

**TAMIL NADU PUBLIC WORKS DEPARTMENT
CODE**

With

APPENDICES

CHAPTER 1

**ESTABLISHMENT AND ORGANISATION OF THE
DEPARTMENT.**

A. INTRODUCTORY

1. This code is intended to define the scope of the administrative and executive functions of the officers of the Public Works Department. It does not deal with questions of pension or leave, nor with the detailed procedure to be followed in connection with the Public Works Department accounts. The rules contained in the Fundamental Rules and Subsidiary Rules thereto, and the pension rules (including wound and injury, pension rules) in the Civil Service Regulations are applicable to the Public Works Department. Rules in the Tamil Nadu Financial, Treasury and Account Code relating to classes of transactions which occur in the Public Works Department as well as in Civil Departments are binding upon the Public Works Department except in so far as they may be overridden by express provisions in this Code or in the Tamil Nadu Public Works Account Code. The detailed procedure to be adopted in accounting for transactions authorised by this Code is laid down in the Tamil Nadu Public Works Account Code.

**B. ORGANISATION AND FUNCTIONS OF THE PUBLIC
WORKS DEPARTMENT.**

2. The operations of the department are controlled by the Government of Tamil Nadu. The various items of Public Works assigned to the State Government as a State Subject are contained in List 2 of the 7th Schedule of the "Constitution of India" and are reproduced below—

" 12. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those (declared by or under law made by Parliament) to be of national importance. "

"17. Water, that is to say, water supplies, irrigation and canals, drainage and flood control, water storage and water power subject to the provisions of entry 56 of List I."

"35. Works, lands and buildings vested in or in the possession of the State."

3. Omitted.

4. Besides the functions described above, the Public Works Department has, as the agent of the Government, to execute Public Works on behalf of the Central Government debitable to Central Revenue.

C. RECRUITMENT OF OFFICERS, SCALE OF PAY, ALLOWANCES, ADVANCES, LEAVE ETC.

5. The rules relating to the recruitment of officers and the scales of pay and allowances admissible to them are contained in the Manual of Appointments and Allowances of Officers in Tamil Nadu published by the Accountant-General. The rules governing the grant of advances of various kinds are contained in Chapter X of the Tamil Nadu Financial Code Volume I. The leave rules are contained in the Fundamental Rules and the conditions of language leave rules in the subsidiary rules framed by Government there under.

Copies of orders in the following cases should be sent by the authorities concerned to the Tamil Nadu Public Service Commission:—

(i) Orders of appointment, confirmation or promotion, as the case may be, in cases where the Tamil Nadu Public Service Commission has been consulted under sections 9, 10, 11 and 13 of the Tamil Nadu Public Service Commission Act in regard to:—

(a) The selection of candidates for appointment to any State or subordinate service or special post by direct recruitment;

(b) The selection of candidates for appointment to any permanent post in a State Service by promotion from a subordinate service; and

(c) Confirmation or promotion of probationers or persons already in Government Service.

(ii) Orders of appointment in the case of candidates selected by the Commission for appointment as Junior Assistants, Typists, etc., in Government offices in the State; and

(iii) Final orders in disciplinary and other cases where the commission has been consulted under the Act.

D. DUTIES OF OFFICERS OF THE PUBLIC WORKS DEPARTMENT.

I—CHIEF ENGINEER.

6. Each Chief Engineer is the administration and professional head of that Branch of the department of which he is in charge and is responsible to Government for the efficient working of that Branch. He is also the responsible professional adviser of Government in all matters relating to his Branch.

7. The Chief Engineer (General) will recommend to the State Government removals, transfers and postings of Superintending and Executive Engineers. The Chief Engineer (General) is empowered to post and transfer subdivisional officers who are officers of the Tamil Nadu Engineering Service. One Chief Engineer will be in charge of establishment, but his recommendations to Government will be made in consultation with the others.

All the postings and transfers of officers of the Tamil Nadu Engineering Service to divisional charge will be made by Government.

The Chief Engineer in charge of establishment has powers to appoint and dismiss Assistant Engineers and Junior Engineers sanctioned for the State and all the Chief Engineers have powers to appoint and dismiss the clerical, the drawing and the inferior staff of their offices.

The Chief Engineer (General) has power to make temporary transfers of subordinates in special cases between the services or executive lower subordinates and draftsman and to grant them officiating pay in such cases. Permanent transfers from one service to the other should not be made without obtaining the prior sanction of Government.

8. The Chief Engineer will exercise a concurrent control, with the Audit Officer, over the duties of the officers of the department in connection with the maintenance of accounts and will give all legitimate support to the Audit Officer in enforcing strict attention to the regulations concerning the disbursement of money, the custody of stores and the submission of accounts. He will have no authority over the Audit Officer in

regard to audit matters, but will have a claim on him for assistance and advice in matters relating to accounts and finance. At the same time, the Chief Engineer should arrange that the Audit Officer is kept fully cognizant of all proceedings and proposals, to enable the latter to fulfil his functions.

9. The Chief Engineer will prepare, annually the portion of the budget estimates relating to the works under his control, and as soon as possible after the close of each year, prepare a report of the progress made during that period on the Public works under his charge, giving a brief but clear account of the operations of the department. The general supervision and the control of the assessment of such a irrigation and navigation revenue as are collected in the Public Works Department will rest with the Chief Engineer, who should frame the necessary estimates and watch the progress of realizations during the year.

10. It will be the duty of the Chief Engineer to see that the budget allotments of the year are fully expended, in so far as is consistent with general economy. He will be responsible for ensuring that any money which is not likely to be needed during the year is promptly surrendered, so as to allow of its appropriation for other purposes by the proper authority. (See Chapter V, Tamil Nadu Public Works Account Code).

11. When any Military Works are placed under the administration of the Public Works Department, questions relating to military details will be referred by the Chief Engineer to the General Officers commanding Divisions or Brigades. A Chief Engineer may correspond direct with Heads of Departments on all matters relating to details of buildings or works appertaining to those departments.

12. The Chief Engineer is responsible for all important structural designs and controls of the Central designing office managed by the Chief Architect, Government of Tamil Nadu Superintending Engineer, Planning and Designs Circle and the Technical Section. Responsibility for the technical features of all designs rests with the office of their origin.

II--SUPERINTENDING ENGINEER

13. The administrative unit of the department is the circle in charge of a Superintending Engineer, who is responsible to the Chief Engineer for the administration and general professional control of Public Works in charge of officers of the department within his circle.

14. The Superintending Engineer shall inspect the important works in his circle, to satisfy himself that the system of management is efficient and economical, that regulations as regards works, stock and accounts are strictly observed and that the executive and administrative work of the circle is satisfactorily performed.

Whenever large construction work is sanctioned in a circle for which no special staff is allowed, the Superintending Engineer may, with a view to avoid delay, detach one or two subordinates from within his circle for some definite period and put them to the work in question. In other words, there should be some elasticity in the sectional and subdivisional charges and the Superintending Engineer should not hesitate to call upon the services of one or two officers under him for such special work. They should freely resort to these methods in order to accelerate construction work.

NOTE 1.—The Superintending Engineers should review the works in progress periodically and at any rate, at intervals of not less than one year from the date of commencement of all works costing Rupees one crore and over and six months in respect of all major works costing less than Rupees one crore.

NOTE 2.—The Superintending Engineers should specifically state in each case of review which should be submitted to the concerned Chief Engineer whether a revised estimate is necessary or not and whether the work is executed economically and in accordance with rules. In case a revised estimate is found necessary, he should make immediate and prompt action to submit it for obtaining revised administrative approval of Government, well in advance.

15. It will be his duty to watch and control the rates paid for work and he may require an Executive Engineer, to report to him such details of expenditure as he may desire.

16. It is his duty to satisfy himself that the staff employed is actually necessary and adequate, and that the divisional and subdivisional officers attend personally to their primary accounts; he will inspect each divisional office once in a year and report thereon to the Chief Engineer.

17. The Audit Officer and Superintending Engineer should assist each other in rendering the management of departmental accounts as perfect as possible. To this end, during his inspec-

tions of Divisional offices, the Superintending Engineer will examine the divisional registers and other account and measurement books, the mode of preparation of estimates, contractor's accounts and agreements, the system of recording plans and papers and office work generally. He is expected to communicate freely and personally with Executive Engineers and to advise them in the performance of their duties.

18. The Superintending Engineers are empowered to transfer and post Assistant Executive Engineers and Subordinate Engineers within their circles. In the case of office and petty establishments borne on divisional scales it should be seen that these scales are not exceeded without proper authority. It will also be their duty to recommend removals and transfers of Executive Engineers, Assistant Executive Engineers, Assistant Engineers and Subordinate Engineer from their own circles.

19. All reports on Engineer and Subordinate establishments will be noted on by the Superintending Engineer before submission to the Chief Engineer.

He will bring to the notice of the Chief Engineer cases of incompetence or disqualification for public duties. In like manner he will bring prominently forward all instances of extraordinary zeal and ability.

He will have power to appoint, dismiss and control the drawing and the ministerial staff of the circle, and the inferior servants of his office. Appeals will lie from any order of punishment passed by a Superintending Engineer to the Chief Engineer.

20. The Superintending Engineer should generally prepare designs and have detailed plans and estimates prepared in his office for all original works and improvements likely to cost more than Rs. 1,00,000. In the case of estimates for improvements to existing structures amounting to over Rs. 1,00,000 where the Superintending Engineer could not undertake the preparation of estimates without being supplied by the Executive Engineer with an amount of data which would make it more convenient if the latter himself prepared the plans and estimate in question, the Executive Engineer should prepare them. The Superintending Engineer will be responsible for the Engineering feature of all designs prepared by him; his Personal Assistant will be responsible for the calculations and for the accuracy of the rates.

When submitting to the Chief Engineer any report, design or estimate, he will invariably state his own opinion and recommendations.

21. The Superintending Engineer should generally supervise and control the correct assessment and realization of such revenue as is assessed or collected in the Public Works Department, *vide* paragraph 254, Tamil Nadu Public Works Accounts Code.

22. A Superintending Engineer is authorised to correspond direct with any of the local authorities, civil or military, within his circle. He will address General Officers Commanding Divisions or Brigades through their staff Officers and all other officers direct.

23. Under the rules framed under the District Municipalities Act, the Superintending Engineers have statutory powers to inspect municipal works other than road works in their respective jurisdiction. No additional emoluments may be received for these duties.

III. SUPERINTENDENT OF WORKS:

24 Deleted.

IV. EXECUTIVE ENGINEER

25. The executive unit of the department is the division in-charge of an Executive Engineer, who is responsible to Superintending Engineer for the execution and management of all works within his division.

26. An Executive Engineer can receive positive orders only from his own departmental superiors, the head of the administration, or other civil officers duly authorised, except in the case of works considered urgent by an officer Commanding a station, who can, in the circumstances explained in Army Regulations, India, issue an order to the Executive Engineer for the execution of the work.

27. The Executive Engineer is responsible that proper measures are taken to preserve all the buildings and works in his division, and to prevent encroachment on Government lands in his charge. He must keep accurate plans of all cantonment or other Government lands borne on the P.W.D. registers and ensure that his subordinates are acquainted with the boundaries.

28. The Executive Engineer should insist on periodical inspections of all vacant lands in charge (i.e. lands which were acquired or set apart for particular object and which are still unoccupied, the particular objects not having been fulfilled and lands appertaining to Government buildings which are not enclosed by compound walls or fences) being made by the subordinates in proper time with a view to prevent encroachment thereon. So far as lands pertaining to P.W.D. channels, canals, drains, tanks, tankbeds, road berms and to other P.W.D. Irrigation and road works are concerned encroachments thereon will be guarded against by the subordinates of the Revenue Department.

All lands should be demarcated, wherever it has not been done, and this work should be carried out by the subordinates of the P.W.D. in consultation with the officers of the Revenue Department.

29. Every Executive Engineer should immediately report to the Chief Engineer through the Superintending Engineer and the Collector of the District, any serious loss of immovable property, caused by any accident or unusual occurrence as required by paragraph 299 of the Tamil Nadu Financial Code Volume I—*vide* also paragraphs 192—194.

30. Executive Engineers may transfer Assistant, Junior Engineers (other than Subdivisional Officers) from one station to another within their respective divisions without reference to superior authority. The transfers will be reported in the ordinary course to the Superintending Engineer.

31. An Executive Engineer is prohibited from commencing any work or expending any public funds without the sanction of competent authority or from making any other than trifling deviations from sanctioned designs in the course of execution, except in case of emergency.

32. Immediately on a work being finished, it will be the duty of the Executive Engineer to close the accounts of it and to prepare the completion report if required by the rules in paragraph 216.

33. The Executive Engineer will submit his accounts punctually to the Audit Office under the rules in force and will exercise efficient control over his Divisional Accountant. The Executive Engineer is responsible for the correctness o.

the original record of cash and stores, receipts and expenditure and for the submission of complete vouchers. The Divisional Accountant is responsible for the correct compilation of the accounts from the data supplied to him.

34. The Executive Engineer is responsible that the accounts of the division are not allowed to fall into arrears; but if arrears or confusion arises which, in his opinion cannot be cleared without the assistance of the Accountant-General, he should at once apply for such assistance.

35. The Executive Engineer has a right to seek the advice of the Accountant-General in all matters connected with the accounts of his division or the application of financial rules and orders concerning which there may be any doubt. It will usually be desirable, however, that he should first obtain the advice of the Divisional Accountant who is specially trained for this duty, and this should be done in writing in all cases of importance.

36. The Executive Engineer is primarily responsible for reporting without delay, supported, if necessary, by a work slip, the probability of any excesses over estimates, all important liabilities not brought to account being noted and for the prompt revision of estimates when necessary.

NOTE 1:—The Executive Engineer need not submit work slips in case in which he has power to pass finally excesses over estimates but should sanction work slips and keep them on record.

NOTE 2:—Workslips on agreements after completion are purposeless. However, workslips or revised estimates as the case may be got sanctioned before sending completion report.

NOTE 3:— Deleted.

37. The Executive Engineer is responsible for the detailed assessment of such revenue as is collected through the Public Works Department within his division and will maintain such records and accounts for the purpose as may be prescribed—vide Chapter IX Tamil Nadu P.W.A. Code.

38. The Executive Engineer is responsible that the surveying and mathematical instruments in his division are properly cared for, and will report on their condition to the Superintending Engineer at the end of each working

season. Any damage to the instrument due to neglect or carelessness should be made good at the expense of the Officer or subordinate responsible for the damage.

39. The Executive Engineer is responsible for the purchase (subject to the provisions of the stores rules Articles 125 and 126 to the Tamil Nadu Financial Code Volume I) manufacture, care and disposal of all stores in or required for, his division (Tamil Nadu P.V.A. Code, Paragraphs 177 and 178).

40. The Executive Engineer may dispose of temporary buildings or structures not required for and charged to works—vide paragraph 236.

41. The Executive Engineer will appoint or dismiss and generally control all the inferior and petty establishments authorised for his division.

He may fill up acting or temporary vacancies of Junior Assistants, Typists and Steno-typists and of Assistant Draughtsman in his division and grant leave (other than special disability leave) to temporary, acting and permanent clerks, Assistant Draughtmen and Draughtsmen. He should, however, report the appointments made and the leave granted to the Superintending Engineer immediately. Appeals will lie from any order of punishment passed by an Executive Engineer to the Superintending Engineer.

42. It will be the duty of the Executive Engineer to furnish Treasury and Sub-treasury officers after due inspection with the certificate prescribed in Article 9 (b) of the Resource Manual, as to the security of strong rooms used or proposed to be used for the storage of coin.

43. The Executive Engineer will be required to inspect, report on and suggest measures for the protection of ancient and historical monuments other than those declared by or under law made by Parliament to be of National importance of buildings of architectural interest, which appear likely to fall into decay—vide entry 12 of List II of schedule VII of the Constitutions of India.

In the case of monuments, which have been declared "Protected" under the Ancient Monuments preservation Act of 1904 or buildings under the care of the Archaeological Department, the Executive Engineer should arrange in

consultation with the Superintending Archaeologist, Archaeological Survey of India, Southern circle for a joint inspection, when the former is specially called upon by the latter to decide upon any important repairs that may be required. The cost of such inspection will be borne by the Central Government.

44. The Executive Engineer is ex-officio the professional Advisor of all departments of Government and local bodies within the limits of his charge, and it will be incumbent on him to see that no undue formalities are allowed to interfere with the performance of this duty.

45. The Executive Engineer is responsible for the Engineering features of designs and the rates in estimates prepared or sanctioned by him.

46. Executive Engineers may, where the services of an officer, of the Military Works Services are not available, be called upon by General Officers Commanding Divisions or Brigades to be Members of Committee appointed to select sites and determine general boundaries of cantonments.

47. Deleted.

48. Executive Engineers should address Officers Commanding Divisions, Brigades or Stations through their Staff Officers.

V-SUBDIVISIONAL OFFICER

49. The division is divided into subdivisions in-charge of Subdivisional Officer, who may be Executive Engineers, Assistant Executive or Assistant Engineers or where no such officers are available, Subordinate Engineers, and who are responsible to the Executive Engineer in charge of the divisions, for the management and execution of works within their subdivisions. No subdivision can be constituted in the first instance without the sanction of the State Government.

Subdivisional Officers may fill up acting and temporary vacancies in the inferior and petty establishments in their subdivisions and grant leave (other than special disability leave) to basic servants permanent, temporary and acting up to one month at a time and for not more than one month in a calendar year.

The adhoc rules ordered in G.O. Ms. No. 461, P.W.D. dated 15-3-1980 shall be followed in respect of work charged establishment (Provincialised) in regard to imposing of penalties.

VI-DIVISIONAL ACCOUNTANT

50. The Divisional Accountant referred to in paragraphs 33 and 35 is appointed by the Accountant-General and his functions are described in the Tamil Nadu Public Works Account Code paragraphs 88-93 and 539-548.

E. COMPENSATION FOR LOSS OF PROPERTY

51. No public officer is entitled to compensation for loss of property caused by an accident of any kind, merely because such accident may have happened to him while he was employed in the service of the State, except to such extent that the State Government may relax the provisions of this rule.

F. SERVICE UNDER PANCHAYAT UNION

52. Members of the department may be transferred permanently or temporarily to work under the Panchayat Unions or Municipalities and be paid wholly from such funds under the Foreign Service Rules in Part V of the Fundamental Rules.

53. Officers wholly employed on Panchayat Union works which are carried out under the orders of the Chief Engineer, and those required to work, in connection with Panchayat Union works in addition to their regular duties, when the latter is not detrimental to the Public Service, will be wholly subject to the departmental rules. No such officer may receive any additional emoluments in connection with Panchayat Union works except as provided in Fundamental Rule 47.

G. EMPLOYMENT OF TEMPORARY ESTABLISHMENTS

I. *Temporary establishment*

54. In order to meet the demand for extra supervision arising from time to time, as well as to provide for the reduction as well as increase in staff as they volume of work diminishes, or increases the permanent establishment may be supplemented by temporary establishments to the necessary

extent. Temporary establishment will include all such non permanent establishment, no matter under what titles employed as is entertained for the general purposes of a division or subdivision or for the purpose of general supervision as distinct from the actual execution of a work or works. The specific sanction of Government is necessary for the creation of temporary appointment.

55. (a) *Temporary establishment engaged to provide for the normal work of the department i.e., in temporary territorial division or subdivisions.*—These may be regarded as quasi-permanent and integral parts of the territorial organisations and will be sanctioned on that basis. Provision will be made for them in the budget and it will not then be necessary to obtain renewal of sanction every year.

(b) *Temporary establishment employed on the investigation and execution of projects and works which the territorial organisations are unable to cope.*—Standing sanction should be obtained for these for the period required for their completion. Fresh sanction will not be required except for alterations in the sanctioned scale or for extensions of the sanctioned period.

(c) *Establishments of a purely temporary nature required for short periods.*—The prior sanction of Government should be obtained except where they are required to meet sudden emergencies such as floods, cyclone etc., In such emergencies, the Chief Engineers, Superintending Engineers and Executive Engineers are empowered to entertain in anticipation of sanction of subordinate office and petty establishments on the minimum rates of pay. The Executive Engineers or Superintending Engineers should report at once to their immediate superior authority what has been found necessary, and regular proposals for the establishments so employed should be submitted by the Chief Engineer to Government for sanction within a month.

56. Superintending Engineers and Executive Engineers may sanction within the budget provision out of contingent allotments the following temporary establishment for offices under their control:—

Watchmen, gardeners, lascars and conservancy staff subject to a minimum time scale of pay applicable to that category.

NOTE 1:—All persons engaged on temporary establishments, must be required to sign the declaration indicated in paragraph 57. Petty establishments and establishments whose pay is charged to works under paragraph 58 are exempted from submitting temporary service declarations.

NOTE 2:—The entertainment of gardeners at Government expense for public residences is forbidden except with the sanction of Government. Superintending Engineer may however, sanction the entertainment of gardeners in the case of unoccupied residences to look after the buildings and the gardens. A certificate should be recorded by the officer drawing the gardener's pay on the connected bill, that the residence concerned was unoccupied during the period of employment. The pay of these gardeners is chargeable to repair estimates, see paragraph 138.

Exception: Deleted

57. Temporary officers have no claim to pension, or to any absence allowances beyond those conditionally given to temporary employees under Fundamental Rule 103. If they are engaged for a special work, their engagement lasts only for the period during which the work lasts. If dismissed, otherwise, than for serious misconduct before the completion of the work, they will be entitled to a month's notice or a month's pay in lieu of notice; but otherwise, with or without notice, their engagement terminates when the work ends. If they desire to resign their appointments, they will be required to give a month's pay in lieu of such notice. These conditions should be clearly explained to the men employed and a written declaration obtained from them that the terms have been clearly understood by them.

NOTE:—No agreements of temporary service under this paragraph should be taken from men selected for Class I of the Tamil Nadu Engineering Subordinate Service after 26th July 1932.

II. *Workcharged Establishment:*

58. Deleted:

NOTE 1:—Deleted

NOTE 2:—Deleted

59. Deleted

III. *Miscellaneous rules relating to workcharged establishment:*

60. Deleted

61. Deleted

62. Deleted