



ABSTRACT

Fundamental Rules and Tamil Nadu Leave Rules, 1933 – Encashment of leave benefits to the Government servants who were not allowed to retire from service but retained in service under rule 56(1)(c) of Fundamental Rules and who were dismissed / removed / resigned from service – Amendments to Fundamental Rules and Tamil Nadu Leave Rules, 1933 – Orders – Issued.

Human Resources Management (FR.II) Department

G.O.(Ms) No. 100

Dated : 07.09.2022

சுபகிருது, ஆவணி 22,

திருவள்ளூர் ஆண்டு 2053.

Read :

ORDER:

Rule 86(a)(i) of Fundamental Rules and rule 7(i) of Tamil Nadu Leave Rules, 1933 provide that the encashment benefits of earned leave and leave on private affairs at the credit of a Government Servant can be drawn and disbursed by the competent authority on the date of retirement or on the termination of extension of service as the case may be. Further, rule 21 of Tamil Nadu Pension Rules, 1978 clearly states that dismissal or removal of Government servant from a service or post entails forfeiture of his past service. Similarly, rule 23 of Tamil Nadu Pension Rules, 1978 clearly states that resignation from a service or post entails forfeiture of his past service.

2. The Government have reviewed the above provisions under the Fundamental Rules and the Tamil Nadu Leave Rules, 1933 in the light of the above provisions under the Tamil Nadu Pension Rules, 1978 and decided to make suitable amendments to the Fundamental Rules and the Tamil Nadu Leave Rules, 1933.

3. Accordingly, the following notification shall be published in the Tamil Nadu Government Gazette:-

NOTIFICATION.

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and of all other powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendments to the Fundamental Rules:-

AMENDMENTS.

In the said Fundamental Rules,-

(1) after rule 52, the following rules shall be inserted, namely:-

"52-A. Forfeiture of service on dismissal or removal. – Dismissal or removal of a Government servant from service entails forfeiture of his past service.

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52-B. Forfeiture of service on resignation.- Resignation from a service or post entails forfeiture of past service:

Provided that a resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.”;

(2) in rule 65, in ruling (5), for the expression “Article 418 (b) of the Madras Pension Code”, the expression “the proviso to sub-rule (1) of rule 23 of the Tamil Nadu Pension Rules, 1978” shall be substituted;

(3) in rule 86, -

(a) the expressions “or on the date of termination of extension of service, as the case may be” and “or the date of termination of extension of service” wherever they occur, shall be omitted;

(b) in sub-rule (a),-

(i) after clause (iii), the following provisos shall be inserted, namely:-

“Provided that the Government servants who are dismissed or removed from service or who have resigned from service shall not be eligible for encashment of earned leave and leave on private affairs:

Provided further that the encashment of earned leave and leave on private affairs shall be deferred to the Government servants who are not permitted to retire from service on attaining the age of superannuation but retained in service under Fundamental Rule 56(1)(c), till the enquiry into the charge of misconduct or criminal misconduct is/are concluded and final order passed thereon by the competent authority. The said benefit of encashment of earned leave and leave on private affairs shall be drawn and disbursed to such Government servants after regulating their suspension period.”;

(ii) under the Explanation, clause (i) shall be omitted;

(4) in Appendix – I, in Annexure – III, in the Tamil Nadu Leave Rules, 1933, -

(a) in rule 7, -

(i) the expression “or on the date of termination of extension of service, as the case may be” and “or the date of termination of extension of service” wherever they occur shall be omitted;

(ii) after clause (iii), the following provisos shall be inserted, namely:-

“Provided that the Government servants who are dismissed or removed from service or who have resigned from service shall not be eligible for encashment of earned leave and leave on private affairs:

Provided further that the encashment of earned leave and leave on private affairs shall be deferred to the Government servants who are not permitted to retire from service on attaining the age of superannuation but retained in service under Fundamental Rule 56(1) (c), till the enquiry into the charge of misconduct or criminal misconduct is / are concluded and final order passed thereon by the competent authority. The said benefit of encashment of earned leave and

(P.T.O)

leave on private affairs shall be drawn and disbursed to such Government servants after regulating their suspension period.”;

(iii) under the Explanation, clause (i) shall be omitted;

(b) in rule 8, in sub-rule (b),-

(i) in the third proviso, the expressions “or resign” and “or resignation, as the case may be” shall be omitted;

(ii) in the fourth proviso, the expression “is removed or dismissed from service or” occurring in two places and the expression “as the case may be” shall be omitted.

(BY ORDER OF THE GOVERNOR)

MYTHILI K. RAJENDRAN
SECRETARY TO GOVERNMENT

To

All Secretaries to Government, Chennai-600 009.

All Departments of Secretariat, Chennai-600 009.

All Heads of Departments / District Collectors /

District Judges / District Magistrates

The Secretary, Tamil Nadu Public Service Commission, Chennai- 600 003.

The Registrar General, High Court of Madras, Chennai- 600 104.

The Registrar General, High Court of Madras (Madurai Bench), Madurai.

The Accountant General (A&E), Chennai – 600 018.

The Pay & Accounts Office (North / East / South), Chennai – 1/8/35.

The Works Manager, Government Central Press,

Chennai – 600 079. (Two copies for publication in the

TamilNadu Government Gazette)

Copy to:

The Secretary-I to Hon'ble Chief Minister, Chennai – 600 009.

The Special Personal Assistant to the Hon'ble Minister

(Finance and Human Resources Management), Secretariat, Chennai – 600 009.

The Principal Private Secretary to the Chief Secretary to Government,
Chennai - 600 009.

The Principal Private Secretary to the Secretary to Government,
Human Resources Management Department, Chennai – 600 009.

All Officers / Sections in Human Resources Management Department,
Chennai – 600 009.

The Human Resources Management (AR-II) Department, Chennai – 600 009.

(to publish in the Government website www.tn.gov.in / intranet)

The Finance (Public / Pension) Department, Chennai – 600 009.

The Law (Scrutiny) Department, Chennai – 600 009.

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// FORWARDED BY ORDER//

V. Vijay
07/09/2022
SECTION OFFICER

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