

7.4 Fundamental Rule 56(3) - Voluntary retirement of Government Servant - Amendment - Government servant attained the age of fifty years or 20 years of qualifying service

Personnel and Administrative Reforms (s) Department

G.O. (Ms) No. 350

Dated : 7.10.1991

Read :

1. G.O. (Ms) No.1327, P & AR (FR.I) dt:27.11.78
2. Govt. letter No.74800/79-2 P & AR (FR.I) dated:3.11.1979
3. G.O. (Ms) No.829, P & AR (FR.III) dt:26.8.85
4. G.O. (Ms) No.1108, P & AR (FR.III), dated:18.12.1987
5. Govt. letter No.4036 / P & AR (FR.III) 88-17, dated:6.3.1990.
6. From the Accountant General (Audit-I) letter No.AG(AU)I /CC/II/1-6/91-92/107, dt:30.8.91.

ORDER

The following Notification will 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 here unto enabling, the Government of Tamil Nadu hereby makes the following amendment to the Fundamental Rules.

2. The amendment to sub-rule 3(d) hereby made shall be deemed to have come into force on the 18th December 1987.

AMENDMENT

In the said Fundamental Rules, the rule 56 for sub-rule (3) the following sub-rule shall be substituted, namely :-

3. Voluntary retirement-(a) 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 his immediate superior officer for information. Before giving such notice, he may satisfy himself by means of a reference to such authority that he has completed the required number of years of qualifying service.

EXPLANATION

The term "appointing authority" means the authority which has the power to make substantive appointment to the post of service from which the Government Servant wants to retire and included any higher authority to such appointing authority.

- (b) The period of three months notice shall be reckoned from the date of receipt of notice by the appointing authority.
- (c) The three months notice may be given before the Government servant attains the qualifying age or the qualifying service as the case may be provided that the retirement takes place after attaining the specified age or completing the required number of years of qualifying service, as the case may be.
- (d) (i) A Government servant including a Government Servants in the Tamil Nadu Basic Service, retiring voluntarily shall be given a weighage not exceeding five years, subject to the condition that the total qualifying service including the weightage

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shall not in any case exceed thirty three years or shall not be allowed to take his service beyond his normal date of superannuation, as the case may be. The weightage shall be calculated as specified in the Table below.

THE TABLE
Weightage with reference to age qualifying service

(1)		(2)	
Qualifying Service (a)	Weightage (b)	Age (a)	Weightage (b)
For all the Government Service		For all the Government Servants other than the Government Servants in the Tamil Nadu Basic Service.	
28 years and below	5 year of weightage as it shall not go beyond the maximum of 33 years of qualifying service.	53 years and below	5 years of weightage
29 years	4 years of weightage	54 years	4 years of weightage
30 years	3 years of weightage	55 years	3 years of weightage
31 years	2 years of weightage	56 years	2 years of weightage
32 years	1 year of weightage	57 years	1 year of weightage
		For the Government servants in the Tamil Nadu Basic Service	
		55 years below	5 Years of weightage
		56 years	4 years of weightage
		57 years	3 years of weightage
		58 years	2 years of weightage
		59 years	1 year of weightage

- (ii) The weightage given shall be in addition to the qualifying service for purposes of pension and gratuity only and it shall not entitle a Government Servant retiring voluntarily to any notional fixation of pay for purposes of calculating the pension and gratuity. The Pension shall be based on the average emoluments drawn during the last ten months prior to the date of such voluntary retirement and gratuity on the actual emoluments on the date of such voluntary retirement.
- (e) Notice of voluntary retirement given by a Government servant shall be accepted by the appointing authority, subject to the following conditions being satisfied, namely;
- i) That no disciplinary proceedings are contemplated or pending against the Government Servant concerned for the imposition of a major penalty;
 - ii) That no prosecution is contemplated or pending in a Court of law against the Government Servant concerned;
 - iii) That a report from the Director of Vigilance and Anti-corruption has been obtained to the effect that no enquiry is contemplated or pending against the Government Servant concerned.
 - iv) That no dues which cannot be recovered from his Death-cum-Retirement Gratuity are pending to be recovered from the Government during the period in which the Government Servant concerned and

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- v) That there is no contractual obligation to service, the Government servant concerned seeks to retire voluntarily.
- (f) The appointing authority shall issue orders before the date of expiry of notice either accepting the voluntary retirement or not otherwise the Government servant shall be deemed to have been retired voluntarily from service at the end of the period of notice;

Provided that where a Government Servant under suspension or against whom disciplinary or criminal action is pending, seeks to retire voluntarily specific orders of the appointing authority for such voluntary retirement is necessary. The appointing authority may withhold the permission sought for by the Government Servant, if any of the conditions specified in clause (e) are not satisfied.

- (g) The Government servant may withdraw the notice of voluntary retirement or withdraw the voluntary retirement after acceptance, as the case may be, subsequently with the approval of the appointing authority before the expiry of the period of notice.

(By order of the Governor)

LAKSHMI PRANESH
SECRETARY TO GOVERNMENT