



ABSTRACT

RULES – Special Rules for the Tamil Nadu Medical Service – Amendment – Issued.

HEALTH AND FAMILY WELFARE (B1) DEPARTMENT

G.O.(Ms) No.341

Dated : 05.08.2021

திருவள்ளூர் ஆண்டு: 2052

பிலவ, ஆடி : 20

Read:

1. From the Joint Director, Directorate of Ex-Servicemen's Welfare, Chennai, Letter No.38093/1995/C1, dated: 17.5.1996.
2. From the Secretary, Tamil Nadu Public Service Commission, Letter No.3349/RND-B2/96, dated:27.5.1999.
3. Government Letter No.32344/B1/1996-36, Health and Family Welfare Department, dated 18.9.2000.
4. From the Secretary, Tamil Nadu Public Service Commission, Letter No.3349/RND-B2/1996, dated:5.2.2001
5. From the Director of Medical and Rural Health Services, Letter No.100413/E4/2/2000, dated 4.10.2000, 25.6.2001, 19.6.2002, 2.11.2004, 7.7.2005, 21.2.2006 & 19.1.2007.
6. Government Letter No.8594/B2/2006-9, Health and Family Welfare Department, dated 27.1.2007 & 23.4.2007.
7. Government Letter No.8594/B2/2006-12, Health and Family Welfare Department, dated 8.8.2007.
8. From the Director of Medical and Rural Health Services, Letter No.100413/E4/2/2000, dated 23.7.2008.
9. Government Letter No.18444/B1/2013-11 & 12, dated: 03.11.2020.
10. From the Secretary, Tamil Nadu Public Service Commission, Letter No.5377/RND-A1/2020, dated 15.03.2021.

ORDER:-

In the letter first read above, the Joint Director, Ex-Servicemen's Welfare Board, has stated, among others that five percent of the post of Assistant Surgeons has been reserved for Emergency Commissioned Officers / Short Service Commissioned Officers who had served during National Emergency between 26th October, 1962 and 10th January, 1968 and 3rd December, 1971 and 21st March, 1977. These reserved vacancies could not be filled up by the above mentioned candidates as they are over aged at present. Hence, the above vacancies are added up in the General pool. The matter was discussed during the 58th meeting of Tamil Nadu Soldiers' Sailors and Airmen's Board and it was resolved to request the Government to appoint the Ex-Army Medical Officers who were granted Short Service Commission or Regular Service Commission even after 21st March, 1977 against the reserved vacancies.

2. The Director of Medical and Rural Health Services and Tamil Nadu Public Service Commission were consulted. After examination, the following decisions were arrived at and the Tamil Nadu Public Service Commission was informed accordingly:-

- (i) The reservation for the post of Assistant Surgeon for the Short Service Commissioned Medical Officers who joined the Armed Forces for five year during peace time may be kept at 5% (five percent);
- (ii) The existing provision in rule 18(d)(i) of the Special Rules for the Tamil Nadu Medical Service, i.e. those selected against the vacancies reserved for persons who have served in the defence forces during National Emergency shall be eligible for fixing of seniority with reference to the year in which those joined the defence forces, need not be made applicable to Short Service Commissioned Officers, who join the Armed Forces for five years during peace time. Subsequently, it has been decided to accommodate the Ex-Army Medical Officers who were granted Short Service Commission or Regular Service Commission even after 21st March, 1977 within that five percent reserved vacancies.

3. The Appended Notification will be published in the Tamil Nadu Government Gazette.

APPENDIX.

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 amendments to the Special Rules for the Tamil Nadu Medical Service (Section 21 in Volume II of the Tamil Nadu Medical Services Manual, 1969)

2. The amendments hereby made shall come into force on and from 05.08.2021.

AMENDMENTS

In the said Special Rules,-

(1) in rule 6, the expression "in connection with the emergency which arose in 1962 and 1965 due to Chinese aggression and conflict with Pakistan" at the end, shall be omitted;

(2) for rule 18, the following rule shall be substituted, namely:-

"18. Military duty - Notwithstanding anything to the contrary contained in these rules or any other rules, the following provisions shall apply to members of the service in category 2 (Assistant Surgeons) of Class I who have been deputed for military duty and non-service candidates who have rendered military service in connection with Short Service Commission or Regular Service Commission:-

(a) Five percent of the substantive vacancies in the cadre of said category shall be reserved for the members of the service who were deputed for military duty and for non-service candidates who rendered military service

in connection with Short Service Commission or Regular Service Commission.

(b) Any member of the service in category 2 who is deputed for military service is eligible for the following concessions, namely:-

- (i) He will retain his lien in the Tamil Nadu Medical Service and his seniority and promotion in the Tamil Nadu Medical Service will be protected in accordance with the rules;
- (ii) If he is a probationer, he will be confirmed on the occurrence of suitable vacancies;
- (iii) the period of military service will count towards probation and pay and also for Civil Pensions;
- (iv) the period spent on 'field service' would count double for probation and increment of pay;
- (v) (a) the leave account of a permanent member of this service shall be regulated as follows:-

- (i) the balance of the leave in the civil leave account at the time of his transfer to military service will be frozen and it will not be operated on for any purpose during military service.

- (ii) the leave actually taken during military service will be adjusted in the civil leave account only at the end of military service and in the manner indicated below:-

- (1) annual leave against earned leave.

- (2) sick leave on full pay as commuted leave against half pay leave.

- (3) furlough on half pay/sick leave on half pay against half pay leave.

- (iii) the leave availed by him during military service in excess of what he earned during that service under the civil leave rules will be condoned.

- (iv) the balance of leave earned during military service remaining at his credit on the date of his reversion after adjustment of leave availed of during that service will be credited to his frozen leave account to the extent that the total of leave at his credit in the frozen leave account together with the balance of leave added does not exceed the limit up to which leave can be accumulated under the civil leave rules.

(b) in the case of non-permanent and temporary members of the service, the balance of leave in the civil leave account at the time of their transfer to military service will also be frozen. They will be governed fully by the leave rules of the Armed Forces during the period of military service. They will not earn any leave under the civil leave rules during the period of military service. The leave at their credit in the frozen leave account will however be carried forward and made available to them on their reversion to the civil departments.

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Explanation.- For the purpose of rule 18 (b)(iv) "Field Service" shall mean military duty in any area declared as "Field Area" by the Government of India:

Provided that the above concessions shall not be made applicable to Short Service Commissioned Officers who joined the Armed Forces for five years during peace time.

(c) Recruitment to the reserved vacancies in the cadre of Assistant Surgeons shall be made by the Tamil Nadu Public Service Commission. Selection of candidates for appointment, to the reserved vacancies in the above cadre by direct recruitment and fixation of seniority shall be made taking into account,-

- (i) the date of joining the armed forces;
- (ii) the record of service in the armed forces;
- (iii) the rank in the armed forces and the date of relief;
- (iv) field service, if any;
- (v) the number of years of service in the armed forces;
- (vi) Medals; etc., received;
- (vii) Post-graduate qualifications obtained prior to or after joining the armed forces;
- (viii) Specialist appointment held in the armed Forces;

Provided that a candidate who held a temporary appointment under section 17 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) in category 2 of class I of the service at the time of his joining the armed forces, shall have preference over candidates who joined the armed forces direct.

(d) the inter-se seniority of military service candidates recruited against reserved vacancies and Civilian candidates recruited against unreserved vacancies shall be as follows:-

- (i) All candidates appointed as Assistant Surgeons against reserved vacancies shall rank below the successful competition candidates of the year to which they are allotted. The year of allotment shall be the year in which they joined defence forces or the year of selection by the Medical Services Recruitment Board against the vacancies reserved for military candidates whichever is earlier;

Provided that the above provision shall not be made applicable to Short Service Commissioned Officers who joined the Armed Forces for five years during peace time.

(ii) The inter-se seniority of the war service candidates belonging to each year of allotment should be fixed on the basis of the principle laid down in clause (c);

(iii) The particular date on which a candidate should be deemed to have been appointed to the post of Assistant Surgeon shall be decided by the Government".

(BY ORDER OF THE GOVERNOR)

Dr.J.RADHAKRISHNAN,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director of Public Health and Preventive Medicine, Chennai-600 006.

The Director of Medical and Rural Health Services, Chennai-600 006.

The Director of Medical and Rural Health Services(ESI), Chennai-600 006.

The Director of Medical Education, Chennai-600 010.

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

The Chairman, Medical Services Recruitment Board, Chennai-600 006.

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

(for publishing in the Tamil Nadu Government Gazette.)

Copy to:

The Human Resources Management Department, Chennai- 600 009.

The Law Department, Chennai- 600 009.

The Health and Family Welfare (A / Data Cell) Department, Chennai-600 009.

Stock file / Spare Copy.

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SECTION OFFICER.