



GOVERNMENT OF TAMIL NADU.

ABSTRACT.

FUNDAMENTAL RULES - Fundamental Rule 56(3) - Voluntary Retirement - Consolidated Instructions - Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (FR.III) DEPARTMENT.

G.O.Ms.No. 376

Dated: 11-12-1995.

Read again:

- (i) Letter No. 66188/84-1, Personnel & Administrative Reforms (FR.III) Department, dated 8.10.1984.
- (ii) Letter No. 2514/84-10, Personnel & Administrative Reforms (FR.III) Department, dated 30.3.1985.
- (iii) Letter No. 10326/84-6, Personnel & Administrative Reforms (FR.III) Department, dated 23.4.1985.
- (iv) G.O.Ms.No. 1327, Personnel & Administrative Reforms (FR.I) Department, dated 27.11.1978.
- (v) G.O.Ms.No. 829, Personnel & Administrative Reforms (FR.III) Department, dated 26.8.1985.
- (vi) G.O.(Ms.)No. 1108, Personnel & Administrative Reforms (FR.III) Department, dated 18.12.1987.
- (vii) Letter No. 88441/FR.III/90-5, Personnel and Administrative Reforms (FR.III) Department, dated 8-5-1991.
- (viii) G.O.(Ms.) No. 350 Personnel and Administrative Reforms (F.R.Special) Department, Dated 7.10.1991.
- (ix) Letter No. 73081/FR.III/91-7, Personnel and Administrative Reforms (FR.III) Department, dated 25-9-1992.
- (x) Letter No. 24857/FR.III/93-2, Personnel and Administrative Reforms (FR.III) Department, dated 19-7-1993.

.oOo.

ORDER:

Fundamental Rule 56(3) governs the issue of Voluntary Retirement of Government Servants, according to which a Government servant who has attained the age of fifty years or who has completed twenty years of qualifying service may retire from service by giving notice of not less than three months in writing direct to the appointing authority, with a copy marked to the officer immediately superior to the Government servant concerned, for information.

istrict
ite, T
16

gistr

udge
rate
an.

26/7.

27/82/96

18/1

26 "11 1986

- 3 -

(iv) There should be no contractual obligation pending against the Government servant to serve the Government for the period subsequent to his Voluntary retirement.

F.R.56(3)(f): If no orders either accepting or rejecting the Voluntary retirement are issued before expiry of notice period, then the Voluntary Retirement shall become deemed. The appointing authority shall, therefore, pass appropriate orders before the expiry of the Notice period.

F.R.56(3)(c): Voluntary Retirement Notice can be withdrawn before the expiry of Notice period, with the approval of the appointing authority.

3. There are certain other instructions issued from time to time as indicated in the references (i), (ii), (iii), (vii), (ix) and (x) read above. They are not affecting the main scheme of Voluntary Retirement, as no modifications to them have been made in the main rule. Experience has shown that these instructions were and are not being taken into account by the administrative departments either because they have been issued at various stages and thereby lost sight of or because they have not been incorporated in the main rule itself. However, as these instructions are equally important in the implementation of the scheme of Voluntary Retirement, a need has arisen to consolidate these instructions in order to facilitate the administration to be aware of the existence of such instructions and in order to effectively implement the scheme of Voluntary Retirement.

4. The attention of all Secretaries and Heads of Departments is therefore invited to the following instructions once again for careful examination of cases of Voluntary Retirement:

<u>Sl. No.</u>	<u>Reference</u>	<u>Clarification</u>
1.	Letter No.66188/84-1, P.&A.R.(FR.III) Department, dated 8-10-1984.	If no disciplinary action is pending on the date of issue of notice of Voluntary Retirement or if the Government Servant is not under suspension on the date of issue of Notice of Voluntary Retirement, then he shall become eligible to go on Voluntary Retirement on completion of three months from the date of issue of Notice of Voluntary Retirement. (Based on the order of the High Court)

<u>Sl. No.</u>	<u>Reference</u>	<u>Clarification</u>
	<u>Explanation:</u>	This instruction is subject to the provision under F.R.56(3)(e)(i).
2.	Letter No.2514/84-10, P.&A.R.(FR.III) Department, dated 30-3-1985.	If a Government Servant has executed a bond to serve the Government till the date of his superannuation, then he shall <u>not be allowed to go on Voluntary Retirement.</u>
3.	Letter No.10326/84-6, P.&A.R.(FR.III) Department, dated 23-4-1985.	A Government servant on foreign service in a foreign country or in India can be allowed to retire voluntarily after giving three months notice, subject to fulfilling the conditions in F.R.56(3)(a) & (e).
4.	Letter No.88441/FR. III/90-5, P.&A.R. (FR.III) Department, dated 8-5-1991.	Unearned Leave on Medical Certificate and Unearned Leave on Private Affairs may be sanctioned to a Government Servant during the Notice period of Voluntary Retirement, only if he/she rejoins duty on expiry of leave. Otherwise, the leave salary may be recovered from him/her, as per Ruling-4 under Rule-15-A of Tamil Nadu Leave Rules. Earned Leave may, however, be sanctioned till the end of the Notice period, subject to eligibility. Extraordinary Leave on loss of pay cannot run concurrently with the period of Notice of Voluntary Retirement.

Explanation: Sanctioning of Earned Leave till the end of Notice period means such leave extends upto and excludes the date of Retirement. (Opinion of Accountant General (A & E), Madras-18 with reference to the position prevailing in Government of India - Vide his letter No.1G(A & E)/TM/I/1-2.FR.56/94-95/236, dated 14-3-1995).

5. Letter No. 73081/
FR.III/91-7, P.&A.R.
(FR.III) Department,
dated 25-9-1992.

- 26
- 5
- (i) Where Earned leave without allowances runs concurrently with the period of Notice, the leave should be refused and he/she may be requested to join duty immediately and give a fresh Notice of not less than three months. Otherwise, the request for voluntary Retirement may be negatived.
- (ii) Payment of pay and allowances for the short-fall of the Notice period shall not be allowed.
- (iii) No waiver of shortfall in Notice period shall be allowed.
- (iv) If a Government servant re-joins duty for a few days prior to the date of his retirement on expiry of his Unearned Leave on Medical Certificate during the period of Notice, if no vacancy is available to accommodate him, he should be given postings, by reverting the junior-most of that department in the respective category.
- (v) The last 3 months Notice period should necessarily be a continuous one and should not include period of extraordinary leave (without pay and allowances).

Explanation:

Where the Voluntary Retirement has already taken place (with the earned leave without allowance during the period of Notice) pensionary benefits may be determined treating the period of Earned Leave without allowance as non-qualifying period.

(Ref: Govt. Letter No. 35481/FR.III/92-2,
P.&A.R.(FR.III) Dept., dated
21-9-1992 and
A.G.(A & E)'s letter No.PMI/III/457,
dt.14-2-95 read with letter No.AG(A &
E)/PMI/III/3-20/92-93/782, dt.Nil)

6. Letter No.24857/FR.III/
93-2,P.&A.R.OFR.III)
Department, dated
19-7-1993.

A Notice of Voluntary Retirement given by a Government servant either direct to the appointing authority or sent through proper channel, takes effect from the date of receipt of the same by the appointing authority only. Indication of any date for voluntary retirement before completion of three months from the date of receipt by the appointing authority, ~~(only.~~
~~Indication of any date for voluntary retirement before completion of three months from the date of receipt by the appointing authority,~~
~~will have no validity. In such a case, there is no need for obtaining a second Notice indicating a revised date of Voluntary Retirement, but the revised date may be worked out by the appointing authority himself and the Government servant concerned promptly informed of the date of receipt of the Notice by the appointing authority, together with the provision contained in P.R.56 (3)(b).~~

5. All the Secretaries to Government and Heads of Departments are therefore requested to follow the above consolidated instructions scrupulously in future while dealing with cases of Voluntary Retirement, for effective implementation of this scheme. As salient features of the instructions have been indicated above for purpose of ready reference, it is requested that the main rule P.R.56(3) may also be referred to. It is the bounden duty of the appointing authorities to ensure that all the conditions in force are satisfied before allowing a Government servant to retire voluntarily. Non adherence to the statutory notice period will result in deemed retirement, giving scope for an erring Government servant to escape punishment. The appointing authorities are therefore requested to bear in mind the statutory rules and the guidelines in force while dealing with cases of Voluntary Retirement, so as to safeguard the interests of the Government as well as the Government servants concerned.

-: 7 :-

6. The receipt of this order may kindly be acknowledged.

(BY ORDER OF THE GOVERNOR)

Sd/- M.B. PRANESH,
SECRETARY TO GOVERNMENT.

.....

(R.O.O. No. 92/96/'02)

R. DIS.No. 37/1996.

Copy communicated for information.

HIGH COURT, MADRAS.
DATED: 22-1-1996.

K.R. Subramanyam Rao
Sub Assistant Registrar (A/c)
15/2/96

To

1. All the District Judges.
2. All the Additional District-Judge-cum-Chief Judicial Magistrates.
3. All Law Officers including the Administrator-General and Official Trustee and the Official Assignee, Madras.
4. The Presiding Officers of Labour Courts at Madras, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Vellore & Cuddalore.
5. The Presiding Officers of City Courts, Madras.
6. The District Judge, Private Colleges Appellate Tribunal, Madras.
7. The Industrial Tribunal, Madras.
8. The Special Tribunal for Co-operative Cases at ~~and~~ Madurai.
9. The State Transport Appellate Tribunal, Madras.
10. The Chairman and Judicial Member, Sales Tax Appellate Tribunal, Madras.
11. The Judicial Member, Sales Tax Appellate Tribunal, (Addl. Bench), Coimbatore and Madurai.
12. The Presiding Officer, Special Court for Essential Commodities Act, Madras, Coimbatore, Salem, Madurai, Thanjavur and Pudukkottai.
13. The Presiding Judge, Designated Court under TADA Act, Poonamallee.

Copy to:

1. The Sub Assistant Registrar (Accounts) & (Admn.,) High Court, Madras.
2. The Section Officer, B, C, C1 & G Section, -do-
3. The Section Officer, Establishment Section, -do- (2 copies)
4. The Record Keeper, I.D. Records, -do-
5. The Librarian, High Court, Madras (15 copies).

Spare copies: 10

Krm/A.2.

A.No. 232/96 d/30.7.96

Copy communicated to all Judicial
Magistrates in this Unit for information

C.C)

4

U A.D.J. cum-CJM
30711

DESPATCHED
5244 + 5252
DATE 12/11/96
9

217