

H. POLICE AND OTHER GUARDS

63. When marching or in camp on public duty, officers are allowed a guard for the protection of public property. Such guards are supplied without charge by the Police Department and application for them should be made to the Superintendent of Police by the officer requiring them, unless he be an Assistant Executive Engineer, an Assistant Engineer or subordinate Engineer, when the application should be made by the Executive Engineer. Such guards will not, however, be supplied unless the officer travelling is in charge of Government money or valuable Government property, or unless the country is disturbed.

64. In all cases, where through the inability of the Police Department to supply a guard from the regular Police Force, special guards have to be entertained, the sanction of the State Government will be necessary. Officers may, however, in urgent cases, entertain the guard in anticipation of sanction reporting their action at once to higher authority. The services of such extra guards should be dispensed with directly if they are no longer required.

I. Medical Establishment

I. GENERAL

65. The requirements of the department will, as a rule, be met from the Civil Assistant Surgeon cadre of the Medical Department of the State.

66. Civil Assistant Surgeons will be allowed as part of the Public Works Establishment, and furnished with medicines at the public expense wherever any large body of workmen is collected together. Sanction to their appointment must be obtained under the usual rules regarding increases of establishment and applications for the service of individuals, to fill sanctioned appointments, will be made by the Chief Engineer (General) to Government to post Civil Assistant Surgeon on deputation under Deputation Rules.

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72. Persons employed in the department shall have no personal pecuniary interest, directly or indirectly in the construction of any public work, or in the manufacture, supply or sale of building materials. They are further subject to the rules laid down in "The Government Servants Conduct Rules".

73. Every member of the department, whether civil or military, must consider that his pay, for time being, or as defined in any agreement, is his sole legal remuneration; and that the receipt of commissions, or any consideration, directly or indirectly, on account of any business or transaction in which he may be concerned on behalf of Government, is prohibited. Every Officer of Government is bound to report to his departmental superior any infringement of this rule which may come to his knowledge—see also paragraph 53.

NOTE 1.--An exception is however, allowed in cases of arbitration as follows:—

(i) An officer shall not act as arbitrator in any case without the sanction of his immediate superior or unless he be directed so to act by a court having authority to appoint an arbitrator.

(ii) No public officers shall act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive office which he may be holding.

(iii) If an officer acts as arbitrator at the private request of disputants, he shall accept no fees except as provided in Fundamental Rules 46 and 47.

(iv) If he acts by appointment of a court of law he may accept such fees as the court may fix.

NOTE 2.--There is also no objection to an officer of the department competing for any prize offered by a Municipality for preparing for it any designs or estimates, and to his receiving the award if he competes successfully.

NOTE 3.--An officer of the department, called upon by a court to act as a commission to give reliable information on certain technical points of engineering, may comply with the request unless debarred by the operation of clause (2) of Note 1 above. If he accepts the commission, he may retain such fees as are fixed by the court.

NOTE 4.—Fees to be levied from co-operative building societies for the grant of certificates under Rule 7 of the rule annexed to G. O. No. 512, Development, dated 11th April 1923, that the instalments of State loans made to the societies have been properly utilised. When the certificate is obtained from an officer of the Public Works Department, the fee payable by the society should be calculated at $1\frac{1}{4}$ per cent of the estimated cost of the work done up to the date of inspection. If and when subsequent inspections take place, the further fee to be paid should be $1\frac{1}{4}$ per cent of the estimated value of the work since the date of the estimated value of the work done since the date of the last inspection. If and when subsequent inspections take place, the further fee to be paid should be $1\frac{1}{4}$ per cent to the estimated value of the work done, since the date of last inspection. Two-fifths of the fee thus recovered from a society will be paid to the inspecting officer as fees, the rest being credited to Government.

NOTE 5.—In the case of inspection and valuation by the Public Works Department of buildings constructed by the Co-operative Societies, contemplated in Rule 12 of the rules for the grant of loans to co-operative building societies issued with G. O. No. 512, Development, dated 11th April 1923, as modified in G. O. No. 2019, Development, dated 28th November 1927 no fee is recoverable.

NOTE 6.—Fee to be levied from grant-in-aid educational institutions for issue of certificate of reasonableness of Rent.

In the case of private buildings occupied by educational institutions which are aided from State Funds, Certificates of reasonableness of rent will be issued by the Public Works Department Officers and the fee payable therefor will be calculated at the following rates:—

(a) Ten per cent of the monthly rental recommended by the Public Works Department as reasonable subject to a minimum of Rs. 50 (Rupees fifty only) in each case, where the building concerned is situated within eight kilometres from the headquarters of the inspecting officers.

(b) Ten per cent of monthly rental recommended subject to a minimum of Rs. 50 (Rupees fifty only) in each case plus the travelling allowance involved, where the building concerned is situated beyond eight kilometres from the headquarters of the inspecting officers.

For renewal of the above certificates, a fee of Rs. 30 only shall be collected in each case.

NOTE 7. A.— In the case of private buildings occupied by the office or officers of the Union Government 1% of the cost of the buildings and $\frac{1}{4}$ % of the land if land also is to be valued subject to a minimum of Rs. 50 for buildings situated within 8 KM from the Headquarters of inspecting officer, and if it is beyond 8 K. M. T. A. will be collected in addition. No, centage shall be levied for issue of rent certificate to private buildings occupied by E. S. I. Dispensaries.

NOTE. 7:—(a) (i) Fees to be levied from Market Committees for grant of technical sanction and issue of certificates:—

Under rules 36 and 37 of the Tamil Nadu Agricultural Produce Market Rules, 1962, framed under the Tamil Nadu Agricultural Produce Market Act, 1959 (Act 23 of 1959), the Executive Engineer or the Sub-divisional Officer, who may be empowered by the Executive Engineer shall (i) accord technical sanction for works costing above Rs. 1,000 executed by the Market Committee; and.

(ii) Inspect and test-check all such work costing above Rs. 1,000 at suitable intervals during the progress of works and shall certify that the work have been executed according to the approved plan, estimate and specification.

II. PUBLICATION OF RULES AND NOTICES.

74. Drafts of rules, regulations and notifications having the force of law and affecting the outside public should, before issue under any Act, or in cases in which the previous approval or sanction of the President of Indian Union is necessary, before submission to the Union Government, be published with a view to ascertain whether any valid objections can be taken thereto. A similar course should be adopted in the case of rules or notifications affecting the outside public intended to be issued not under any Act or Regulations but as Executive Orders.

When drafts of any rules, regulations or notifications of the foregoing clauses are submitted for the sanction of the President of Indian Union, it should invariably be stated whether they have been published and the result of publication described. If they have not been published the reasons for non-publication should fequally xplained.

III. ANONYMOUS COMMUNICATIONS

75. No anonymous communications regarding the conduct of any Government Officer shall be acted upon without the permission of the State Government, excepting so far as to endeavour to remove any apparently well founded causes of complaint which do not affect the character of individuals. With the above exception, every complaint by or against any person in the department must be received and enquired into by his superior officer.

IV. PROCEDURE IN REGARD TO LAW SUITS

76. When any officer or subordinate in the department is personally sued in any Civil Court, by parties claiming from him wages or money arising out of transactions in which he is concerned only in his official capacity, and *bona fide* on behalf of Government it will be necessary that he defends the suit by pleading that Government should be made the defendant as the party really interested. But when the suit is for damages in respect of an alleged wrongful act of a Government Officer, the party aggrieved may, as a general rule, bring the suit against such officer, and it would be no defence for the officer sued to contend that Government ought to be the defendant. The Plaintiff may legally contend that he has a right to look to the party by whose act he has been aggrieved, whether he could or could not have sued that party's principal. Suits on contracts should be distinguished from suits for wrongs. In cases of latter kind, the Government reserves the right to determine whether it would be just and proper that the defence should be carried on at the expense of Government. This course should ordinarily be adopted only in case where there is no reasonable doubt of the innocence of the defendant. When, on the other hand, there is *prima facie* evidence that he has acted improperly, he should be left to conduct his own defence, the question of Government, contributing towards the cost of the defence being subsequently considered. Whatever be the nature of the case, failure to defend the suit or to reply to the plaint in person or by the counsel as the case may require will render the officer or subordinate personally responsible.

For rules regarding the head of debits of law charges incurred on the execution of works *vide* paragraph 486 of the Tamil Nadu Public Works Account Code and Local Ruling 2 unde Act. 62 of the Tamil Nadu Account Code, Volume I.

77. An Officer receiving a subpoena to produce official documents in a Court of law, should, provided the documents be specified, produce them to the Court unless they are unpublished official records relating to any affairs of state, when he must refer to the officer at the head of his department.

77-A. 'In the case of attachment by a Court of Law if at any stage, the Court issues summons to the Executive Engineer in a matter connected with the attachment, the papers will have to be sent to the Government Pleader after observing the relevant rules for attending to the case on behalf of the Government. Should, however, there be no time between the date of receipt of the summons and the date of hearing, the Executive Engineer shall appear before the Court and furnish such information in respect of the case that the Court may order or obtain an adjournment for briefing the Government Pleader.'.

V.—STATIONERY AND FORMS.

78. Stationery is supplied by the Director of Stationery and Printing, Madras. Officers, other than those to whom power has been delegated, are prohibited from obtaining elsewhere articles which can be procured from the Stationery Offices except under orders of Government in each case, or after obtaining No Objection Certificate from the Director of Stationery and Printing, Madras.

79. All the executive Public Works Department forms are kept in stock by the Director of Stationery and Printing, Madras. The Chief Engineer may make changes in them except in the following cases which require the approval of the Union Government.

Public Works Department Form 155 (Old Number) Forecast of Financial prospects of Irrigation works.

New Completion Report Forms—Irrigation works (Schedule A to E)

80. All the Public Works Account Forms are standardised and sent for printing to the Works Manager, Government Press, Madras, by the Accountant-General. These forms will be distributed by the Director of Stationery and Printing to the officers concerned.

81. Indents for forms and returns will be submitted annually by Chief and Superintending Engineers direct to the Director of Stationery and Printing for compliance. The forms will be despatched to indenting officers direct.

NOTE.—The rules in the Printing Manual and Chapter XII of the Madras Stationery Manual are to be observed in indenting for forms.

82. All officers entrusted with a supply of stationery and forms for their official use will take proper precautions to keep them in the custody of responsible and trustworthy person and to maintain a record of the receipts, issues and balances. Stock should be verified annually and the certificate of verification recorded in the register of stationery over the signature of a responsible officer.

83. Forms or deeds and other documents ordinarily required by the department will be settled by the Law Officers of the Government, and furnished through the Chief Engineer to whom all applications on such matters should be addressed.

VI.—DESTRUCTION OF OFFICIAL RECORDS.

84. The various records of the Circle and Divisional Offices included in Appendix XV may be destroyed after the periods specified therein unless, in any case, a record has been specially ordered to be kept for a longer period. As regards, records not included in the appendix, the sanction of the Superintending Engineer or of the Accountant-General in the case of Accounts records should be applied for annually in the month of January. In ordering the destruction of such records, great care should be exercised that it is confined to such as are valueless (*vide* also paragraph 590 of the Tamil Nadu Public Works Account Code) but the following should on no account, be destroyed.—

- (1) Records in connection with expenditure which is within the statute of limitation.
- (2) Records in connection with expenditure on works not completed, although beyond the period of limitation.
- (3) Records of experiments and observations.
- (4) Records in connection with claims to service and persons matters connected with persons in the service.

VII.—RECORDING OF PLANS AND DRAWINGS.

85. An Executive Engineer must keep on record in his office the following plans, or such of them as are required in his division.

Copies of all standard plans of buildings.

Complete plans, sections and elevations of every building under his charge, whether military or civil, as actually constructed any departures from sanctioned design being carefully noted. The boundaries of the ground attached to any buildings should be distinctly shown.

Plans of roads under his charge showing the quarries whence metal is obtained.

Detailed drawings including foundations, where practicable, of all bridges and other works in the division as actually constructed, any departures from sanctioned design being carefully noted. The boundaries of the ground attached to any building should be distinctly shown.

VII-A.—SUPPLY OF TYPE DESIGNS AND PLANS.

85.-A. Copies of Type designs and Plans may be supplied to other States, Central Government Departments, Municipalities, Corporations, Local Bodies and Private Institutions at the rates indicated below:—

For Drawings up to a size of 60 cm x 50 cm.	Rs. 3.00 per copy
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For drawing bigger than (size of) 60 cm x 50 cm but not larger than 60 cm x 100 cm.	Rs. 6.00 per copy.
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“The Supply of Type designs and plans shall be subject to the specific condition that the plans shall not be reproduced without the written concurrence of the Chief Engineer, Public Works Department.

NOTE.—The cost towards the supply of Type Designs shall be remitted into Tamil Nadu Government Treasury or the Reserve Bank of India under the head “059 Public Works ad. Other receipts 03. Miscellaneous—I Miscellaneous Receipts” and the chalan produced before effecting supply of the prints”

VIII.—GENERAL RULES OF OFFICE PROCEDURE.

86. No officer should correspond direct with an authority superior to the officer under whom he is immediately serving, or with the State Government or the Union Government out of the regular course except in a case of extreme emergency, in which case he must send copies of his communications to his immediate superior together with a statement of his reasons for the direct correspondence.

86-A. No officer or subordinate of the department may, except with the previous permission of the authority to which he is immediately subordinate seek an interview with any officer in respect of any matter affecting him personally as a Government Servant. The previous permission of the head of department should be obtained through the proper channel in the case of an interview with Member of Government or with a Secretary to Government.

Every application for an appointment or for promotion shall be submitted through the proper channel.

IX.—PERIODICAL RETURNS.

87. With regard to periodical returns not prescribed by the Union Government, Government of Tamil Nadu or the Auditor-General, Officers to whom such returns are submitted should institute, at convenient intervals of time, an examination into the necessity for each return, with a view to the discontinuance of any that may be found to be no longer necessary.