



ABSTRACT

Rules – Rule-56 of the Fundamental Rules - Compulsory Retirement – Clarification on the date of effect of Compulsory Retirement in the case of final orders issued, after the date of Superannuation – Orders – Issued.

Personnel and Administrative Reforms (FR-III) Department

G.O (Ms) No. 41

Dated: 28.04.2015

மன்மத வருடம், சித்திரை – 15,
திருவள்ளூர் ஆண்டு 2046.

ORDER:

As per the Instructions under Rule 56(1)(c) of the Fundamental Rules 1922, "Whether a Government servant referred to under Fundamental Rules 56(1)(c) [not permitted to retire on his reaching the date of retirement] is fully exonerated or not, he shall be considered to have been on extension of service for the period from the date of retirement to the date of termination of the proceedings. During such an extension of service, the service rights which have accrued to the Government servant shall freeze at the level reached on the date of retirement. The salary during that period shall not exceed the pension, which has accrued to the Government servant, on that date".

2. "As per Ruling-8 under Fundamental Rules 54-B, a Government servant, who has been placed under suspension, pending enquiry, should not be dismissed or removed or compulsorily retired from service retrospectively, from the date on which he was placed under suspension. The order in such a case should take effect only from the date of issue thereof".

3. The date of effect of the punishment of 'Compulsory Retirement', in the case of final orders issued, after the date of superannuation, is not explicitly prescribed in the Fundamental Rules. Many clarifications from various Departments are being received in this Department, regarding date of effect of Compulsory Retirement, in the cases of final orders issued as 'Compulsory Retirement', after the date of Superannuation.

4. The Government, after careful consideration order that as the individuals who are not permitted to retire, on his reaching the date of retirement, are to be paid salary, not exceeding the pension, which has accrued to the Government servant on that date, in accordance with the provisions of Fundamental Rules, as stated above, until the date of termination of the disciplinary proceedings, the date of effect of the punishment of Compulsory Retirement, issued after the date of superannuation, in accordance with Fundamental Rules 56(1)(c) and Ruling-8 under Fundamental Rules 54-B, is the date of issue of Compulsory Retirement order.

5. Necessary amendment to the Fundamental Rules, by inserting the above order as Rule 56(1)(d), will be issued separately.

(BY ORDER OF THE GOVERNOR)

ANITA PRAVEEN
PRINCIPAL SECRETARY TO GOVERNMENT (Training)

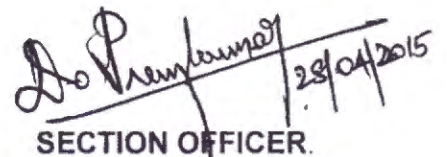
To

All Secretaries to Government, Chennai-9.
All Departments of Secretariat, Chennai-9.
All Heads of Departments including District Collector / District Judges / District Magistrates.
The Director of Treasuries and Accounts Department, Chennai-18.
The Accountant General (A&E), Madras-18.
The Accountant General (Au.I), Madras-35.
The Accountant General (CAB), Madras-9.
The Pay and Accounts Officer, Madras-9.
The Pay and Accounts Officer, (North), Madras-79.
The Pay and Accounts Officer, (South), Madras-35.
The Pay and Accounts Officer, (East), Madras-5.
The Secretary, Tamil Nadu Public Service Commission, Chennai-104.
The Registrar General, High Court of Madras, Chennai-104.
The Registrar, Madurai Bench, High Court of Madras, Madurai.
The Works Manager, Government Central Press, Chennai-79.
The Director of Stationery and Printing, Chennai-99.
The Personnel and Administrative Reforms (AR-II) Department, Chennai-9, (to publish in the Government web site www.tn.gov.in / intranet).
The Personnel and Administrative Reforms (FR-IV) Department, Chennai-9 – [for issue of necessary amendment to Rule 56 of Fundamental Rules].

Copy to :

The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms (Training) Department, Chennai-9.
The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms Department, Chennai-9. -
All Sections / All Officers in Personnel and Administrative Reforms Department, Chennai-9.
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SECTION OFFICER.

28.4.2015