



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 41]

CHENNAI, WEDNESDAY, OCTOBER 23, 2013
Aippasi 6, Vijaya, Thiruvalluvar Aandu-2044

Part I

Notifications or Orders regarding first appointments, investiture of
magisterial powers, etc., issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

CONTENTS

HOME DEPARTMENT

Pages.

Dismissal from Service 122-127

I. NOTICE REGARDING GAZETTE EXTRAORDINARY ISSUES PUBLISHED DURING THE WEEK.

The following Notifications were published in Extraordinary issues of the *Tamil Nadu Government Gazette* during the week ending October 12, 2013 :—

<i>Issue Number</i> (1)	<i>Part and Section</i> (2)	<i>Date of Issue</i> (3)	<i>Issued by</i> (4)	<i>Subject</i> (5)
285	Part II—Section 2	30th September 2013	Commercial Taxes and Registration Department	Date of coming into force of the Indian Stamp (Tamil Nadu Amendment) Act 2012 etc.
286	Do.	Do.	Public Works Department	Acquisition of Lands.
287	Do.	2nd October 2013	Home, Prohibition and Excise Department	Award of Gandhi Adigal Police Medal to Police Personnel for their outstanding work in curbing illicit Liquor on the Occasion of Republic Day 2014.
288	Part II—Section 1	4th October 2013	Finance Department	Market Borrowing Programme of State Government by Auction.
289	Part VI—Section 2	7th October 2013	Tamil Nadu State Election Commission, Chennai	[Elections—Ordinary Elections to Urban Local Bodies—October 2011—Ramanathapuram District—Contested Candidates—Failed to lodge accounts of Election Expenses—Show Cause notices issued—Failed to submit explanation and accounts disqualification—Ordered] etc.
290	Part II—Section 2	Do.	Transport Department	Acquisition of Lands.
291	Part IV—Section 4	8th October 2013	Law Department	The Securities Laws (Amendment) Second Ordinance, 2013 No. 9 of 2013.
292	Part VI—Section 1	Do.	Medical Council of India	List of Candidates (up to 3.00 P.M. on 7-10-2013) withdrawn from Election to the Member of Medical Council of India from Tamil Nadu under Section 3(1)(c) of Indian Medical Council Act 1956.
293	Part VI—Section 2	9th October 2013	மாவட்ட ஆட்சித் தலைவர் மற்றும் ஊராட்சிகளின் ஆய்வாளர், திண்டுக்கல் மாவட்டம்	திண்டுக்கல் மாவட்டம், பழனி ஊராட்சி ஒன்றியம் பாப்பம்பட்டி ஊராட்சி மன்றத் தலைவர் பதவி நீக்கம் பற்றிய அறிவிக்கை.
294	Part II—Section 2	10th October 2013	Public Works Department	Acquisition of Lands.
295	Part III—Section 1(a)	Do.	Municipal Administration and Water Supply Department	Amendments to the Tamil Nadu Municipal Corporations Public Health Sub-ordinate Service Rules, 1996.

<i>Issue Number</i>	<i>Part and Section</i>	<i>Date of Issue</i>	<i>Issued by</i>	<i>Subject</i>
(1)	(2)	(3)	(4)	(5)
296	Part II—Section 2	11th October 2013	Rural Development and Panchayat Raj Department.	Formation of Kattumannar Koil, Keerapalayam and Kammapuram Panchayat Unions in Cuddalore District Under the Tamil Nadu Panchayat Act.

II. NOTICE REGARDING PARTS AND SECTIONS OF THE GAZETTE NOT PUBLISHED DURING THE WEEK.

The following Parts and Sections of the Gazette are not published in this week:—

Part IV—Sections 1, 2, 3 and 4

Part V—Sections 1, 2, 3 and 4

NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

Secretariat, 23rd October 2013.

Dismissal from Service.

No. I/HO/26/2013.

[Public Services - Fire and Rescue Services - Thiru N. Namasivayam, formerly Deputy Director, Fire and Rescue Services (now under suspension) - Departmental Disciplinary Proceedings initiated under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 - Final Orders - Issued.]

The following Government order is published:—

[G.O.Ms. No. 748, Home (Police-XVII), 26th September 2013, புரட்டாசி 10, விஜய, திருவள்ளூர் ஆண்டு-2044.]

READ:—

1. Government Letter No.44458/Police-17/2004-3, dated 5-1-2005.

2. G.O (D) No.91, Home (SC) Department, dated 31-1-2008.

3. Defence statement of Thiru.N.Namasivayam, formerly Deputy Director, dated 24-7-2008.

4. G.O (Rt.) No.324, Home (Police-17) Department, dated 15-2-2008.

5. Government Letter No.102981/Police-17/2008-2, dated 29-12-2008.

6. From Thiru. N. Namasivayam, formerly Deputy Director, Fire and Rescue Services, Letter dated 24-1-2009.

7. Government Letter No.102981/Police-17/2008-3, dated 18-2-2009.

8. Government Letter No.102981/Pol-17/2008-6, dated 24-6-2009 addressed to the Secretary, Tamil Nadu Public Service Commission, Chennai-2.

9. From the Secretary, Tamil Nadu Public Service Commission, Letter No.5086/DCD-D1/2009, dated 19-9-2011.

Order:- No. 748, Home (Police XVII), 26th September 2013.

Based on the recommendation of Vigilance Commission on the substantiated allegations, four charges were framed against Thiru.N. Namasivayam, formerly Deputy Director, Fire and Rescue Services, Northern Region, Chennai (now under suspension) under rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in the Government Letter first read above.

2. The charge memo served on Thiru.N. Namasivayam, on 11-1-2005. The delinquent officer submitted his written statement of defence in the reference third read above.

Thiru.C.V.Rao, formerly Inspector General of Police (Technical Services), Chennai was appointed as inquiry officer to inquire into the charges framed against Thiru.N.Namasivayam in the Government order fourth read above. The inquiry officer has completed the enquiry into the charges framed against the delinquent officer.

3. In the meantime, apart from the above said disciplinary case there are five more disciplinary cases pending against him, since several disciplinary proceedings / detailed enquires were pending against the delinquent officer, the Government in G.O (D) No.91, Home (SC) Department, dated 31-01-2008 have issued orders under rule 56(1)(c) of the Fundamental Rules, that he was not permitted to retire from service on his reaching the date of superannuation on the A.N of 31-01-2008 but, retained in service until the disciplinary proceedings and the enquiry into grave charges pending / contemplated against him are concluded and final orders passed thereon by the competent authority in the Government order second read above.

4. The charges framed in the Government letter first read above, statement of the defence of the delinquent officer, findings of the enquiry officer, reasons for deviation on the findings of the inquiry officer and further representation of the delinquent officer are as follows:-

CHARGE-I

Count - I

Thiru.N. Namasivayam, while functioning as Deputy Director, Fire and Rescue Services, Southern Region, Madurai during 1999-2000 by misusing his official position, had stayed in the Hotel Park Plaza, (2) Hotel Senthur, (3) Classic Residency and (4) Madurai Germanus without bringing his stay into records of the said hotels and used his office car TN.01 G 0278 for taking place of stay during 1999-2000.

Defence Statement of the delinquent officer :-

The charged officer has stated that there was no necessity for him to stay out when he had his own official residence with all the requisite facilities. He has stated that being a touring officer of 8 revenue districts under his control hardly he could spend 2 days continuously in headquarters which could be seen from his TA bills. More over there was absolutely no record to speak about his stay in the hotels during the period whereas all the hotels were maintaining their own registers, bills etc for the occupants. The PW-3 was caught red-handed by the local SP Thiru.Shankar Jiwal, I.P.S. He was transferred out instead of suspension under the instructions of then Director of Fire and Rescue Services and he was instrumental thereafter for sending innumerable anonymous petitions which was encouraged by a few senior officials which resulted in DVAC enquiry finally dropped as unsubstantiated.

Findings of the Inquiry Officer :-

In the absence of any other corroborative oral or documentary evidence and also the points elicited by the charged officer in terms and distances, motive of the drivers

etc., it is arrived that this Count-(i) of Charge-I as not proved beyond any doubt.

Reasons for deviation from the findings of the Inquiry Officer :-

The evidence of the PW2, PW3, PW4, PW5, PW6 and PW15 would prove that the A.O stayed in hotels without any record and did not reside in the TNHB quarters allotted to him.

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

COUNT - II

During 1999-2002 he had collected High Rise Buildings details in the month of December 1999. Though he had ascertained that out of 26 High Rise Buildings, 25 Buildings above 50 feet height were constructed without Obtaining Licence or No Objection Certificate from the Fire and Rescue Services Department. He had not taken any action against the builders nor he had taken it to the notice of the Director of Fire and Rescue Services for necessary action during his tenure at Madurai till 6-2-2002 by violating the instructions issued in Memo RC.No.14046/C1/98, dated. 31-12-1998 of the Director, Fire and Rescue Services, Chennai.

Defence Statement of the Delinquent Officer :-

The charged officer has stated that it is usually customary to get acquainted with region by collection certain statistics. These information were usually collected from our own subordinates and not from the public. Hence no direct contact was created as alleged. Those details were used for day-to-day administration and for all the monthly meetings conducted by the Director with Deputy Director. Therefore, it is in comprehensible to say that no action was taken.

Findings of the Inquiry Officer :-

There is a material evidence to show that the Charged Officer had collected particulars of high rise building from each Divisional Officer of his region. There is no defence witness or evidence to show the action taken by the charged officer to inform the existence of violations in high rise buildings reported by Divisional Officers. The contention of the charged officer that Directorate Memo R.C. No.14046/C1/98, dated 31-12-1998 was not listed in Annexure II and III is not correct as it is included in SI.No.7 in Annexure II as part of the instructions regarding inspection of high rise buildings, which is marked as P.Ex-4. In view of the availability of clear evidence for failure on the part of the charged officer to produce any witness or document to defend his side, the Count 2 of Charge-I has held as proved.

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

COUNT - III

During the period 1999, Thiru S.Ganapathy, formerly Divisional Officer, Madurai granted licence of Fire and Rescue Services Department, for conducting bar in favour of Hotel Senthur on 24-6-1999 and in favour of Hotel Aarathy on 29-10-1999. He had dealt with charge memo under rule 17(a) against Thiru.S.Ganapathy, for granting licence by violating the instructions issued in the Circular RC.No.14046/C1/1998, dated, 15-9-1998, but he failed to take any action for canceling the licence issued to the two hotels.

Defence Statement of the Delinquent Officer :-

The charged officer has stated that issue of licence / NOC by an officer who is not competent to do so or usurping someone's power is liable for punishment. It was not out of ignorance or urgency but the licences were issued blatantly violating the department procedures so that the copies were not marked to Deputy Director or Director. The charged officer stated that had he cancelled the Fire Licences on his own it would have amounted to usurping his senior's powers. Moreover any Licence / NOC issued has one year validity only. Above all this department works as an advisory body and the enforcement powers lies with the Revenue Department or Corporation.

Findings of the Inquiry Officer :-

The charged officer failed to produce witness or evidence to prove that he had sent the report to DFRS and recommended for cancellation of fire licences issued by Thiru.Ganapathy, Divisional Officer. Due to the foregoing it is very clear, that the charged officer has failed to take action to take steps to cancel the licences issued to the same two hotels by Divisional Officer, therefore, the **Count 3 of Charge-I has held as proved.**

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

COUNT- IV

During the period of 1999 he had sent up his Inspection Report on 20-12-1999 in favour of Hotel Germanus (Jagan) at Madurai suppressing the actual height of more than 90 feet and the unauthorized construction of 5th and 6th floors and thereby paved way for the proprietor to get licence from the Director of Fire and Rescue Services. He had also failed to take action against the proprietor for not renewing the licence once in a year by violating the condition laid down in the licence.

There by failed to maintain absolute integrity and devotion to duty and conducted himself in an unbecoming manner and contravened rule 20(1) of the Tamil Nadu Government Servants Conduct Rules, 1973.

Defence Statement of the Delinquent Officer :-

The charged officer has stated that the department is concerned with the safety of life and then the property. For obtaining licence or permission from the concerned Corporation

or from the Tourism Department. It is the practice of individuals to obtain clearance from the Fire Service. It is from this angle that our department inspects and recommends if it is fit. For life safety, water availability, fire fighting facilities within the building and escape routes are out primary concern. Though the height and occupancy of the building are the main criteria for deciding the safety factors of the building, the National Building Code Part -IV Fire Protection prescribes definite standards. In line with the above Hotel Germanus was inspected by the Committee. The building in question has every aspect far in excess of the required standards of the National Building Code, Part IV Fire Protection. The committee has clearly mentioned about the height, floor areas and fire fighting and rescue facilities available in the building. As per the guidelines laid down in NBC India, basic and main water requirement of the building of this nature is one lakh its at the underground static water tank and 20,000 Its over head tank whereas the above said building was provided with 1.55 lakh it over head tank and 36,000 its underground tank.

Findings of the Inquiry Officer :-

The allegation that the charged officer suppressed the actual height and unauthorized construction of 5th and 6th floors is not substantiated beyond reasonable doubt. The report of the charged officer clearly says that the height of the building is 21.1 mts. and has basement, ground mezzanine and first to five floors. Owing to the above and failure on the part of the prosecution to substantiate the fact of hiding the height of the building by the charged officer In his report, he hold the **count-4** of the **charge-I** has held as not proved.

Reasons for deviation from the findings of the Inquiry Officer :-

The evidence of PWs 2 and PW.6 would prove that the A.O used to stay in Germanus Hotel. Hence it is clear that the A.O. helped the Proprietor of Germanus Hotel to get licence by screening the fact of unauthorized construction of 5th and 6th floor in the Hotel.

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

CHARGE- II

Thiru. N. Namasivayam, while functioning as Deputy Director, Fire and Rescue Services, Southern Region, Madurai during his tenure, he had taken the surprise visit of Singampunari Fire Station on 6-12-1999. He had dealt with a charge memo under rule 17(b) against the formerly Station Officer W-46 Thiru. S. Syed Mohamed Shah for not maintaining the vehicle properly during the period 2-7-1995 to 14-1-1999. He had taken abnormal delay of 7 months for calling for a minor clarification on the not proved minute and finally passed orders dropping further action with a warning on 20-12-2001 by violating the guidelines issued in Government Letter No.13571/Pol-V/1988-1, Home (Pol-V) Department, dated: 5-02-1988 and thereby failed to act in the best interest of the Government. He had thereby misconducted himself

and contravened rule 20(1) of the Tamil Nadu Government Servants Conduct Rules, 1973.

Defence Statement of the delinquent officer :-

The charged officer has stated that disciplinary action was initiated against a direct recruit young Station Officer for not repairing the vehicle of the station, as the department being wholly vehicle oriented one, the station cannot function if the vehicles are off the road. The Enquiry Officer did not give specific conclusion in the minutes it was returned and got back. In the mean time he was on long leave for 5 months and there was no wanton delay anywhere else and no one was affected. The then Director of Fire Services in his annual inspection of Deputy Director office at Madurai has elaborately spoken about the inadequacy of the staff and the back log of this office and at the same time satisfactory function of this office in the years 1999 and 2000.

Findings of the Inquiry Officer :-

There is no delay in passing final orders, on the part of the charged officer alone. Hence the Charge-II has held as not proved.

Reasons for deviation from the findings of the Inquiry Officer :-

As seen from the evidence of PW. 7 Tr. S. Syed Mohammed Sha and PW.8 Tr. V. Ramachandran, the accused officer dealt with Tr. S. Syed Mohammed sha for not maintaining the vehicle properly during 02-7-1995 to 14-1-1999. Tr. V. Ramachandran enquired the charge and submitted report to the accused officer on 28-2-2001. The accused officer asked some clarification only on 28-9-2001. He took 7 months to call for the clarification. He held the charge as not proved on 28-12-2001. The Inquiry Officer did not appreciate the above evidence which would show the delayed action on the part of accused officer in dealing the P.R. files.

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

CHARGE- III

Thiru.N. Namasivayam, during his tenure at Madurai Region, had taken abnormal delay of more than 6 months in passing final orders on the not proved minute and proved minute in P. R. Nos.03/89,02/99, 13/99,01/2001 and 02/2001 without any reason and thereby he has failed to maintain absolute integrity in this PR branch of work, by violating guidelines issued in Government LetterNo.13571/Pol-V/88-1, Home, dated: 5-2-88 and contravened rule 20(1) of the Tamil Nadu Governments Servants" Conduct Rules, 1973.

Defence Statement of the delinquent officer :-

The charged officer has stated that the minute was put up to him in final shape on 25-9-2000 and he gave the dictation on the very day itself but the office had to check a few facts with other offices in Madurai relating to property matters. In the meantime the charged officer entered on

medical leave and after his return from medical leave the file was finally put up on 19-3-2001 and he passed the orders on the same day and it was despatched on 21-3-2001. He has further stated that Thiru. Ganapathy, Divisional Officer has imposed the punishment of postponement of increment with a view to affecting the individual's career.

He has further added that the individual Thiru. Kulandaivelu was punished with a centre by D.O. Ramanathapuram. As a result his long service pay was stopped. The individual preferred and appeal and went to Court. After verifying the facts the charged officer set aside the punishment imposed and restored his long service pay.

He stated that this P. R. was issued to Station Officer Thiru Jayaraman when he was on long leave and Mr. Samidurai was in additional charge of the region. This charge relates to normal routine function. He gave the dictation with no delay when they were put up to him.

The charged officer has stated that this P.R was issued to Station Officer Thiru Jayaraman when he was on long leave and Mr. Samidurai was in additional charge of the region. This charge relates to normal routine function. He gave the dictation with no delay when they were put up to him.

Findings of the Inquiry Officer :-

The said 5 P.Rs were given to office of DD., Southern Region more or less in the same time. Naturally the understaffed office will take time to concentrate on this kind of special works apart from regular and routine work. Apart from the above the charged officer was on long leave for 5 months in 2 spells. Obviously this will lead to delay in passing final orders. Keeping in mind all the above, the charge-III in total has held as not proved.

Reasons for deviation from the findings of the Inquiry Officer :-

The accused officer was on medical leave for 2 months and hence he took time to pass final orders on the P.Rs. The accused officer was on medical leave only from 27-3-2001 to 22-6-2001. Except P.R. No.1/2001 other P.Rs were submitted to him for orders before his medical leave. No P.Rs was pending at the time of entering on medical leave. He dealt with the P.Rs before his medical leave and after his medical leave only. Hence the reason for delay due to his medical leave is not correct.

Further representation of the Delinquent Officer on the deviated views of the disciplinary authority :-

The delinquent officer has not given any further representation.

CHARGE- IV

Thiru. N. Namasivayam, during his tenure at Madurai had issued transfer orders in favour of Thiru. K. Kumar, Station Officer from Sathur to Sankarankovil, Thiru. P. Selvendran, Station Officer from Kalugumalai to Sathur on 21-3-2001, Thiru. C. Kasi, Fireman 6660 from Srivilliputhur to Virudhunagar and Thiru. G. Dharmarajan,

Fireman 2389 from Vathirairuppu to Virudhunagar on 16-11-2000 during non transfer period by violating the conditions laid down in the G.O. Ms. No.10, Personnel and Administrative Reforms (Per.S) Department, Dt. 9-1-94 and thereby failed to maintain absolute devotion to duty and conducted himself in an unbecoming manner and contravened rule 29(1) of the Tamil Nadu Government Servants Conduct Rules, 1973.

Defence Statement of the Delinquent Officer :-

The charged officer has stated that it is not against the rule, as no extra expenditure was involved, everything was at individuals request against the existing vacancy. All have completed requisite period of 1 year in their stations before effecting transfers.

Citing some of his achievements in the department he requested that the disciplinary proceedings against him may be dropped.

Findings of the Inquiry Officer :-

It is clear from the documents available that the charged office had not violated the conditions laid down in the G.O. Ms. No.10, P&AR (Per.S) Dept. dated 9-1-2001 and subsequent instructions of Government in effecting transfers mentioned in sub-count (ii) of Charge IV. Ultimately the charge against the charged officer in Charge IV has held as not proved.

5. A copy of the findings along with the reasons for disagreement of the findings of Inquiry Officer was furnished to the Delinquent Officer to enable him to submit his further representation if any, in the Government letter fifth read above.

Based on the request of the Delinquent Officer was granted 15 days extension of time for furnishing his further representation, in the Government letter seventh read above, in which he has been informed that no further time will be given hereafter in the matter and if his further representation is not received within the stipulated time, it will be construed that he has no further representation to offer and further action will be proceeded by Government. In spite of above instruction, the delinquent officer has not furnished his further representation on the deviated views of the disciplinary authority.

6. The Government have examined the matter carefully and independently with all the connected records and come to a conclusion that in respect of count (i) and count (iv) of Charge-I, Charge-II and Charge-III framed against him were held as proved. The Government have provisionally arrived a punishment of Dismissal for Service to be imposed on the Delinquent Officer for the proven charge. The views of the Tamil Nadu Public Service Commission on the proposed punishment have been obtained under regulation 18(i)(b)(v) of the Tamil Nadu Public Service Commission regulations 1954 in the Government letter eighth read above.

7. The Tamil Nadu Public Service Commission in its letter ninth read above, among others has offered the following views:-

The delinquent officer while functioning as Deputy Director of Fire and Rescue Services, Southern Region, Madurai during 1999-2000 he was charge sheeted under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules,

> for misusing the official position by staying in Hotel Park Plaza, Senthur, Classic Residency and Madurai Germanus without bringing his stay into the records of the said hotels and used his office car for taking from the place of stay,

> failed to take action against 25 buildings above 50 feet height without obtaining licence or No Objection Certificate from the Fire and Rescue Services Department,

> failed to take action to cancel the licence issued by Thiru. S. Ganapathy, Divisional Fire Officer to Hotels Senthur and Aarathy for conducting bar,

> sent Inspection Report in favour of Hotel Germanus at Madurai suppressing the actual height of more than 90 feet and the unauthorized construction of 5th and 6th floors and thereby paved way for the Proprietor to get licence from the Director of Fire and Rescue Services,

> caused abnormal delay of 7 months in calling for a minor clarification in respect of disciplinary action taken against one Thiru. S. Syyed Mohamed Shah,

> caused abnormal delay of more than 6 months without reason in passing final orders in respect of 5 P.Rs and issued transfer orders to certain Station Fire Officers during non transfer period.

The Delinquent Officer did not submit his explanation to the charge memo. On 29-4-2008 he had stated that he would submit his explanation after the inquiry was over. An oral inquiry was held on 29-4-2008, 30-4-2008, 16-5-2008, 28-5-2008, 2-6-2008, 20-6-2008, 26-6-2008 and 30-6-2008. The Delinquent Officer submitted his explanation to the inquiry officer on 24-7-2008. In respect of count 1 of charge I he has stated that there was no necessity for him to stay out when he had his own official residence with all the requisite facilities, there was absolutely no record to speak about his stay in the hotels, that PW-3 Thiru. Selvaraj was the only driver for staff car attached to his office against whom he had initiated disciplinary action for canvassing and influencing the officials at Fireman recruitment ground as he was caught red-handed by the local S.P. Thiru. Shankar Jiwal, I.P.S., that he was responsible for sending innumerable anonymous petitions which resulted in DVAC inquiry. For count 2 he had stated that it is usually customary to get acquainted with region by collection of certain statistics from their own subordinates and not from the public and hence no direct contact was created as alleged. For count 3 he had stated that when the licence issued by Thiru. S. Ganapathy, Divisional Fire Officer came to his notice he informed the same to the Director of Fire and Rescue Services *vide* his D.O. letter.1/SR/2000, dated 20-02-2000 and discussed the same in the monthly meeting conducted on 20-3-2000, that had he cancelled the Fire licences on his own it would have amounted to usurping his senior's power. For count 4 of charge 1 he had stated that the building in question has every aspect far in excess of the required standards of National Buildings Code Part IV Fire Protection, the committee has clearly mentioned about the height floor areas and fire fighting and rescue facilities available in it, that the department is of advisory nature and not enforcing nature and that everything was done by the Committee and the licence was issued by the Director. For charge 2 he had stated that the inquiry officer did not give specific conclusion in the minutes it was returned and got back

and that in the mean time he was on long leave for 5 months and that there was no wanton delay anywhere else and no one was affected. For charge 3. the Delinquent Officer has stated that the minute was put up to him in final shape on 25-9-2000 and gave dictation on the very day itself but the office had to check a few facts with other officials in Madurai relating to property matters. For charge IV he had stated that it is not against the rules, as no extra expenditure was involved.

The inquiry officer in his report held, count I, IV of charge 1, charges 2, 3 and 4 as not proved and count II and III of charge 1 as proved. For count I of charge 1, the inquiry officer has opined that in the absence of any other corroborative oral or documentary evidence and also the points elicited by the Delinquent Officer in terms of distances, motive of drivers etc., it was arrived that charge as not proved beyond doubt. For count 2 of charge 1 he has stated that in view of availability of clear evidence for failure on the part of the Delinquent Officer to produce any witness or document to defend his side, this count is held as proved. For count 3, the inquiry officer has stated that the delinquent officer had failed to produce witness or evidence to prove that he had brought to the notice of the Director of Fire and Rescue Services about the issue of fire licence by the Divisional Officer to Hotel Senthur and Aarathy in violation of rules, that the D.O. letter No.01/SR/2000, dated 20-2-2000 said to have been sent (by the Delinquent Officer) to the Director of Fire and Rescue Services does not exist and it seems to be an after thought of the Delinquent Officer and held this count as proved. For count 4, the inquiry officer has stated that the allegation that the delinquent officer suppressed actual height and unauthorized construction of 5th and 6th floor was not substantiated beyond reasonable doubt, that the report of the delinquent officer clearly says that the height of the building is 21.1 mts. and has Basement, Ground, and Mezzanine and first to five floors and held this count as not proved. In respect of charge 2, the inquiry officer opined that there was no delay on the part of the Delinquent Officer alone and held it as not proved. For charge 3 he opined that there was no abnormal delay in passing final orders, the Delinquent Officer was on long leave for 5 months in 2 spells, whatever the time taken, was reasonable for processing the files, and held it as not proved. For charge 4, the inquiry officer has stated that the delinquent officer had not violated the conditions laid down in G.O Ms. No.10, Personnel and Administrative Reforms (Per.S) Department, dated 17-01-1994 and held it as not proved. However, the Government have deviated from the findings of the inquiry officer in respect of counts I and IV of charge 1 and charges 2 and 3 and directed the Delinquent Officer to submit his further representation. The Delinquent Officer did not submit his further representation on the findings of the inquiry officer in respect of count 2 and 3 of charge 1 and deviated from the findings of the Government in respect of count I and IV of charge 1 and charges 2. The deviated findings of the Government in respect of count I and IV of charge 1, charges 2 and 3 and findings of the inquiry officer in respect of count II and III of charge 1 are acceptable one. Charges 2 and 3 relate to delay in finalizing disciplinary case files and moreover there is no abnormal delay. Hence these two charges need not be pressed. However Charge 1 (*i.e.* all four counts) held proved against the Delinquent Officer are serious in nature and the gravity of

offence committed by him calls for imposition of severe penalty. Hence the proposal of the Government to dismiss the Delinquent Officer from service cannot be considered to be excessive or arbitrary. Hence the Commission advises the Government to go ahead with imposition of said proposed penalty and issue orders accordingly.

8. The Government have again examined the case carefully and independently with connected records with the views of the Tamil Nadu Public Service Commission and decided to impose the punishment of "Dismissal from Service" for the proven charges against Thiru. N. Namasivayam, formerly Deputy Director, Fire and Rescue Services (now under suspension). Accordingly, the Government order that the

punishment of "**Dismissal from Service**" be **imposed** on Thiru. N. Namasivayam, formerly Deputy Director, Fire and Rescue Services (now under suspension), for the proven charges.

9. A copy of the Tamil Nadu Public Service Commission's letter ninth read above is communicated to the Delinquent Officer along with this order.

(By order of the Governor)

NIRANJAN MARDI,
Principal Secretary to Government.