

7. RETIREMENT & PENSION

7.5 Voluntary retirement - Grant of leave during notice period - Clarification

Personnel & Administrative Reforms (FR3) Department,
Letter No.73081/FR3/91-7, Dated 25.9.1992

From

Tmt. Lakshmi Pranesh, I.A.S.,
Secretary to Government

To

All the Departments

Sir/Madam,

Sub: Fundamental Rules- Voluntary retirement under rule 56(3) of Fundamental Rules- Grant of leave during notice period- Certain clarification-Issued.

Ref: 1. Govt. Lr.No. 88441/FR3/90-5/P&AR Dept. dt. 8.5.91.

2. From the Registrar of Co-operative Societies, Madras Lr.No. 197878/90/P1/
dt.21.8.91.

In the Government letter first cited, it has been clarified that there is no objection to the Government Servant who has given notice of seeking voluntary retirement to enter on leave upto end of the notice period if he is entitled to any leave. The Registrar of Co-operative Societies , Madras has sought certain clarification, regarding entering on leave during the notice period of voluntary retirement by the Government servants. The following clarifications are issued in the matter: -

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	<u>Points raised</u>	<u>Clarification Issued</u>
1	A person seeking voluntary retirement should not take extra ordinary leave on loss of pay during the notice period . It can be applied only in respect of voluntary retirement cases arising on or after 8.5.91 and pending settlement as on 8.5.91, the Extra ordinary leave, if any, granted during the notice period need not be reviewed and the voluntary retirement order revised at this stage. The above position may please be confirmed.	Presumption is confirmed.
2	Certain voluntary retirement pension proposals relating to the period prior to 8.5.91 have not been admitted by the A.G. Madras in view of the recent instruction of the Government.	The instruction issued in Govt. Lr.No. 88441/FR3/90-6 P&AR dt.8.5.91 are not applicable to the cases prior to 8.5.91.
3	In future in voluntary retirement cases if the person seeking voluntary retirement has necessarily to take extra ordinary leave during notice period, what further course of action has to be taken.	When the individual gives notice for voluntary retirement and also applies for Extra-ordinary leave without allowances during the notice period should be refused and he 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 negated.
	(i) Whether the notice period can be extended to the period corresponding to the Extra ordinary leave period (or) (ii) Whether the individual may be asked to submit revised 3 months notice (or)	In any case ELWA and the period of three months for voluntary retirement cannot run concurrently.
	(iii) Whether the individual may be permitted the pay and allowances for the short fall of the notice period (or)	No
	(iv) Whether the individual may be asked to submit revised 3 months notice (or)	No waiver
4	In case of persons availing Unearned leave and unable to rejoin duty and refunding the leave salary and allowances as required, how the above period has to be treated. In case, there is no E.L. at credit, the period of Unearned leave previously sanctioned has to be revised and sanction Extra Ordinary leave only. In that case, the period of Extra Ordinary leave cannot be counted towards notice period and as such something should be done as indicated in item (3) above. Hence, this position may also be enlightened.	If the leave had to be treated as ELWA, he has to give a fresh notice after, ELWA. The notice period should be atleast three months from the date of fresh notice.

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5	<p>In cases where the Government servant seeking voluntary retirement and applying for unearned leave on MC upto the middle of the last week of the month of voluntary retirement and expresses his willingness to rejoin duty after the expiry of the leave on producing Medical Fitness certificate and if the department could not make any internal arrangements to provide him a vacancy for a short period of last one or two days whether the leave salary and allowances need necessarily be recovered in such contingencies.</p>	<p>He should be given postings by reverting the junior most of that Department.</p>
6	<p>In certain cases the voluntary retirement notices are received much earlier (i.e.) four or five months earlier, eventhough the minimum period of notice period has been prescribed as 3 months. In that cases, it is presumed that the Government servant can avail Extra ordinary leave during the notice period provided the balance period covers three months notice period.</p> <p>In these cases, it is also presumed that the Extra ordinary leave can also be taken during the last three months notice period. It may be, however, be clarified whether the notice period of last 3 months should be necessarily a continuous one, without any Extra Ordinary leave.</p>	<p>As per instructions issued in the letter first cited Extra ordinary leave without allowances cannot be applied during notice period. Hence, the last three months notice should be continuous without any Extra ordinary leave without allowances.</p> <p>The last spell of the three months of the notice should be taken into account.</p>

SECRETARY TO GOVERNMENT