



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 39]

CHENNAI, WEDNESDAY, OCTOBER 15, 2014
Purattasi 29, Jaya, Thiruvalluvar Aandu – 2045

Part III—Section 1(b)

Service Rules including Ad hoc Rules, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

CONTENTS

	<i>Pages.</i>
HOME DEPARTMENT	
Amendment to the Special Rules for the Tamil Nadu Jail Subordinate Service ..	94
Tamil Nadu State Judicial Service (Confidential Records) Rules, 2014 ..	94-100

NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

Amendment to the Special Rules for the Tamil Nadu Jail Subordinate Service.

[G.O. Ms. No. 709, Home (Prison-II), 18th September 2014, புரட்டாசி 2, ஜய, திருவள்ளூர் ஆண்டு-2045.]

No. SRO B-53/2014.—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 Special Rules for the Tamil Nadu Jail Subordinate Service (Section 17 in Volume III of the Tamil Nadu Services Manual, 1970).

2. The amendment hereby made shall be deemed to have come into force on the 26th December 1990.

AMENDMENT

In the said Special Rules, in PART II, in Branch II, in rule 7-A, for item (iii), the following item shall be substituted, namely:- “(iii) Tamil Nadu Government Office Manual Test”.

Tamil Nadu State Judicial Service (Confidential Records) Rules, 2014

[G.O. Ms. No. 710, Home (Courts-I), 18th September 2014.]

No. SRO B-54/2014.—In exercise of the powers conferred by the proviso to Article 309 read with Article 233 and 234 of the Constitution of India and in supersession of the Tamil Nadu State Judicial Service (Confidential Records) Rules, 1995, the Governor of Tamil Nadu, hereby makes the following Rules:—

RULES

1. Short Title and application:-

- (1) These rules may be called the Tamil Nadu State Judicial Service (Confidential Records) Rules, 2014.
- (2) They shall apply to all the Members of the Tamil Nadu State Judicial Service.

2. Definitions:- In these rules, unless the context otherwise requires:-

- (1) “Chief Justice” means the Chief Justice of the High Court of Judicature at Madras.
- (2) “Administrative Judge” means a Judge of the High Court of Judicature at Madras functioning in the Principal Seat at Madras/Madurai Bench at Madurai, incharge of the administration of a District or Districts or the Metropolitan Area of Madras.
- (3) “Service” means the Tamil Nadu State Judicial Service.
- (4) “Member of the Service” means persons holding the categories of post specified in Rule 3 of the Tamil Nadu State Judicial Service (Cadre and Recruitment), Rules 2007 and as per the amendments if any made to those Rules by the Government from time to time including those who are on deputation or on other duty.
- (5) “District Unit Head” means the Principal District Judge, District and Sessions Judge heading the judicial administration of a district or the Principal City Civil and Sessions Judge or the Chief Judge, Court of Small Causes, as the case may be.
- (6) “District Judge” means those Members of Service in the cadre of the District Judge (Supertime Scale), the District Judge (Selection Grade) and the District Judge (Entry Level).
- (7) “Form” means a form appended to these rules.
- (8) “Annual”/ “Year” means the period of twelve months commencing from the 1st day of January and ending by 31st day of December of each calendar year.

3. Confidential Record: - (1) Annual Confidential Record (ACR) shall be prepared in Form-B in respect of every District Judge and in Form-C in respect of other members of the Service.

(2) The period for the purpose of recording Annual Confidential Record shall be the year commencing from 1st day of January and ending by the 31st December.

Provided that in respect of a probationer, Confidential Record shall be prepared for every period of four months of service till he/she is confirmed or his/her probation is declared on its satisfactory completion:

Provided further that in respect of member of the Service, who has worked for more than three months in more than one District in any year, separate Confidential Record for each such period shall be recorded.

(3) Notwithstanding anything contained in sub-rule (1), a Special Confidential Record (SCR) shall be recorded by the Administrative Judge or District Unit Head whenever called for by the High Court, in order to assess the suitability of any Member of the Service for confirmation or for promotion.

4. Furnishing of particulars by the Member:- (1) Every member Service in the cadre of District Judge including those who are on deputation to other departments or on other duty shall submit particulars in **Form-A** to the High Court before the 10th January of every year covering information upto the 31st December of the preceding year.

(2) Every Member of the Service other than the District Judge including those who are on deputation to other departments or on other duty shall submit a statement in **Form-A'** so as to reach the District Unit Head concerned before the 10th January, of every year covering information upto the 31st December of the preceding year.

5, Preparation and transmission of records in respect of Members of the Service other than District Judges:—

(1) (a) The Annual Confidential Record of every Member of Service including those who are on deputation to other departments or on other duty, shall be prepared by the District Unit Head concerned in **Form-C'**, The Annual Confidential Record, in **Form-C'** alongwith particulars received in **Form-A'** shall be submitted to the High Court before the end of January of every year.

(b) The record, shall thereafter be placed before the Administrative Judge; who shall record his opinion.

(c) In case the Administrative Judge, who ceases to be a Judge of the High Court, has not recorded his opinion before his relinquishment, his successor or the Judge nominated by the Chief Justice shall record his opinion on the confidential record.

(d) If any adverse remarks are recorded by the District Unit Head and not dissented from by the Administrative Judge or if any adverse remarks are recorded by the Administrative Judge, then the Confidential Record shall be placed before the Chief Justice who shall record his remarks.

(2) (a) If a member of the Service has worked for more than three months in more the one District in a "year", all the District Unit Heads concerned shall prepare and submit a Confidential Record in respect of such member for the respective period in the same manner as prescribed in sub-rule (1).

(b) When a Member of the Service in transferred within three months, from one District to another, the District Unit Head of the District to which the member is transferred and working as on 31st December of the "Year" shall prepare the Confidential Record of the member for the "year" after obtaining required particulars for respective period from the District Unit Heads of the Districts from which he was transferred.

(3) (a) Where a District Unit Head retires during a year, he shall, before relinquishing his office, prepare and submit Confidential Records in respect of such Members of service who have worked under his control for more than three months in that year in the same manner as prescribed in sub-rule (1).

(b) Where a Member of Service retires during the year, the District Unit Head under whom he has worked for more than three months in that year, shall prepare and submit a Confidential Record in respect of that member of service covering such period in the same manner as prescribed in sub-rule (1).

6. Preparation of Records in respect of District Judges including those on deputation or on other duty:—

(1) In respect of a District Judge, the Administrative Judge shall record the Confidential Record in the same manner and within the same time as prescribed in rule 5, in **Form-B'**.

(2) The Annual Confidential Record (ACR) in respect of District Judges who are on deputation to other Departments shall be prepared by the Administrative Judge of the District or Metropolitan Area in which they have been posted on deputation and are working or by any other Judge nominated for the purpose by the Chief Justice, in **Form-'B'** in the same manner and within the same time as prescribed in rule 5.

(3) Where an Administrative Judge of a District or Metropolitan Area, Madras, ceases to be a Judge of the High Court during the "Year", he shall before relinquishing his office prepare the Annual Confidential Record (ACR) in respect of District Judges or any Member of Service who are on deputation to other departments, who have worked in that District or Metropolitan area, Madras for more than three months in that year in the same manner as prescribed in rule 5:

Provided that in case the Administrative Judge, who ceased to be a Judge of the High Court, has not prepared the confidential records before his relinquishment, his successor or the Judge nominated for the purpose by the Chief Justice shall prepare the confidential record.

(4) The Annual Confidential Record (ACR) prepared by the Administrative Judge or any other Judge nominated by the Chief Justice, under this rules, shall be placed before the Chief Justice, who shall record his remarks.

7. Preparation of records in respect of District Judges and other Member of Service on deputation to the High Court:- The Annual Confidential Record (ACR) in respect of any Member of Service who is on deputation to the High Court shall be prepared by the Chief Justice or any other Judge nominated for the purpose by the Chief Justice, in **Form-'B'**.

If the Annual Confidential Record (ACR) of any Member of Service who is on deputation to the High Court prepared by a Judge nominated by the Chief Justice contains adverse remarks, then the Confidential Record shall be placed before the Chief Justice who shall record his remarks.

8. Communication of adverse remarks:- (1) All adverse remarks in a Annual Confidential Record (ACR), or Special Confidential Record (SCR) made by the District Unit Head and not dissented from by the Administrative Judge and then by the Chief Justice in respect of any Member of Service other than District Judges and all adverse remarks made by the Administrative Judge or by the Judge nominated by the Chief Justice and not dissented from by the Chief Justice in respect of District Judges, shall be communicated, by the Registrar General, High Court, Madras or by any other Officer authorised in this behalf by the Chief Justice, to the Member of the Service concerned within three months from the date on which the Annual Confidential Record or the Special Confidential Record, is completed as the case may be, under due acknowledgement from the Member of Service concerned.

(2) The factum of communication of adverse remarks shall be recorded in the Confidential Record.

9. Representation against adverse remarks:- (1) Every member of the Service, to whom the adverse remarks made in the Annual Confidential Record are communicated, shall within six weeks from the date of receipt of that communication by him/her, submit his/her representation, if any, against the said adverse remarks to the High Court and the same shall be placed immediately thereafter before the Administrative Judge or the Judge nominated by the Chief Justice or the Chief Justice, who had made or approved the adverse remarks, as the case may be, who may pass such orders as he deems fit on consideration of such representation. The orders, passed by the Administrative Judge or the Judge nominated by the Chief Justice, on such representation shall be placed the Chief Justice for final orders.

(2) The decision taken on such representation shall be communicated to the Member of the Service concerned.

(3) No further representation on the decision of the High Court on the representation received as per Rule 9 (1) above shall be entertained.

10. Punishments:- The pendency of any disciplinary proceedings shall not be recorded in the Annual Confidential Record in respect of any Member of the Service. However, a copy of the final order in all disciplinary proceedings, where a penalty is imposed shall be included in the Annual Confidential Record and necessary entry therefor shall be made by the Registrar General, High Court, Madras.

11. Register to watch the disposal of the Record:- A register in **Form-D** shall be maintained by the Registrar General, High Court, Madras and the entries made thereon shall have authentication of the Assistant Registrar concerned.

12. Power to issue clarifications/guidelines:- Whenever the Registry entertains a doubt in any individual case as to the authority competent to record the ACR/SCR in respect of any Member of Service under circumstances not covered in the above rules, then, the Chief Justice would decide the same and the decision of the Chief Justice is final.

The Chief Justice shall have the power to issue guidelines for the purpose of effective implementation of these rules.

Appendix**Form-A**

(See Rule 4)

Details Furnished By the Judicial Officers for Preparation of Confidential Record For the Year

1. (a) Name
(b) Designation
2. Posts held during the year

	From	To		Unit Head
(a)			(a)	
(b)			(b)	
(c)			(c)	
3. (a) Number of working days in the year
(b) Number of days during which worked
(c) Number of days not worked due to C.L./E.L./Commutated Leave on other duties
4. Monthly work Turn-out record

Dated:

Form-B

(See Rule-3)

Judicial Officer's Confidential Record For the Year 20 .**Period:**

Name of the Officer: Designation: Post Held:

Note:— To be indicated against each items as Excellent/Very Good/Good/Average/below Average

*To be recorded by the
Honourable Administrative
Judge of the Unit
(1)*

*To be recorded by the
Hon'ble the
Chief Justice
(2)*

1. Quality of Judgment/Order (to be assessed on the basis of Judgements/Orders (5) selected at random by the Unit Head or Hon'ble Administrative Judge in the case of District Judge.
 - (a) Language
 - (b) Narration
 - (c) Clarity in thought
 - (d) Reasoning
 - (e) Conclusion (Copies of Judgements and orders to be enclosed)
2. Knowledge of Law and Procedure
3. Promptitude in disposal of Cases
 - (a) Current
 - (b) Old

4. (a) Industry
(b) Aptitude for Hard/Heavy work
(c) Readiness to take up responsibility
5. Supervision and Control
(a) On Subordinate Judges
(b) On Office Staff
6. Attitude towards
(a) Superiors
(b) Subordinates
(c) Colleagues
7. Conduct and Dignity
(a) Inside Court
(b) Outside Court
8. Outlook towards
(a) Members of the Bar
(b) Public
9. Reputation as to
(a) Honesty
(b) Integrity
(c) Impartiality
10. Overall view
11. Special Remarks if any

Signature and Date

Signature and Date

Form-C

(See Rule-3)

Judicial Officer's Confidential Record For the Year**Period** :**Designation** :**Name of the Officer:****Post Held:****Note:—** To be indicated against each items as Excellent/Very Good/Good/Average/below Average*To be recorded
by the District
Unit Head.**To be recorded by
the Hon'ble
Administrative Judge
Of the District/
Metropolitan Area.**To be recorded by
the Hon'ble
The Chief Justice.
(In case of adverse
Remarks made by
the Hon'ble
Administrative Judge.)*

(1)

(2)

(3)

1. Quality of Judgement/Order (to be assessed on the basis of Judgements/Orders (3) selected at random by the Unit Head or Hon'ble Administrative Judge in the case of District Judge.

-
- (a) Language
 - (b) Narration
 - (c) Clarity in thought
 - (d) Reasoning
 - (e) Conclusion (Copies of Judgements and orders to be enclosed)
2. Knowledge of Law and Procedure
 3. Promptitude in disposal of Cases
 - (a) Current
 - (b) Old
 4. (a) Industry
 - (b) Aptitude for Hard/Heavy work
 - (c) Readiness to take up responsibility
 5. Supervision and Control
 - (a) On Subordinate Judges
 - (b) On Office Staff
 6. Attitude towards
 - (a) Superiors
 - (b) Subordinates
 - (c) Colleagues
 7. Conduct and Dignity
 - (a) Inside Court
 - (b) Outside Court
 8. Outlook towards
 - (a) Members of the Bar
 - (b) Public
 9. Reputation as to
 - (a) Honesty
 - (b) Integrity
 - (c) Impartiality
 10. Overall view
 11. Special Remarks if any

Signature and Date

Signature and Date

Signature and Date

Form-D

(See Rule-11)

Name of the Officer**First Appointed as** .. **on****Promoted as** .. **on**

- | | | |
|----|--|----|
| 1 | Serial Number | .. |
| 2 | Designation | .. |
| 3 | Place of Posting | .. |
| 4 | Due date of the report | .. |
| 5 | The date on which the report was received | .. |
| 6 | The date on which the report was signed by the Administrative Judge | .. |
| 7 | The date on which the report was signed by the Chief Justice as per Rule | .. |
| 8 | Details of adverse remarks, if any recorded | .. |
| 9 | The date of communication of adverse remarks | .. |
| 10 | The date of receipt of representation against the adverse remarks recorded | .. |
| 11 | The date of disposal of representation against the adverse remarks | .. |
| 12 | Details of decision taken on the representation | .. |
| 13 | The date of communication of decision on the representation | .. |

Note: The name of every member of the service appointed should be entered in the register, immediately after his appointment reserving sufficient number of pages having due regard to the number of year of service between the date of appointment and superannuation.

APURVA VARMA,
Principal Secretary to Government.