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Copy of Government letter No.8699/FR.III/91-5 dt. 8.8.91  
Personnel and Administrative Reforms (FR.III) Department,  
Fort St. George, Madras.600 009.

Sub: Leave - Fundamental Rules and Tamil Nadu Leave  
Rules - Permission to rejoin duty after unauthorised  
absence/on leave exceeding permissible limit -  
Instructions - issued.

Ref: 1.G.O.Ms.No.1046 P&AR (FR.III) Department dt. 13.11.87  
2.Government letter No.1 21266/FR.III/87-4 P&AR  
(FR.III) dt. 27.7.88  
3.G.O.Ms.No.477, P&AR (FR.III) dt. 21.11.90  
4.G.O.Ms.No.478 P&AR (FR.III) Department dt. 21.11.90

As per the existing provisions in Rule 18 (1) of Fundamental Rules, a Government Servant (Permanent or Approved Probationer) who has not completed five years of service can be granted leave of any kind except leave on medical certificate or study leave under FR.84 for a continuous period not exceeding six months at any one time. Rule 18 (2) of Fundamental Rules lays down that a Government Servant (Permanent or Approved Probationer) who has completed five years of service is eligible for sanction of any kind of leave for a continuous period not exceeding one year at any one time except leave on Medical Certificate or Study Leave. Fundamental Rules 18(3) enjoins that a Government servant who doesnot resume duty after remaining on leave or absence for a continuous period of either six months or one year as the case may be shall be removed from service following the procedure laid down in the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules. Similarly the provisions under Rule 23 (a) (ii) of the Tamil Nadu Leave Rules permits sanction of Extraordinary Leave not exceeding stipulated therein the case of non-permanent Government servants (Probationers and temporary).

2. In Government letter No.1 21266/FR.III/87-4, dt. 27.7.88, instructions were issued to the effect that if a Government servant is already on leave on 13.11.87, his absence on leave should not exceed five years from the date of proceeding on leave or six months/one year as the case may be from 13.11.87 whichever is less.

3. A point for clarification has been raised by certain Heads of Department as to whether a Government Servant may be permitted to rejoin duty after unauthorised absence from duty or on leave for a continuous period beyond the eligible limit of six months/one year as the case may be.

p.t.o.

4. The Government after careful examination of the point raised in paragraph.3 supra direct that:-

1. Prompt disciplinary action should be initiated against the Government servants who do not resume duty after long absence or on leave exceeding the permissible limit under Rule 18(1) and (2) of Fundamental Rules or Rule 23(a)(ii) of the Tamil Nadu Leave Rules as the case may be so as to remove them from service by the disciplinary authorities following the procedure laid down in the Tamilnadu Civil Services Classification, Control & Appeal) Rules and to finalise the disciplinary proceedings with utmost speed, so as to avoid the contingency of the Government Servants rejoining duty before finalisation of the disciplinary proceedings already initiated against them.
- ii. In cases where the Government servants express willingness to rejoin duty pending finalisation of the disciplinary proceedings, they may be permitted to rejoin duty in the first instance and subsequently removed from service after reaching a finality on the disciplinary proceedings as per Rule 18(3) of Fundamental Rules or Rule 23(a)(ii) of the Tamil Nadu Leave Rules as the case may be.

Sd/- xx xx

for Secretary to Government

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*M. Jayaram*  
S.G. Superintendent

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*Dr.*  
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