

C.No. 4906/Dep 20/2016  
C.No. 6129/Per N/2016



Personnel and Administrative  
Reforms (N) Department,  
Secretariat,  
Chennai - 600 009.

தூன்முகி, புரட்டாசி - 14  
திருவள்ளுர்வர ஆண்டு 2047

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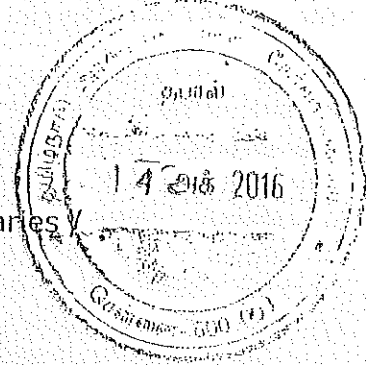
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Letter No. 27259 / N / 2016-2, dated 30/09/2016

From  
Dr. S. Swarna, I.A.S.  
Secretary to Government.

To  
The Additional Chief Secretaries / Principal Secretaries /  
Secretaries to Government.

All Departments of Secretariat,  
Chennai-9.



Sir, Madam,

Sub:- Administrative reforms Initiative - Interpretation on  
the applicability of Regulation 18 (1) (b) (ii) of  
Tamil Nadu Public Service Commission Regulations,  
1954 - General instruction for avoiding unnecessary  
reference being made to Tamil Nadu Public Service  
Commission in cases where Recovery of pay is not of  
character of penalty - Issuing of - Regarding.

Ref:- Government Letter No.76903-B / Per. N / 87-6,  
dated 23-06-1988.

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In the reference cited, it has been, among other things, stated  
as given below :-

*"The normal practice is to impose only one punishment  
for one set of charges and in case where there is also  
monetary loss to Government, recovery either in full or  
to the extent possible of this amount of loss is ordered  
in addition to another penalty."*

2) In view of the above well settled position, the recovery of  
loss to the Government shall be ordered along with any other  
original penalty and this does not amount to double jeopardy.

(p.t.o.)

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11.7.11

3) Specifically, it is also hereby explained when recovery of loss is being ordered in addition to imposing any other original penalty, that in disciplinary cases on case-to-case basis based on their merits - on the one hand, the original penalty pertaining to the proved guilt of the accused officer(s) concerned and on the other the prerogative of the competent authority is executed by way of ordering the recovery of loss caused to Government. Hence, in a given case, (when recovery of loss is being ordered in addition to imposing any other original penalty, such recovery of loss is not considered to be having the character of penalty.)

4) In this connection, the Government have come across instances that even in cases where recovery of loss is not having the character of penalty as explained under para-(3) above, the departments of Secretariat are, by convention, referring the disciplinary cases to the Tamil Nadu Public Service Commission for its views under Regulation 18 (1) (b) (ii) of Tamil Nadu Public Service Commission Regulations, 1954 merely for the reason that the term "recovery of pay" is specified therein. Such unwarranted references being made to Tamil Nadu Public Service Commission, cause undue delay in issuing final orders in the disciplinary proceedings and also unnecessarily take away the precious time and energy of both Government and Tamil Nadu Public Service Commission.

5) In this circumstance, this general instruction is issued for clarity purpose by interpreting the applicability of Regulation 18 (1) (b) (ii) of Tamil Nadu Public Service Commission Regulations, 1954 that in cases when recovery of loss is ordered in addition to imposing any other original penalty, such recovery of loss is not having the character of penalty as explained under para-(3) above. Hence, there is no need for obtaining views of Tamil Nadu Public Service Commission in those cases under the aforesaid 18(1)(b)(ii) of Tamil Nadu Public Service Commission Regulations, 1954.

6) This letter issues with the concurrence of Personnel and Administrative Reforms (M) Department, vide its U.O. No.28353/M2/2016-1, dated 29.09.2016.

Yours faithfully,



for Secretary to Government

Copy to:-

Personnel and Administrative Reforms (M, L1, L2, & L3)

Department, Chennai-9.

Vigilance Commission, Chennai-9.

✓ Tamil Nadu Public Service Commission, Chennai-3.

Directorate of Vigilance and Anti-Corruption, Chennai-16.

All Commissioners of Disciplinary Proceedings at Chennai, Trichy, Coimbatore, Thirunelveli, Madurai and Nagercoil.

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