ombudsman who, on the date of his appointment as such, was in the service of or held a post under, Central or State Government may opt within a period of six months from the date of appointment as the Ombudsman, to count the service as Ombudsman for the purposes of pension and other retirement benefits under the rules applicable to the service or post to which he belonged immediately before his appointment as the Ombudsman. The option once exercised shall be final:

Provided further that in the event of such an option being exercised, the Ombudsman, shall be entitled to get his pension and retirement benefits as aforesaid only when he finally lays down the office of the Ombudsman.

(2) Any person, who, on the date of his appointment as Ombudsman, was in the service of the Government of India or the Government of the State shall, at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as Ombudsman:

Provided that, in such an event, his pay as Ombudsman shall be reduced by an amount equivalent to the gross pension (including any pension which may have been commuted) and the pension equivalent or other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately:

Provided further that the pension equivalent to Death-cum-Retirement Gratuity shall not be deducted from the pay.

(3) If the Ombudsman, who, at the time of his appointment as such, was in the service of the Central or the State Government does not exercise the option mentioned in sub-rule (2), then his service as Ombudsman shall be counted for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(4) A person who has retired from service under the Government of Tamil Nadu or any other body wholly or substantially owned or controlled by the Government and who is in receipt of, or has become entitled to receive, any retirement benefits by way of pension, gratuity, payment from any contributory provident fund or otherwise, shall, when appointed as Ombudsman, be eligible to count his service and pay as such Ombudsman, for the purposes of pension and other retirement benefits taking his previous service into account and to have the pension and other retirement benefits refixed on demitting the office of Ombudsman and to draw the pension and retirement benefits as may become admissible less the amount of gratuity already drawn.

(5) The General Provident Fund (Madras) Rules, as amended from time to time shall apply to the Ombudsman, if he is admitted to the said fund at his option. The authorities competent to grant advances to the Ombudsman from the accounts standing to his credit shall be the Governor:

Provided that the Ombudsman who on the date of his appointment was in the service of the Central or the State Government and who had been admitted to the benefits of any other Provident Fund may, instead, be allowed to continue to subscribe to that fund in accordance with the rules or regulations applicable to that fund, until he reaches the date on which he must compulsorily retire from service in accordance with the Rules of his service. If the Ombudsman exercises his option for subscribing to the General Provident Fund, his accumulated balance in his original Provident Fund, including the Government's contribution, if any, shall be transferred to the said Funds.

4. Removal of Ombudsman. – (1) If notice is given of a motion for presenting an address to the Speaker of the Legislative Assembly praying for the removal of the Ombudsman signed by not less than fifty members of the Assembly, the Speaker may, after consulting such persons, if any, as he thinks fit and after considering such materials, if any, as may be available to him, either admit the motion or reject the same assigning reasons therefor.

(2) If the motion referred to in sub-rule (1) is admitted, the Speaker shall keep the motion pending and constitute, as soon as may be, for the purpose of making an enquiry into the grounds on which the removal of Ombudsman is prayed for, a committee consisting of such members and for such duration as he thinks fit.

(3) The Committee constituted under sub-rule (2) shall frame definite charges against the Ombudsman on the basis of which the enquiry is proposed to be held.

(4) Such charges together with a statement of the grounds on which each such charge is based shall be communicated to the Ombudsman and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the said Committee.

(5) The committee shall have power to regulate its own procedure in making the enquiry and shall give a reasonable opportunity to the Ombudsman of cross-examining witnesses, adducing evidence and of being of his defence.

(6) At the conclusion of the enquiry, the Committee shall submit its report to the Speaker of the Legislative Assembly stating therein its findings on each of the charges separately with such observation on the whole case, as it thinks fit.

(7) The Speaker shall cause the report submitted under sub-rule (6) to be laid, as soon as may be, before the Assembly.

(8) If the report of the Committee contains a finding that the Ombudsman is not guilty of any misbehavior or does not suffer from any incapacity, then, no further steps shall be taken in the Assembly in relation to the report and the motion pending in the Assembly shall not be proceeded with.

(9) If the report of the Committee contains a finding that the Ombudsman is guilty of any misbehavior or suffers from any incapacity, then, the motion referred to in sub rule (1) of this rule shall, together with the report of the Committee, be taken up for consideration by the Assembly in the same session or in the subsequent session.

(10) If the motion is adopted by the Assembly in accordance with the provisions of sub-section (1) of section 5 of the Act, then, the misbehavior or incapacity of the Ombudsman shall be deemed to have been proved and an address praying for the removal of the Ombudsman shall be presented to the Governor by the Assembly in the same session in which the motion has been adopted or in the subsequent session.

5. Status. – The conditions of service and other perquisites available to the Ombudsman shall be the same as admissible to a serving Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the High Court Judges (Travelling Allowances) Rules, 1956.

K. PHANINDRA REDDY,
Principal Secretary to Government.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th February 2015 and is hereby published for general information:—

ACT No. 2 OF 2015.

An Act to amend the Tamil Nadu Local Bodies Ombudsman Act, 2014.

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

1. (1) This Act may be called the Tamil Nadu Local Bodies Ombudsman (Amendment) Act, 2015.

Short title and
commence-
ment

(2) It shall come into force at once.

Tamil Nadu Act
27 of 2014.

2. In section 3 of the Tamil Nadu Local Bodies Ombudsman Act, 2014, in sub-section (2), for the expression "appoint a person who has been an officer of the Government not below the rank of Principal Secretary to Government of Tamil Nadu as Ombudsman", the expression "appoint a person who was and/or has been an officer of the Government not below the rank of Secretary to Government of Tamil Nadu as Ombudsman" shall be substituted.

Amendment of
section 3.

(By Order of the Governor)

S.S. POOVALINGAM,
Secretary to Government-in-charge,
Law Department.

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