THE FUNDAMENTAL RULES
OF THE
TAMIL NADU GOVERNMENT

(*Corrected up to December 2019)*

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GOVERNMENT OF TAMIL NADU

2019

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THE FUNDAMENTAL RULES OF THE TAMIL NADU GOVERNMENT.

PART-I.

CHAPTER I — EXTENT OF APPLICATION

1. These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January 1922.

RULING.

The President of the Republic of India and the State Government may, by general or special orders, permit deviations from any provisions of a purely procedural nature contained in any rules made or confirmed under Article 309 of the Constitution of India provided that such deviations shall not affect the conditions of service, the pay and allowances or the pensions of officers subject to the rule-making control of the President of the Republic of India.

2. The Fundamental Rules apply, subject to the provisions of Rule 3, to all Government servants paid from the Consolidated Fund of the State and to any other class of Government servants to which Government may by general or special order declare them to be applicable. The Government may, in relation to service, under their administrative control, other than All India Services, make rules modifying or replacing any of the Fundamental Rules:

Proviso - *deleted *(Vide G.O.Ms.No.90 P&AR (FR.IV) Department, dt. 5.7.2003 - w.e.f. 19.3.2003).

Note 1.—A Government servant who is paid from the Consolidated Fund of the State and who is temporarily transferred to any of the Defence Services shall remain subject to these Fundamental Rules.

Note-2.—The Service Rules shall be taken to embody and indicate fully all the provisions governing the services concerned. As laid down in the Service Rules the Fundamental Rules shall govern a service, only in the matter of leave, leave salary, pension and other such conditions of service, as have not been provided for in the Service Rules. If any provision of the Fundamental Rules is repugnant to any provisions of the Service Rules, then the provisions of the Service Rules shall prevail and the provisions of the Fundamental Rules shall, to the extent of the repugnancy, be void.

RULINGS.

(1) In cases where the Tamil Nadu Government merely record the orders of Government of India regarding Fundamental Rules, it may be assumed that the instructions issued by the Government of India will apply to Government servants under the rule-making control of Tamil Nadu Government.

(2) The personnel allotted from the former Travancore-Cochin State to the Tamil Nadu State shall be governed by the Fundamental Rules of the Tamil Nadu Government subject to the protection given by the proviso to Section 115 of the State Reorganisation Act, 1956 (Central Act 37 of 1956) in supersession of the corresponding rules, if any applicable to them.

(G.O.Ms. No.1157, Finance, dated 22nd October 1960.)

3. Unless in any case it be otherwise distinctly provided by or under the rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

4. Deleted.

5. Deleted.

5-A. The Government may relax the provisions of rules or orders in such manner as may appear to them to be just and equitable provided that where any such rule or order is applicable to the case of any person or class of persons, the case shall not be dealt with in any manner less favourable to him or them than that provided by that rule or order.

RULING

Fundamental Rule 5-A applies only to relaxations in individual cases. General exemptions from the natural operation of rules can be made only by amendment of the rules by competent authority.

6. Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions:—

(a) all powers to make rules;

(b) the other powers conferred by rules 6,9 (6) (*b*), 44, 45, 83, 108-A, 119, 121 and 127 (*c*),

Delegation under Rule 6.

In the case of officers under their administrative control who are on leave in the United Kingdom, the Government authorise the High Commissioner for India to exercise all powers conferred on them under the Fundamental Rules except those specified in clauses (*a*) and (*b*) of Rule 6.

7. No powers may be exercised or delegated under these rules except after consultation with the Personnel and Administrative Reforms Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting Department.

Instruction under Rule 7.

The previous consent of the Personnel and Administrative Reforms Department required under this rule to the exercise or to the delegation of the powers conferred under the Fundamental Rules, may be presumed to have been given in all cases except the following:—

(1) Proposals involving fresh delegations of power to authorities subordinate to the Government.

(2) Proposals for the issue of new Rules or the amendment of existing ones where the power to make rules has been conferred on the Government, viz., 9 (6)(*b*), 10, 44, 45, 45-A, 45-C, 47, 66, 68, 74, 82, 93, 101 to 104, 106, 119 and 130.

Note — All orders issuing new Rules or amending existing ones will be issued in the Personnel and Administrative Reforms Department.

(3) Proposals to issue orders under the following rules, unless covered by the Rules and/or instructions already issued under them:—

Fundamental Rules 9(6)(*b*), 19, 20, 27, proviso to Fundamental Rules 22(1)(*b*)(i), 33, 35, 36, 40, when the pay of the temporary post exceeds Rs. 250 or is higher than the minimum allowed for a corresponding permanent post, 44, 45, 45-A, 46 and 47 for honoraria in excess of budget provision or for which no scales have been laid down and for permitting the acceptance of fees for work done during official time or with the use or assistance of Government apparatus, materials, etc., 48-A, when it involves any payment to a Government servant on account of the invention, 49, Note 3 under 51, when the pay of the Government servant deputed exceeds Rs. 250 per mensem or the deputation extends beyond the financial year or when there is no budget provision, 68, 93, 101 to 104, 106, 110 to 114 in all cases to which the note 2 under Fundamental Rule 114 applies, 119, 121, 127(*c*) and 130 and Tamil Nadu Travelling Allowance Rules 9, 13, 20, 35, 44 when a class of officers is affected or the conditions of Travelling Allowance Rules 44(1) are not fulfilled; 47 in respect of the grant of enhanced rates of daily allowance to Groups C and D officers of the Police Department deputed outside the State of Tamil Nadu in connection with the tours of the President of the Republic of India or the Prime Minister of India, 54 and 88.

8. The power of interpreting these rules is reserved to the Government.

RULING.

The omission of the general principles of interpretation inculcated in the second subparagraph of Article 4 of the Civil Service Regulations, viz., that a Government Servant's claim to pay and allowances should be regulated by the rules in force at the time in respect of which the pay and allowances are earned, to leave by the rules in force at the time the leave is applied for and granted, etc., in the Fundamental Rules does not mean that the principles are to be abrogated and the intention is that they should be followed.

CHAPTER II—DEFINITIONS.

9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained—

(1) ***Deleted.***

(2) ***Deleted.***

(3) ***Deleted.***

(4) ***Cadre*** **means the strength of a service or a part of a service sanctioned as separate unit.**

(5) ***Compensatory Allowance*** **means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes travelling allowance.**

RULINGS.

Relation between Special Pay and Compensatory Allowance.

(1) The Fundamental Rules make a distinction in the definition of the terms "Special Pay" and "Compensatory Allowance". These definitions should be strictly construed and an exact compliance with the conditions stated in them is necessarily antecedent to the grant of either special pay or compensatory allowance. No necessary inter dependence can be recognised between special pay and compensatory allowance and it would be irregular to refuse to grant compensatory allowance to a Government servant when the cost of living would justify such a grant on the ground that he had already been granted special pay in consideration of the duties and responsibilities of his post or to reduce the amount of special pay granted to an officer on the ground that for reasons essentially different, a compensatory allowance is subsequently granted.

Allowances for Loss of Privilege of Private Practice.

(2) Any allowances granted to Professors of Medical Colleges to compensate them for loss of the privilege of private practice should be treated as compensatory allowance.

(5-A) ***Consolidated Fund*** **means the Consolidated Fund of the State of Tamil Nadu as defined in Article 266 (i) of the Constitution;**

(5-B) ***Constitution*** **means the Constitution of India.**

(6) Duty—

(a) Duty includes—

(i) Service as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

(iii) Extra leave on average pay granted to a Government servant, undergoing treatment at a Pasteur Institute.

(b) Government may issue orders, declaring that in the circumstances similar to those mentioned below, a Government servant may be treated as on duty —

(i) During a course of instruction or training.

(ii) In the case of any particular class of Government stipendiary students during the period of training as a stipendiary before substantive appointment as a Government servant, for the purpose of counting for leave and increment subject to any conditions imposed by Government.

(iii) During the period of any examination (optional or obligatory) which a Government servant is permitted to attend including the number of days actually required for proceeding to and returning from the station at which the examination is held.

Instructions.

1. A list of authorised courses of instruction or training of the Government servants who may be deputed and of the authorities competent to depute them is given in Annexure I.

2. The concession in item (iii) of sub-clause (*b*) above shall not be granted more than twice for the same optional examination.

3. The period of interview held by the Tamil Nadu Public Service Commission for the selection of District Munsifs including the number of days actually required by service candidates for proceeding to and returning from Madras will be treated as duty under item (iii) of sub-clause (*b*) above.

RULINGS.

(1) Civil Officers taken prisoners or left behind in enemy-occupied territory should be regarded as still on duty for all purposes.

(2) In the case of officers of the Education Department deputed to undergo a course of training recognised by the Tamil Nadu Educational Rules, (1) the period of training as stipendiary before substantive appointment as a Government servant, and (2) the periods spent in transit to and from the training institution will count both for leave and increment in the post held prior to such training.

(G.O. Ms. No. 1129, Education, dated 31st May 1929.)

Compulsory Wait for orders of Posting.

(3) When a Government servant has compulsorily to wait for orders of posting, such period of waiting shall be treated as duty. During such period, he shall be eligible to draw the pay plus special pay which he would have drawn had he continued in the post he held immediately before the period of compulsory wait or the pay plus special pay which he will draw on taking charge of the new post, whichever is less. For this purpose, no temporary post need be created.

The compensatory allowances shall be reckoned at the rates admissible at the station in which he was on compulsory wait.

(G.O.Ms.No.235, Finance, dated 14th March 1977)

[G.O.Ms.No.430, Finance (F.R.) dated 2nd April 1973.]

Explanation 1-The Commissioner for Revenue Administration is empowered to regularise the period of waiting of the Deputy Collectors under his administrative control for orders of posting as duty under ruling (3) of rule 9 (6) (b) subject to a maximum period of thirty days.

[G.O.Ms.No.1188, Finance (FR.I), dated 18th December 1975.]

Explanation 2 (i). The Collectors are authorised to draw and disburse the pay and allowances last drawn by the Deputy Collectors who were working under their control before their transfer and who are made to wait for more than a month or 30 days for postings (compulsory wait) pending regularisation of the period of compulsory wait;

(ii) In all other cases viz., Deputy Collectors working in the Urban Land Tax, Agricultural Income Tax, etc., including those transferred from Foreign Bodies, the Commissioner for Revenue Administration will draw the pay and allowances last drawn and disburse them to the Deputy Collectors on compulsory wait after obtaining the Last Pay Certificate from their old station.

(iii) In regard to persons, who wait for postings on the disbandment of a particular post, the pay and allowances due for them will be debited to the head of account to which their last pay was debited at the time of their relief. For the drawal of pay and allowances of these categories of Deputy Collectors, the District Collectors are authorised to draw and disburse the pay and allowances to the Deputy Collectors on compulsory wait.

[G.O. Ms. No. 1123, Personnel and Administrative Reforms (F.R.I), dated 14th November 1980 — With effect from 8th January 1979.]

Explanation 3.—The Commissioner of Revenue Administration is empowered to regularise the period of compulsory wait of all the officers up to the level of Tahsildars of the District Revenue Units.

[G.O. Ms. No. 419, Personnel and Administrative Reforms (F.R.III), dated 5th May 1982.]

3-A. In the case of Government servants under suspension, the period from the date of order of revocation of suspension to the date prior to the date of serving the posting order on the Government servant concerned shall be treated as compulsory wait.

(G.O. Ms. No. 182, P&AR (FR.III) Dept, dated 22nd February 1985 – w.e.f. 10th August 1984)

3-B. In the case of a Government servant who has been dismissed or removed or compulsorily retired from service as a measure of penalty and subsequently reinstated into service, the period from the date of order of reinstatement into service to the date prior to the date of serving of the posting order on the Government servant shall be treated as compulsory wait.

(G.O. Ms. No. 117, Personnel and Administrative Reforms Department, dated 17th April 1995)

(4) The period of absence from duty of a Government servant for the purpose of interview or for medical examination for enrolment in the Territorial Army should be treated as on duty.

(Finance Memorandum No. 40725-A-C.S.R., dated 19th May 1953.)

(5) The period spent by the members of the Tamil Nadu Electrical Subordinate Service, appointed by direct recruitment, in taking over charge on their first appointments, should be treated as duty and they should be paid the pay and allowances admissible to such posts.

(Finance Memorandum No. 86068-C.S.R.-2, dated 26th November 1953.)

(6A) The period spent by newly appointed Engineer Officers from the day they report for duty to the day they complete taking over charge of posts involving verification and inspection of stores, etc., shall be treated as duty. It is not necessary to create new posts to accommodate the direct recruits since treating the period as duty is itself a sufficient sanction in this regard.

(Finance Memorandum No. 137274/F.R./65-4, dated 17th March 1966.)

(7) The authorities competent to appoint the Government servant to the post for which the training is essential, are empowered to treat the period of training or instruction in India, of the Government servant as duty under this rule, subject to the following conditions:—

(a) the training or instruction should be in India;

(b) the training or instruction should be connected with the post which the Government servant is holding at the time of placing him on training or instruction;

(c) that it is obligatory on the part of the Government to send the person for such training or instruction;

(d) the training should not be in professional or technical subjects which are normally brought under the provisions relating to “study leave ” and

(e) the period of training should not exceed one year.

(8) The period of absence from duty of Government servants for attending meetings of the Tamil Nadu Civil Services Joint Council as representatives of Service Associations on the staff side of the Council should be treated as duty.

(9) The period of enforced halts occurring en-route on journeys undertaken by Government servants in connection with tour, temporary transfer or training, necessitated by break down of communications due to blockade of roads on account of floods, rains, heavy snow-fall, land slides, etc., or delayed sailings of ships or awaiting for the air lift shall be treated as duty under F.R. 9 (6) (b). They may be granted daily allowance at three-fourths of the rate applicable to them at the station in which the enforced halt takes place, for the period of enforced halt after excluding the first day of such halt for which no daily allowance should be allowed.

[G.O. Ms. No. 358, Finance (F.R.), dated 8th March 1972.]

(6-A) ***Fee*** **means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State whether made directly to the Government servant or indirectly through the intermediary of Government.**

Note.—The following shall not be regarded as fees:-

(a) unearned income such as income from property, dividends and interest on securities, and;

(b) income from literary, cultural or artistic efforts, if such effort is not aided by the knowledge acquired by the Government servant in the course of his service.

(7) *Foreign Service* means service in which a Government servant receives substantive or officiating pay with the sanction of Government from any source other than the Consolidated Fund of the Union or of the State or of the Union Territory.

(8) Deleted.

(8–A) **Government means the Government of Tamil Nadu.**

(8-B) ****Cadre Pay*** **means the pay admissible from time to time in the time scale of pay applicable to a Government Servant in the parent department.**

(8-C) ***@Grade*** **Pay *means the fixed amount payable in addition to the pay in the pay band***

[G.O. No. 106, P & A R Department, dated 23rd February 1989 (w.e.f. 16-4-80.)]

*[*Substituted / @ inserted vide G.O. (Ms) No. 5, Personnel and Administrative Reforms (FR-II) Department, dated 12.01.2017 w.e.f. 01.01.2006]*

(9) *Honorarium means a recurring or non-recurring payment granted to a Government servant* from *the Consolidated Fund of India or the Consolidated Fund of a State as remuneration for special work of an occasional or intermittent character.*

(10) *Joining time means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.*

(11) *Leave on average (or half or quarter average) pay means leave on leave salary equal to average (or half or quarter average) pay as regulated by Rules 89 and 90.*

(12) *Leave salary means the monthly amount paid by Government to a Government servant on leave.*

(13) *Lien means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post including a tenure* post, to which he has been appointed substantively.

RULING.

In the case of a Government servant, who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be, to defer the date of abolition upto the termination of such lien as may be granted.

(Comptroller and Auditor-General's Memo.No.641/A-194/22, dated 13th September 1922.)

(14) *Local* fund means—

(a) revenues administered by bodies which, by law or rule having the force of law, come under the control of Government, whether in regard to proceedings generally or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts or enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specially notified by Government as such.

(15) *Deleted.*

(16) *Deleted.*

(17) *Ministerial servant means a Government servant of a Subordinate Service whose duties are entirely* clerical and any other class of servant specially defined as such by general or special order of Government.

(18) Month means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and then add number of days calculated subsequently.

RULINGS.

Calculation of Calendar Months.

Calculation of a period expressed in terms of months and days—

(*a*) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:—

	Y.	M.	D.
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	0	**3**	**20**

(*b*) The period commencing on 30th January and ending with 2nd March should be deemed as 1 month and 4 days as indicated below:—

	Y.	M.	D.
30th January to 31st January	0	0	2
February	0	1	0
1st March and 2nd March	0	0	2
	0	**1**	**4**

The above ruling shall take effect from 2nd February 1971.

[G.O.Ms.No.1480, Finance (F.R.) dated 13th October 1971.]

(19) *Officiate*.—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

Delegation under Rule 9 (19).

The authority which has power to make a substantive appointment to a vacant post may appoint a Government servant to officiate in it.

Instruction under Rule 9 (19).

A post vacated by a Government servant who has been dismissed should not be filled substantively, pending the result of such appeal as the rules permit.

(21)(a) Pay means the amount drawn monthly by a Government servant as—

(i) *"*the pay drawn in the appropriate cell of the level as specified in the pay matrix*", other than special pay or pay granted in view of his personal qualifications which has been sanctioned to a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre;

(ii) special pay and personal pay; and

(iii) any other emoluments which may be specially classed as pay by Government.

Note.-The "Compensation Allowance" granted to the technical workers of the Government Press will be treated as 'Pay' for the purpose of calculating leave salary

***(Substituted vide G.O.(Ms)No.179, P&AR (FR-II) Department, dated 28.12.2018 - w.e.f 01.01.2016)*

RULING.

Pay

(1) The following are not allowed to count as pay. (The list is not necessarily exhaustive):—

(i) Fees paid to Law Officers in addition to their pay, unless the Government declares them to be pay.

(ii) Hill allowance.

(2) Additional pay drawn under F.R. 49 shall be allowed to count as pay.

(22) Permanent Post means a post carrying a definite rate of pay sanctioned without limit of time.

(23) Personal *Pay* means additional pay granted to a Government servant—

(a) to save him from loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

***(24) Presumptive Pay of a Post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were *performing* its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.**

RULING.

The first part of the Definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

***(25) Special pay* means an addition, of the nature of pay, to the emoluments of a post or of a *Government* servant, *granted* in consideration of—**

(a) the specially arduous nature of the duties; or

(b) *a specific addition to the work or responsibility; or*

(c) *the* unhealthiness of the locality in which the work is performed.

RULINGS.

Special pay for X-ray work.

(1) In support of the claim for special pay drawn for Government servants doing part-time X-ray work in medical institutions, a certificate in the following form should be attached to the pay bill:-

"Certified that the Government servants for whom the special pay has been drawn have done X-ray work "

"Certified that the Government servants for whom the special pay has been drawn have done X-ray work and have undergone the requisite training at the X-ray Institute or elsewhere".

(G.O.Ms.No.656.P.H.(L.S.G.) dated the 18th August 1924)

(2) Typists-clerks and typists of the vacation department may draw special pay during the vacation period.

(3) Provided sanctioning authorities limit the allowances for the unhealthiness of a locality to cases in which the locality is likely to cause illness or impair vitality, it is reasonable that the allowance should be taken into account in calculating leave salary and pension. This limitation is inherent in the rule as it stands and Government should, in granting the allowance, invariably see that the condition is satisfied.

(4) A certificate in the following form should be furnished by the drawing officers in the bills in which the special pay sanctioned on account of the unhealthiness of the locality is drawn:—

"Certified that the special pay has not been claimed for officers or subordinates, who are natives of or domiciled in the localities (specified in rule 10 of the Manual of Special Pay and Allowances, Vol.-I) for which the special pay is drawn."

(5) The following principles shall be followed in the matter of granting special pay:—

(a) Special pay should be granted only when the conditions of Rule 9 (25) strictly apply. It should not be given merely for the purpose of improving the prospects of a service or for the purpose of serving as a substitute or as an addition to a selection grade of pay.

(b) The post in the ordinary time-scale of a service will naturally vary in intensity and responsibility but this is no ground ordinarily for granting special pays to the holders of the heavier charges. If owing to circumstances a junior officer has to hold one of the more responsible regular charges, he is thereby given an opportunity of proving his fitness for higher posts.

(c) The placing of an officer on special duty does not necessarily mean that his work becomes specially arduous or so increased in quantity and responsibility as to justify special pay. An officer's posting is in the hands of Government and he has no right to refuse a post which Government, in the cause of the Public Service allots to him. This applies also to officers transferred by agreement between two Governments from one Government to another. A protest against a posting should be formally admitted only on the ground of loss of pay or prospects and even on these grounds, Government is the final arbiter.

(d) A comparison between the circumstances of one officer and another or of one service and another should not be accepted necessarily as an argument for the grant or for the enhancement of special pay.

For certain regular posts it has been found convenient not to fix a specific rate of pay but to remunerate their holders in the form of *_cadre pay_* plus special pay. While in the main, the principles set out above apply to such special pay, there are certain obvious differences between the circumstances of such posts and the class of post to which frequent proposals to attach special pay arise.

(The Comptroller and Auditor-General's Endorsement No.646, G.B.E.72/36, dated 9th March 1936.)

**[Substituted vide G.O. (Ms) No. 5, P & A R (FR-II) Department, dated 12.01.2017 w.e.f. 01.01.2006]*

(26) Deleted.

(27) Subsistence Grant means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(28) Substantive Pay means the pay other than special pay, personal pay or emoluments classed as pay by the Government under rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(30) Temporary Post means a post carrying a definite rate of pay sanctioned for a limited time.

(30-A) Tenure Post means a permanent post which an individual Government servant may not hold for more than a limited period.

Note.—In case of doubt, Government may decide whether particular post is or is not, a tenure post.

***(30-B) Supernumerary Post means a person oriented post created for a limited period and for a limited purpose* to accommodate a person in certain contingencies.**

(G.O. Ms. No. 146, P & A R (FR.IV) Department, dated 15th March 1996 – w.e.f.15th March 1996)

RULINGS

(i) A supernumerary post is normally created to accommodate the lien of an Officer, who, in the opinion of the authority competent to create such a post, is entitled to hold a lien against a regular permanent post but who, due to non-availability of regular permanent post, cannot have his lien against such a post;

(ii) It is a shadow post, that is no duties are attached to such posts. The Officer whose lien is maintained against such a post, generally performs duties in some other vacant temporary or permanent post;

(iii) It can be created retrospectively only if another vacant permanent or temporary post is not available to accommodate the person whose lien is retained by the creation of the supernumerary post;

(iv) It shall not be created for an indefinite period as other permanent posts are, but shall normally be created for a definite and fixed period sufficient for the purpose in view;

(v) It is personal to the officer for whom it is created, and no other officer can be appointed against such a post. It stands abolished as soon as the Officer for whom it was created, vacates it on account of retirement or confirmation in another regular permanent post or for any other reason;

(vi) No extra financial commitment is involved in the creation of such posts in the form of increased pay and allowances, pensionary benefits, etc., except the circumstances arising out of the orders passed by a Court of Law including Tamil Nadu Administrative Tribunal.

(G.O. Ms. No. 147, Personnel and Administrative Reforms (FR.IV) Department, dated 15th March 1996 - with effect from 15th March 1996)

(31)(a) Time-scale of pay means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

(b) Time-scales are said to be identical if the minimum, maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishment; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

RULING

Two time-scales should be treated as identical within the meaning of Fundamental Rule 9(31)(*b*) though the scales may differ in the matter of provision of efficiency bar.

[G.I.M.F. Memo No.F2(7)E/III-63, dated 10th April 1963.]

(32) Travelling Allowance **means an allowance granted to a Government servant to cover the *expenses which he incurs in travelling in the interests of the public service. It includes allowances* granted for the maintenance of conveyances.**

SUBSIDIARY DEFINITIONS

(i) A competent authority in respect of any officer, is in so far as any power delegated under these rules is concerned, the authority to which such power has been delegated and where no such specific delegation, has been made, the competent authority is, unless otherwise stated, the authority in whom the power to appoint such office, has been, or is, vested from time to time by Government.

(ii) *HEADS OF DEPARTMENTS*.—For the purpose of these rules, the expression "heads of departments" shall include the officers specified in Appendix II.

In the case of officers who are not subordinate to any of the above heads of departments, questions which call for disposal by heads of departments should be referred to the Secretary to Government in the department concerned.

(iii) BASIC *SERVICE* includes all service in the following appointments unless declared by Government to be superior:—

(a) Service as peon, head peon, chobdar or duffadar.

(b) Service in posts the pay of which does not exceed Rs.720.*

(c) Service in posts in the Raj Bhavan household establishment - Class XXXVI-Madras General Subordinate Service irrespective of the scale of pay.

(G.O.Ms.No.185, Finance, dated 6th March 1968.)

**[G.O. Ms. No. 1071, P. & A.R. (FR.III) Dept., dt. 31-10-1986—w.e.f. 1-10-84.]*

All other service is *superior*.

Note.—Service in the posts specified in Appendix II shall be treated as superior.

RULING.

The question whether a Government servant is in superior or Basic Service should be decided with reference to the pay actually drawn by the Government servant at the time.

The fact that the post of masalchi is included in the Tamil Nadu Basic Service does not affect the question of treating the holder of that post as superior or last grade for the purposes of Fundamental Rules. The status of a particular individual should be decided with reference to Subsidiary Definition (iii) (*b*) under Rule 9.

(G.O. Ms. No. 3580, L.A., dated 21st September 1937 and G.O. Ms. No. 320, Finance, dt 8.5.1930.)

Exception.—The service of ex-State employees retained under Section 69(2) of the Estates Abolition Act, shall, for the purpose of grant of leave and leave salary be regarded as 'Superior' if similar categories in Government service are treated as 'Superior' irrespective of the pay drawn by them in the service of this State.

(Memo.No.5597-C.S.R.2, dated 16th February 1962.)

9-A. Classification of Government servants:-

The Government servants under the Tamil Nadu State and Subordinate Services shall be classified into four groups as follows:—

*****GROUP 'A' –***	***Government Servants in posts having pay levels from 25 to 32 drawing the pay of Rs.59,300 – Rs.1,87,700 to Rs.1,28,900 – Rs.2,25,000;***
GROUP 'B' –	***Government Servants in posts having pay levels from 13 to 24 drawing the pay of Rs.35,900 – Rs.1,13,500 to Rs.57,700 – Rs.1,82,400;***
GROUP 'C' –	***Government Servants in posts having pay levels from 2 to 12 drawing the pay of Rs.15,900 – Rs.50,400 to Rs.35,600 – Rs.1,12,800;***
GROUP 'D' –	***Government Servants in posts having pay level 1 drawing the pay of Rs.15,700 – Rs.50,000.".***

Explanation:—For the purpose of these rules, persons holding posts in the Selection Grade or Special Grade shall be deemed to be under the respective groups in which such posts in the ordinary grades are classified.

(G.O. Ms. No.268, P. & A.R. (FR. II) dept , dated 03.11.1998)

***[Substituted vide G.O. Ms. No.41, P. & A.R. (FR. II) dept , dated 07.05.2019 – w.e.f. 01.01.2016]*

PART II

CHAPTER III - GENERAL CONDITIONS OF SERVICE.

10. No person except a military pensioner may be substantively appointed (otherwise than as a menial paid from contingencies) to a permanent post (whether pensionable or not) in a Government service unless he has produced a certificate of physical fitness in the Form prescribed in Annexure I-A. The Government may, in individual cases, dispense with the production of such certificate and may, by general order, exempt any specified class of Government servants from the operation of this rule.

Instructions.

(1) The certificate prescribed above must ordinarily be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than a Civil Surgeon or Honorary Medical Officers of Civil Surgeon's rank (viz., Honorary Physicians and Honorary Surgeons) or District Medical Officer but in the case of a person whom it is proposed to appoint to a post the maximum pay of which is not more than Rs.450 and who cannot conveniently be brought before an officer of higher rank, a certificate from an Assistant Surgeon or an Honorary Assistant Surgeon with the M.B.B.S. degree may, at the discretion of the appointing authority, be accepted. If the appointing authority is not satisfied with the certificate granted by an Honorary Assistant Surgeon, he may demand a second Certificate from a non-honorary medical officer.

(2) In the case of a Government servant who produced a medical certificate of fitness before the Tamil Nadu Public Service Commission as a candidate for a post in Government service, no further medical examination should ordinarily be required before employment or confirmation:

Provided that in the case of an approved probationer who is not a full member of any other service, State or Subordinate, the appointing authority may, if it has reason to believe that the probationer's physical fitness has seriously deteriorated since he satisfied the Commission, require him to undergo a fresh medical examination.

If the production of a further medical certificate is considered unnecessary, the certificate produced before the Tamil Nadu Public Service Commission shall be accepted as final:

Provided further that an approved probationer who is not a full member of any service and who has produced before the Tamil Nadu Public Service Commission a certificate of physical fitness signed by an officer lower in rank than that of a Civil Surgeon or a District Medical Officer shall not be appointed substantively to a post the maximum of the scale of pay applicable to which is more than Rs.450 per mensem unless he produces a medical certificate of physical fitness signed by a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer.

(3) A Government servant in whom a defect has been noticed by the Medical Officer who granted him his first certificate of health may not be transferred from the office to which he was originally appointed to another office, the duties of which are different in character except on production of a certificate from a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer to the effect that the defect will not materially interfere with the discharge of his new duties by the Government servant transferred.

(4) The fact that a candidate trained in a Government training institution has produced a certificate of general health before admission into the institution will not relieve him of the necessity of obtaining a fresh certificate before admission into Government service.

RULING.

The physical fitness certificates of the approved candidates received from the Tamil Nadu Public Service Commission should be kept securely fastened in the Service Books of the Government servants concerned. Necessary entry regarding the receipt of medical certificate may also be made in the Service Books.

[G.O.Ms.No.945, Finance (F.R.), dated 18th July 1972.]

11. Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority without claim for additional

remuneration, whether the services required of him are such as would ordinarily be remunerated from Consolidated Fund of the State, from a local fund or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

RULINGS.

(1) The grant to members of permanent establishments in Government offices of any portion of the fees collected for the purpose of preparing and examining copies of documents granted to private parties is contrary to the principles contained in this rule and should not be permitted.

(G.O.Ms.No.572, Finance, dated 4th September 1905.)

(2) In the Revenue Department, Collectors have been authorized to permit the members of the regular establishment, in places where pieceworkers are not available, to do copying work and receive fees therefor.

(Memorandum No.27135-Exp-1, Finance, dated 14th September 1928.)

(3) Clerks under the Commissioner of Police and the Superintendents of Police, who do the work of supplying to firms extracts from the register of motor vehicles or who prepare quarterly statements furnishing particulars of new registrations of motor vehicles are allowed to receive at the end of each month an honorarium not exceeding half the amount of fees credited during that month.

When piece-workers are not employed to do the copying of public documents furnished on the application and at the cost of private parties, the Transport Commissioner may permit his typists to do the same and to receive fee for it at the rates prescribed in the standing orders of the Commissioner for Revenue Administration.

(G.O.Ms.No.2197, Home, dated the 6th May 1941.)

(4) Rates of remuneration for typing copies of records in disciplinary cases in the Jail Department—

Typists in the Jail Department who take copies of records, to be supplied on payment of charges at the rate of nineteen paise for every 175 words or fraction thereof in copy stamped papers, are paid remuneration at the rate of twelve paise for every 175 words. The amount to be paid to the typists will be calculated at the end of every month and drawn from the treasury as honoraria and disbursed to them. No remuneration is admissible in cases where copies of records are given free of charge.

(G.O.Ms.No.5368, Home, dated 11th October 1939.)

(G.O.Ms.No.1691, Home, dated 15th May 1965.)

(5) In the Criminal Courts (Viz., Courts of District Magistrates, Sub-Divisional Magistrates, Additional First-class Magistrates and Sub-Magistrates) where there are no Examiners either because there are no sanctioned posts or because the posts have been kept unfilled, Attenders and Clerks are permitted to attend to the work of comparing, outside their office hours without detriment to their normal duty, and to receive the usual comparing fees, viz., 2.5 paise per page of 100 words compared.

(G.O.Ms.No.2823, Home, dated 16th August 1962.)

(6) Teachers and Lecturers in Government Schools and Colleges enrolled as officers in the National Cadet Corps and who attend the several courses of training in accordance with the National Cadet Corps Rules and under the specific orders of Government need not obtain permission of the authorities concerned to receive the honoraria, pay and allowances admissible to them under the National Cadet Corps Rules.

(Finance Memo.No.63491/CSR/56-1, dated 18th July 1956.)

(7) The copying work in the District Munsif's Court, Gudalur, may be entrusted to the Lower Division Clerk of the Court and he may be allowed extra remuneration therefor at the rates prescribed in paragraph 2 (iii) of G.O.No.965, Law (General), dated 23rd March 1926.

(Finance Memo.No.82531/CSR/56-1, dated 18th September 1956.)

(8) In the Revenue Department where there are no sanctioned posts of Copyists, Examiners, Attenders and Clerks are permitted to attend comparing work, outside their office hours, without detriment to their normal duty and to receive the usual comparing fees, viz., 25 Paise per page of 175 words compared.

(Finance Memo.No.71773/FR/57-2, dated 21st August 1957.)

(G.O.Ms.No.413, P & A R (Per.J) Department, dated 15-7-1989 with effect from 22nd June, 1988).

(9) In the Revenue Department where there are no sanctioned posts of full-time Copyists, the members of the regular establishment, viz., Clerks, Typists or Attenders are permitted to attend to copying work without detriment to their normal duties and draw remuneration at the prescribed rates.

(Finance Memo.No.37886/FR/59-2, dated 4th June 1959.)

(10) The Typists or Clerks in the offices of the Commissioner of Labour, Industrial Tribunals and Labour Officers, who take copies of stamp papers typewritten or written from the documents in the concerned office relating to the Industrial Disputes Act in connection with the grant of certified copies of such documents, may be paid remuneration at the rate of twelve paise only for every 175 words or part thereof.

(11) The Typists, Steno-Typists and Clerks in the offices of the Labour Officers who take copies on stamp papers, typewritten or written from the documents in the concerned office relating to the Madras Catering Establishments Act, 1958 in connection with the grant of certified copies of such documents may be paid remuneration at the rate of twelve paise only for every 175 words or part thereof.

(Finance Memo.No.631988-FR/62-15, dated 21st November 1968.)

11-A. Government servants who are deputed for various kinds of training specified in column (2)of the Table below shall execute a bond to serve the Government for the period specified in column (3) and the penalty for breach of the conditions of the bond shall be as specified in column (4) thereof:—

THE TABLE

Sl.No **1**	**Kinds of training** **2**	**Period of bond** **3**	**Penalty** **4**
1	Training prescribed as a condition for satisfactory completion of probation	5 years	The Government servant shall pay the pay and allowances for the training period and expenditure on training incurred by Government if any.
2	Inservice training or specialised training within India for a period of more than six months at the Government cost	Thrice the period of training	The Government servant shall. pay the pay and allowances for the period of bond and expenditure on training incurred. by Government, if any.
3	Inservice training or specialised training for a period of more than six months within India at his own cost.	Twice the period of training	The Government servant shall pay the pay and allowances for the period of bond and expenditure on training incurred by Government, if any.
4	Seminars, Conferences, Workshops, Refresher Courses, Inservice training, specialised training outside India at Government cost for		The Government servant shall pay the pay and allowances for the period of bond and expenditure on training incurred by Government, if any.

	(i) more than 30 days but up to 180 days (ii) more than 180 days.	Two years. Four times of the period	
5	Seminars, Conferences, Workshops Refresher Courses, Inservice training, specialised training outside India at own cost for (i) more than 30 days but up to 180 days ii) more than 180 days.	One year Twice the period subject to a minimum of two years.	The Government servant shall pay the pay and allowances for the period of bond and expenditure on training incurred by Government, if any

Explanation:—If any Government servant who has executed a bond to serve the Government for a stipulated period wants to leave Government service in the middle of the binding period on voluntary retirement or on resignation, he should remit to Government, the bond amount, equivalent to the balance period he is required to serve the Government.

(G.O. Ms. No. 145, *P & A R* (FR. IV) Department, dated 14th March 1996 – *w.e.f. 22.12.1982)*

11(*b*) The Government servants who go abroad for Seminars, Conferences, Workshops, Higher Studies, Refresher Courses, Inservice Training and Specialised Training at their own cost by availing Extra-ordinary Leave without allowances need not execute a bond.

[G.O. Ms. No. 91, *P & A R* (FR. IV) Department, dated 30.5.2000 – *w.e.f. 8.1.1997)*

12(*a*). Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

12-A. Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post—

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post or officiating in another post;

(c) during joining time or transfer to another post; unless he is transferred substantively to a post on lower pay in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave other than refused leave granted after the date of retirement under Rule 86 or corresponding other rules; and

(e) while under suspension.

14(a). Government shall suspend the lien of a Government servant on a permanent post which he hold substantively if he is appointed in a substantive capacity —

(1) to a tenure post, or

(2) Deleted.

(3) Provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this rule, is transferred, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government servant's lien on a tenure post may, in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively and the Government servant appointed to hold it substantively, shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note.— (1) This clause shall also apply to a post in a selection grade of a cadre.

(2) When a post is filled substantively under this clause, the Government servant appointed will hold a provisional lien on the post and that lien will be liable to suspension under clause (a) but not under clause (b) of this rule.

(e) A Government servant's lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1) or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave, if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1) or (3) of clause (a).

Delegation under Rule 14 (b).

(1) A Head of Department is empowered to suspend a lien in respect of any post to which it or an authority subordinate to it can appoint.

(2) The Curator, Tamil Nadu Archives, is empowered to suspend the lien of the members of the staff of his office working in other offices.

Instruction under Rule 14 (b).

The lien of an officer cannot be suspended while he is on probation in another post. If the officer completes the period of probation satisfactorily, suspension of lien may be made with retrospective effect from the date on which the officer was transferred to other duty, provided that the conditions in Rule 14 (*b*) are otherwise satisfied.

RULINGS.

Provisionally Substantive Appointments.

(1) The period of three years prescribed in this rule applies to the probable duration of the absence of any particular officer from his own substantive appointment and not to the permanency of the post to which he is transferred.

In the case of posts sanctioned for a shorter period and subsequently extended to three years, suspension of lien is permissible from the date of creation of the temporary post but whether provisionally substantive arrangement is permissible from this date or from any subsequent date is a matter which is entirely at the discretion of the head of the office or of the Government.

(G.I.F.D. No. 172, C.S.R., dated 10th March 1913.)

(2) The term "Cadre" used in rule 14(*b*) will apply to all the posts in a service sanctioned as a separate unit. The expression "separate unit" is meant to cover all posts in a service, appointments to which are made by the same authority and is intended to apply to posts in different offices or establishments and not to those in the same office or establishments.

The suspension of lien of a Government servant under rule 14(*b*) is permissible only in the case of transfer to another service. In other words, it is not permissible when a Government servant in the subordinate service is promoted to the corresponding State Service or when a Government servant holding a lien on a permanent post is promoted to another post in the same service or department.

(3) Under the existing provision of Fundamental Rule 14, it is possible for more than one person to be appointed in a provisionally substantive capacity against a single post. In as much as the pay of a Government servant in his provisionally substantive post is being treated "as substantive pay" for purposes of fixation of pay on his appointment to another post, the present rule confers unintended benefits on all the individuals so appointed. The Government have, therefore, decided that the operation of Fundamental Rule 14 should be restricted so as to permit only one provisionally substantive appointment against one post. Accordingly, the lien acquired by a Government servant on his appointment in a provisionally substantive capacity under clause (*d*) of the rule should not, in future, be suspended if he is deputed out of India or is transferred to a post of the nature specified in clause (*b*) of the rule.

(G.O. Ms. No. 942, Finance, dated 25th May 1955.)

14-A. (*a*) Except as provided in clauses (*c*) and (*d*) of this rule a Government servant's lien on a post may, in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) Deleted.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be terminated while on refused leave granted after the date of retirement under Rule 86 or corresponding other rules.

(Vide G.O. 829, Personnel and Administrative Reforms Department, dated 26-8-1985).

(d) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Government or the Central Government or any other State Governments) outside the cadre on which he is borne.

(G.O .Ms. No. 484, Finance, dated 6th June 1968.)

RULING.

The provision of Fundamental Rule 14-A apply only so long as a Government servant remains in Government service. In cases where permanent Government servants are permitted to be permanently absorbed in non-Government service in the public interest it should be incumbent on the foreign employer to consult the parent employer before issuing orders absorbing the Government servant permanently in his service. The lien of the Government servant in the permanent post under Government stands automatically terminated with the cessation of Government service, that is, from the date of permanent absorption.

The Government servants absorbed permanently under the autonomous Corporations or Undertakings owned by State or Central Government need not be asked to tender a formal resignation of their post under the State Government as the issue of orders of absorption and acceptance of the same by the Government servant would be construed as surrender of their rights as Government servants. From the date of such absorption; payment of pension and leave salary contribution shall be stopped, as he will cease to be a Government servant.

Such termination of lien in the Government service will be without prejudice to his entitlement to retirement benefits admissible under G.O. Ms. No.569, Finance, dated the 28th April 1961 as amended subsequently.

[G.O. Ms. No. 907, Finance (F.R.I), Dept, dated 13th August 1976 – The amendment hereby made shall be deemed to have come into force on the 9th July 1974.]

14-B. Subject to the provisions of rule 15, Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

Delegation under Rule 14-B.

A head of a department is empowered to transfer a lien provided that it or an authority subordinate to it is authorized to make appointments to both the posts concerned.

15(*a*). Government may transfer a Government servant from one post to another provided that, except—

(1) on account of inefficiency or misbehaviour; or

(2) on his written request a Government servant shall not be transferred substantively to or appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under Rule 14.

(*b*) Nothing contained in clause (a) of this rule or in clause (13) of Rule 9 shall operate to prevent the re-transfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

16. A Government servant may be required to subscribe to a provident fund or other similar fund in accordance with such rules as Government may by order prescribe.

17. A Government servant shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

Instructions under Rule 17.

1. Ordinarily, the duties of a post shall be assumed and given up by the relieving and relieved Government servants simultaneously at headquarters, both of them being present. They should both sign a certificate indicating the place and the date and hour at which the change in the incumbency of the post has taken place. The transfer should ordinarily not take place on a Sunday.

2. The Government in the case of heads of departments and the head of the department concerned in other cases, may direct that the transfer shall be effected at a specified place other than the headquarters or that the two Government servants concerned shall communicate to one another by post or telegram that they have respectively assumed or given up the duties of a post with effect from a specified date.

(G.O.Ms.No.757, Finance, dated 2nd July 1951.)

The above directions may be issued only for special reasons of a public nature or when a Government servant who has been transferred, is spending a vacation at a place other than his headquarters. The exact nature of the reasons should be recorded as a part of the order, full consideration being given to the financial effect which the order will produce.

3. A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred afternoon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognized practice to pay Government servant at a higher rate for more important duties performed during a part only of a day.

RULINGS.

(1) Transfer of an officer is not completed until the certificate of transfer of charge has been signed by both the relieving and the relieved Government servants. When once signed, the relieved Government servant must be regarded as on joining time and must take charge of his new office before its expiry. Ordinarily the transfer should be completed before the expiry of the joining time of the relieving Government servant and it is his duty to arrive at, the place of transfer in time to enable him, within his joining time, to complete the transfer. In case in which the relieving Government servant does not sign the transfer certificate within this period, he should be treated as having exceeded his joining time.

(G.O.No.633, Finance, dated 4th October 1906.)

(2) In cases where store keepers and lower division clerks in charge of stores in the Agricultural Department are transferred and the transfer of charge is prolonged, so that two Government servants will be entitled to draw pay and allowances simultaneously for the same appointment, the procedure laid down in paragraph 513 of the Tamil Nadu Public Works Account Code should be followed. The Officers of Agricultural Department not below the rank of Deputy Director of Agriculture or Research Officers will certify whether the period spent is reasonable or not.

The Director of Agriculture is empowered to sanction a reasonable period up to a maximum of five days for handing and taking over charge by the Upper Subordinates of Agricultural Department who are holding stocks and stores and to permit them to draw pay and allowances simultaneously in the same post for the period. He should certify whether the time spent is reasonable or not. The procedure laid down in paragraph 513 of the Tamil Nadu Public Works Account Code should be followed.

(G.O.No.765, Development, dated 25th February, 1947.)

(Memo.No.100855/F.R./65-6, Finance, dated 20th January 1966.)

The Director of Agriculture is empowered to sanction a reasonable period up to a maximum of seven days for handing and taking over charge by the incoming and outgoing Agricultural Engineering Supervisors and Store-keepers in the Agricultural Engineering Sections and to permit them to draw pay and allowances simultaneously in the same post for the period. He should certify whether the time is reasonable or not. The Procedure laid down in paragraph 513 of the Tamil Nadu Public Works Account Code should be followed.

(Finance Memo.No.69417-C.S.R.-4, dated 23rd November 1954.)

The Regional Divisional Engineers (Agricultural Engineering), General Superintendents, Government Agricultural Engineering Workshop, Madras, Agricultural Implements Workshop, Tiruvarur and Tractor Workshops at Coimbatore, Madurai, Tiruchirappalli and Vellore are empowered to sanction a reasonable period up to a maximum number of days indicated in column (3) of the Table appended below for handing and taking over charge by the staff of the Agricultural Engineering Branch who are holding stocks and stores and to permit them to draw pay and allowances simultaneously in the same post for that period. The procedure laid down in paragraph 513 of the Tamil Nadu Public Works Account Code should be followed:—

THE TABLE.

S. No.	***Name of the category***	***Maximum number of days required in handing and taking over of charge of stores and stocks***
(1)	(2)	(3)
1	Agricultural Engineering Supervisor and Soil Conservation Assistants in the Soil Conservation Schemes.	3 days
2	Store-keeper, Grade I	7 days
3	Store Superintendent	7 days and 30 days in the case of Store Superintendent in Government Agricultural Engineering Workshop, Madras
4	Agricultural Engineering Supervisor (Tractor)	7 days.
5	Agricultural Engineering Supervisor (Stores)	7 days.
6	Agricultural Engineering Supervisor (Drilling**)**	5 days

7	Agricultural Engineering Supervisor (R.B.Unit)	5 days
8	Driller	2 days
9	Bore Well Foreman	2 days
10.	Sub-Assistant	1 day
11.	General Foreman	7 days
12.	Tool Room-Keeper	7 days
13.	Draughtsman	1 day
14.	Drill Supervisor	3 days
15.	Assistant Driller	2 days
16.	Bore well Foreman Store-keeper	7 days

[G. O.Ms.No.175, Finance (F.R.), dated 13th February 1973.]

(2A) The period subject to a maximum of seven days spent on handing over stores and articles by the outgoing Store Keeper to the incoming Store Keeper in the Industries and Commerce Department shall be treated as on duty in the same post.

(G.O. Ms. No. 92, P & A R (FR.III), Dept, dated 18th March 1992 – with effect from 2nd Dec 1989)

(3) In cases involving transfer of charge of an officer elsewhere than at headquarters, the exact nature of the reasons should be expressed on the face of the record and that Audit Officers should challenge all orders in which this has not been done—*vide* the second sub-paragraph of Instruction 2 under rule 17.

(4) If, in consequence of the absence during vacation of a Government servant whose leave is governed by rule 82, it is necessary to place another Government servant in-charge for the performance of work that may arise during the vacation, such charge must be arranged for without expense to Government.

(G.O.No.806, Public, dated 16th August 1900.)

(5) In the event, however, of an officer proceeding on leave direct from the borrowing department, his services will be replaced at the disposal of the lending department from, the date, following the date of termination of the leave on average pay or earned leave, as the case may be, granted by the borrowing department. The allocation of transit pay and allowances, travelling allowance and leave salary, will, in such cases, be governed by the ordinary rules irrespective of the date of reversion.

[G.O.Ms.No.2191, Public (Political), dated 6th November 1940.]

(6) Reserve Inspectors and Accountants in-charge of District Police Stores may be allowed by the Superintendent of Police extra Joining time to cover the actual period of transfer of charge, subject to a maximum of three working days.

(G.O.Ms.No.2038, Home, dated 10th July 1946.)

(7) The Manager, Central Police Stores, Madurai, may be allowed by the Superintendent of Police, Madurai, extra joining time to cover the actual period of transfer of charge, subject to a maximum of five working days.

(G.O. No. 3488, Home, dated 7th November 1946.)

(8) In case where store-keeper in the Medical Department in the Madras City, Medical Officers, Nursing Superintendents, Lay Secretaries and Treasurers, Head Nurses, Chief Pharmacists, Pharmacists and Medical Store-keeper in-charge of stores in the Government Medical Institutions are transferred from one institution to another either in the city or in the mofussil and transfer of charge is

prolonged so that both the Government servants (i.e., the one handing over charge and the one taking over charge) will be entitled to draw pay and allowances simultaneously for the same appointment, the procedure laid down in paragraph 513 of the Tamil Nadu Public Works Account Code should be followed.

(9) The Director, Tamil Nadu Motor Vehicles Maintenance Department is empowered to sanction a reasonable period upto a maximum number of days indicated in Col. (3) of the Table appended below for handing over and taking over charge by the Store Keepers and Assistant Store-keepers in Tamil Nadu Motor Vehicles Maintenance Department who are holding stocks and stores, and to permit them to draw pay and allowances for the period of taking over and handing over charges simultaneously.

THE TABLE.

Serial number	*Name of the category.*		*Maximum number of days required in handing and taking over of charge of stores and stocks.*
(1)	(2)		(3)
1.	Storekeeper and Assistant Storekeeper in the case of workshops	--	7 days
2	Storekeeper and Assistant Storekeeper in the case of Service Station.	--	5 days
3.	Storekeeper and Assistant Storekeeper in the case of Materials Management Unit Directorate.	--	9 days

The Heads of institutions concerned should certify whether the period spent by the above Government servant, on handing and taking over charge of the stores is reasonable or not. In any case the period should not exceed the maximum of five days exclusive of the joining time admissible.

(Finance Memo No. 21201/FR/64-2, dated 25th May 1964)

18.(1) Except leave on medical certificate or study leave under rule 84, no Government Servant (Permanent or Approved Probationer), who has not completed five years of service, shall be granted leave of any kind for a continuous period exceeding six months at any one time.

(2) Except on medical certificate or study leave under rule 84 no Government servant (Permanent or Approved Probationer), who has completed five years of service, shall be granted leave of any kind for a continuous period exceeding one year at any one time.

#(3) When a Government servant (Permanent or Approved Probationer) does not resume duty after remaining on leave for a continuous period of six months or one year, as the case may be, under sub-rules (1) or (2), or remains absent from duty after the expiry of his leave otherwise than on foreign service; or on account of suspension or on account of leave for employment abroad under section II-A of the Tamil Nadu Leave Rules,1933 for any period which, together with the period of leave granted to him, exceeds the limit, he shall be liable for disciplinary action under Tamil Nadu Civil Services (Discipline and Appeal) Rules.

(4) There shall be an interval of a period of three years between two spells of the maximum leave so granted.

*[*Vide *G.O. Ms. No. 477, P&AR (FR.-SPL.)* Dept.*, dated 21-11-1990, w.e.f. 13-11-87.]*

(# substituted in G.O.Ms.No.154, P&AR (FR.III) Dept., dated 8th August,2000)

RULING.

Fundamental Rule 18 does not relate to a case where a Government servant is restrained from resuming duty by an order placing him under suspension. Sanction of the Government in such a case is, therefore, not necessary.

(G.O.Ms.No.245, Finance Dept.*, dated 27th February 1958.)*

PART III.

CHAPTER – IV – PAY.

19. (1) The Pay of a Government servant shall not be increased so as to exceed the maximum of the time-scale of pay applicable to the post without the sanction of the authority competent to create the post.

(2) Notwithstanding anything contained in sub-rule (1) Government may grant — (i) Personal Pay; or (ii) Special pay:

Provided that the amount of such personal pay or of such special pay or both, shall not exceed one-fifth of the pay (excluding personal and special pay) of the Government servant or Rs.300 per mensem whichever is less.

RULINGS.

Fixation of pay under the 'next below' rule.

(1) The following guiding principle has been laid down for the working in future of (the convention usually known as) the "next below" rule as affecting officiating promotions:—

The intention of the so-called rule is that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of someone junior to an officer, who is put out of the regular line does not in itself, give rise to a claim under the "next below" rule. Before such a claim is established, it should be necessary that all the officers senior to the officer, who is out of the regular line have been given acting promotion, and also the officer next below him unless in any case, the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, then some other officer, even more junior, should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

[G.O.No.576, Public (Services), dated the 21st March 1936.]

Note.- (1) All cases involving the grant of concession of so-called "next below" rule should, subject to the observance of the guiding principle for its working, be regulated under the second proviso to Rule 22-(1) (b) (ii).

(2) (i) Holders of special posts such as Secretary to a Governor or a Secretary to Government should be ready to accept loss of officiating promotions to higher posts in the ordinary line for short periods in consequence of their incumbency of special posts and when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotions, the proper course would be to make arrangements to enable them to be released from the special posts rather than to compensate them for the loss of officiating promotion under the "next below" rule.

[Letter No.150/41, Establishments, dated 23rd April 1942, from the Government of India, Home Department, Government of India (Home), letter No.277/42, Establishment, dated the 4th January 1944, Communicating extract of India Office letter No.S.N.G.,2688/43, dated 29th October 1943.]

(ii) The above decision was not intended to modify in any way the working of the "next below" rule. If, therefore, the conditions laid down in the rule are satisfied in the case of, he should be given the benefit of it; otherwise his case should be dealt with in accordance with the ruling given in the following paragraph:-

(a) The words "short periods" in paragraph (i) above, shall be interpreted as meaning periods not exceeding three months and that in cases where an officer is deprived of officiating promotion to a higher paid post owing to its being impracticable, for the time being, to release him from a post outside the ordinary line, no compensation shall be granted in respect of the first three months of his retention in the lower paid post unless the conditions of the "next below" rule are satisfied.

(b) In cases where the period for which officiating promotion is lost exceeds three months, the officer concerned may be granted the pay of the higher-paid post for the excess period

but arrangements should be made *wherever possible* to avoid depriving officers of lengthy periods of officiating promotion.

(iii) Save in exceptional circumstances, no officer to whom the "next below" rule would apply should be retained in a lower-paid post for more than six months beyond the date on which he becomes due to officiate continuously in a higher post.

(3) The question arises whether the period spent in the Defence Services by a Government servant, who holds substantively a permanent post in Civil employ and has been granted an Emergency Commission should, on his appointment on return from Military duty to a higher post in which he would have officiated but for his absence on such duty, be allowed to count for increments in the time-scale of the higher Civil Post. If posts in the Defence Services held by permanent civil officers who have been granted Emergency Commissions are specified as posts "outside the ordinary line of a service" for the purpose of the second proviso to Rule 30 (1) by the State Government in respect of their own officers including officers under the rule-making control of the President of the Republic of India, no difficulty will arise in the matter of counting of any periods spent in Military Service by a substantive Civil Government servant during which he would but for his absence from the regular line have officiated in a higher post towards increments in the time-scale of the higher post. If under the President of the Republic of India *ad hoc* rule of 14th April 1942, the Governor in his individual judgment specifies posts in the Military side held by Civil Officers granted Emergency Commissions as being outside the ordinary line of a service for purposes on the second proviso to Rule 30(1), the Comptroller and Auditor-General will be prepared to accept in audit such specification as covering cases of promotion of President's Officers even prior to the 14th April 1942, if the necessary declaration is made now by the Government of Tamil Nadu in respect of these cases.

(2) (*a*) An officer holding any post substantively should not lose in his substantive pay on his promotion to a higher post on the revised scale of pay. Under Rule 19, if the substantive pay of an officer is higher than the maximum of the new revised time-scale of pay of a post to which he is promoted or the new revised pay of such post if it is on a fixed rate of pay, the difference shall be made good by the grant of personal pay.

(*b*) In cases where a Government servant, who is granted personal pay to make good the loss in substantive pay on promotion from a lower post to a higher post in the revised scale of pay, is promoted to another higher post, the personal pay also should be taken into account in fixing his pay in the third higher post notwithstanding the provisions of Rule 9 (28).

Example.

An officer drawing a substantive pay of Rs. 500 in the old scale of Rs. 300-500, was promoted substantively to a higher post on the existing revised scale of Rs. 300-50/2-450. His pay in the higher post was fixed at Rs. 450 *plus* personal pay Rs. 50. He was again promoted to a still higher post in the new revised scale of Rs. 415-35/2-520 and his pay in this post was fixed at Rs.520, with reference to the above orders.

(Memo. No. 24864-C.S.R.-1, Finance, dated 8th January 1943, memo. No. 3085-C.S.R.-1, Finance, dated 9th February 1943, Memo. No. 836-E-43-B-1-H-D, dated 18th January 1943 and G.O. No. 555, P.S., dated 28th March 1938.)

(3) In the case of pensioners drawing pensions exceeding Rs. 10 per mensem, who are reemployed by heads of departments under the powers delegated to them, for a period exceeding one year, ordinarily only the substantive pay prior to retirement should be taken as the basis in fixing the pay of re-employed officers but there is no objection to officiating pay being taken as the basis where this course is considered desirable. This is a concession which has been allowed in some cases. The working principle followed in fixing the emoluments of a re-employed pensioner is that the pay on re-employment together with his pension *should not exceed* the pay last drawn by the individuals. The pay may, therefore, be fixed suitably with reference to the nature of the duties which are enjoined on the re-employed pensioner within the maximum limit imposed by the working principle. Since the scale of pay of a post is usually fixed with reference to the duties attached to that post a retired Government servant employed in that post need not be given pay exceeding the maximum of the time-scale.

[G.O. Ms. No. 569, Finance (Pension), dated 7th December 1943, and G.O. Ms. No. 577, Finance (Pension), dated 11th December 1943.]

(4) Re-employed pensioners who are in receipt of superannuation or retiring pensions and are reemployed temporarily for specific periods should not be given the benefit of the revised scales of pay. Their pay and pension should not together exceed the pay last drawn by them while in service. This rule will not, however, apply to persons, who retired on compensation or invalid pensions long before they attained the age of 55 years as unfit for service in a particular post or department and ex-military personnel who are subsequently re-employed on a permanent footing in a different post or department. The pay of persons of the latter class may be fixed in the appropriate revised scales of pay in accordance with the provisions of Article 514, Civil Service Regulations. A re-employed pensioner may in addition, be allowed to draw the special pay attached to the post in which he is reemployed.

(Memo. No. 45314-C.S.R., dated 5.7.1951 and Memo. No. 65116-A C.S.R.-1, dated 5.9.1952.)

20. In respect of any period treated as duty under Rule 9(6) (b), a Government servant may be granted such pay as Government may consider equitable but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under Rule 9(6) (b).

Note.—An officer of the Statistics Department deputed to undergo special courses of training in "Statistics" at the expense of Government shall execute bonds specified in Appendix II for an amount equal to the total expenditure to be incurred by the Government in respect of the training. He shall further be required to serve the Government after undergoing training for a period of not less than one year for every three months of training undergone, subject to a maximum of five years failing which he shall refund the amount specified in the bond.

RULINGS.

(1) *Deleted*.

(2) *Fixation of pay of a Government servant, who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment*.—A Government servant, who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing a higher pay on account of an officiating appointment, may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, allowed by the authority sanctioning the deputation for training to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

(G.O. Ms. No. 795, Finance, dated 15th July 1958).

Pay of candidates undergoing training in the maintenance of revenue records and registration.

(3) Candidates undergoing this training may draw during the period, the pay of the officiating post held by them for so *long* a period as they would have held the officiating post had they not been deputed for the training.

(G.O. Ms. No. 1273, Revenue, dated 6th August 1926.)

Pay of revenue subordinates undergoing training in angular survey.

(4) The Heads of Departments and the Collectors concerned may permit the revenue subordinates undergoing training in angular survey with a survey party to draw during the period of their training the pay of any officiating appointment held by them at the time when they were deputed for such training and for so long a period as they would have held the officiating post had they not been deputed for such training.

(G.O. No. 466, Revenue, dated 2nd march 1931.)

[G.O. Ms. No. 485, P. & A.R. (FR. Spl.) Dept., dt. 29-11-90] (w.e.f. 1-12-80).

Pay of Government Servants while on Training.

(5) If a Government servant either permanent or officiating is deputed to undergo training or a course of instruction, treating such period as duty under rule 9(6) (b) (i) and if a substitute is to be appointed in his place, it is not necessary to issue formal orders creating a new post in order to

accommodate him during the period of training since the very order of posting him for training, etc., would be considered a sanction in this regard.

(Finance Memo No. 71853/A/64-1, dated 30th July 1965.)

(6) Approved probationers in the category of Junior Assistants officiating Assistants promoted from Junior Assistants and approved probationers, who were directly recruited to the category of Assistants in the Office of the Commissioner for Revenue Administration or in the office of the Commissioner of Land Administration or in the Office of the Special Commissioner and Commissioner of Land Reforms in the Office of the Director of Land Reforms or in the Office of the Director of Urban Land Ceiling and Urban Land Tax or in the office of the Commissioner of Agricultural Income Tax or in the Office of the Director of Rehabilitation or in the Office of the Commissioner of Prohibition and Excise or in the Office of the Director of Backward Classes Welfare or in the Office of the Adi Dravidar and Tribal Welfare or in the Office of the Director of Settlements, Madras and in the Office of the Commissioner of Civil Supplies have been permitted to undergo Survey and Settlement Training and to serve as Revenue Inspectors.

Similar permission has been granted to the acting Junior Assistants in the Office of the Collector of Madras provided they have completed their probation satisfactorily and are not likely to be discharged from service for want of vacancies. The periods spent on Survey and Settlement Training and as Revenue Inspectors will be deemed to be periods of duty under Rule 9(6) (b) (i).

The Junior Assistants and Assistants will continue to be borne on the establishment of the concerned office and substitutes may be appointed in their places in that establishment. The Junior Assistants/Assistants may, during the period of training, continue to draw the rates of pay applicable to the posts in the parent departments from which they have been deputed. The Firka Revenue Inspectors in the cadre of Assistants, who are under reversion as Junior Assistants, while undergoing the Training, be allowed to continue to work as Revenue Inspectors and paid either the pay applicable to them in the post of Junior Assistant or the minimum pay of the time scale of pay in the post of Assistant, whichever is higher, during the period he would have been reverted as Junior Assistant in the department in which he has been working.

One acting vacancy in the grade of Assistant should be kept unfilled in the district concerned for every person deputed to the District from the office concerned.

[G.O. Ms. No. 639, Personnel and Administrative Reforms (Per.J) Department, dated 9-12-1988—With effect from 1st September, 1983.]

(7) The periods spent on training with the Police by Deputy Tahsildars will be deemed to be period of duty under Rule 9 (6) (b) (i).

(Finance Memo No. 29957-F.R./58-2, dated 8th April 1958.)

(8) Teachers in schools and colleges enrolled as officers of the National Cadet Corps troops or units raised in the institution shall, during the period of training, draw pay and allowances on two counts, *i.e*., pay and allowances in respect of the appointment as Teachers and Lecturers and pay and allowances admissible under the National Cadet Corps Rules.

(Finance Memorandum No. 51309—C.S.R., 2, dated 12th July 1956.)

(9) If Government servants during a course of instruction or training, treating the period of such course of instruction or training as duty under rule 9(6)(b), are promoted or appointed to higher posts, they shall be eligible for the pay and allowances admissible to the higher posts, for the period during which they would have officiated in the higher posts but for the course of instruction or training.

[G.O. Ms. No. 590, Personnel and Administrative Reforms (F.R. III) Department, dt 22nd June 1982.]

(10) When a person selected for appointment to a post in the State and Subordinate Services by direct recruitment is required to undergo a prescribed training before actual independent charge of that post, he shall draw during the period of such training the minimum in the time-scale of pay applicable to that post.

[G.O. Ms. No. 371, P & A R (Per.J) Department, dated 26-6-1989.- w.e.f. 26th December, 1979.]

***21. Time* Scale *Pay*.—Rules 22 to 29 inclusive apply to time scales of pay generally.**

22(1) A Government servant who holds a lien on a permanent post or who would hold a lien on such a post had his lien not been suspended—

(a) If appointed substantively to a permanent post on a time-scale of pay shall have his initial substantive pay fixed as follows:—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching to such permanent post he will draw as initial pay, stage of the time-scale next above his substantive pay in respect of the old post.

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay, the stage of the time-scale which is equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay, plus personal pay equal to the difference and in either case will continue to draw that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) when appointment to the new post is made on his own request under rule 15 (a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay;

(b) If appointed to officiate in a permanent or temporary post.

(i) and the appointment involves the assumption of duties or responsibilities of greater importance than those attaching to his permanent post, shall have his initial pay fixed subject to the provisions of rule 35 as in sub-clause (i) of clause (*a*). They pay of such a Government servant shall be refixed under that sub-clause on an enhancement in the substantive pay as a result of increment or otherwise, from the date of such enhancement as if he was appointed to officiate in that post on that date, where such refixation is to his advantage provided that the provisions of rule 22-B and the Note hereunder shall not be applicable in the matter of such refixation of pay.

Note.—Where the increment of a Government servant in the post in which he is officiating has been withheld under Rule 24, without any reference to the increments that will accrue to him in the post held by him substantively the provisions contained in the above clause shall not apply, before the date from which orders withholding the increment finally cease to be operative. However the Government servant may be allowed during the period during which the increment is withheld his substantive pay from time to time if the same happens to be more than the officiating pay.

These provisions shall also apply in respect of a Government servant whose pay in the post held by him in an officiating capacity has been withheld at a particular stage or at the efficiency bar.

(ii) If, however, the appointment does not involve such assumption he shall not draw pay higher than his substantive pay in respect of a permanent post provided that Government may exempt from the operation of this rule any service and provided further that Government may specify posts of outside the ordinary line of a service the holders of which may notwithstanding the provisions of this rule be given any officiating promotion in the cadre of the service, as they would have received if still in the ordinary line.

Note.—For the purpose of this clause the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which appointment is made is on the same scale of pay as the permanent post on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

22(2) If the condition in sub-rule (1) that the Government servant should hold a lien or a suspended lien on a permanent post is not satisfied, the Government servant shall draw as initial pay, the minimum of the time-scale:

Provided both in cases covered by sub-rule (1) and in cases other than cases of reemployment after resignation, removal or dismissal from the public service covered by this sub-rule that if he has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale; or

(iii) a permanent post on an identical time-scale or a temporary post on an identical timescale, such post being on the same time-scale as a permanent post then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by Government under rule 9 (21) (*a*) (iii), which he drew on the last such occasion and he shall count the period during which he drew that pay on such last occasion and any previous occasions, for increment in the stage of the time-scale equivalent to that pay.

If however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

Explanation 1.—For the purposes of this rule and Rule 31-A, in the case of a Government servant, who is an approved probationer in the post he is holding or if no definite period of probation has been fixed for that post, has put in total service for a period of two years on duty within a continuous period of three years, the officiating post and pay shall be deemed as substantive post and pay provided that it is certified by the appointing authority that as far as can be reasonably foreseen the Government servant is not likely to be reverted to a lower post for want of vacancy.

Explanation 2.—In Explanation 1, the expression "on duty" shall include all such periods as would have been counted for probation, if probation had been prescribed for that post.

$ Explanation 3.—In cases of non-permanent Government Servants, where the period of absence is treated as " non-duty", the proviso to this sub - rule shall not apply and the period of service prior to such "non –duty" shall not count for increment".

[G.O. Ms. No. 764, P & A R (FR.III) Dept, dated 31st July 1985- with effect from 31st July 1985.]

$ [Substituted vide G.O. Ms. No. 20, P & A R (FR.II) Dept, dated 03.2.2017- w.e.f 01.01.2006.]

RULINGS.

(1) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under Rule 35, he must not be treated as having effectually officiated in that post within the meaning of Rule 22 or having rendered duty in it within the meaning of Rule 26. Such an officer on confirmation, should have his initial pay fixed under Rule 22 (2) and draw the next increments after he has put in duty for the usual period required calculated from the date of his confirmation.

[Paragraph 12 (ii) Chapter IV, Section I of Manual and Audit Instructions (Reprint).]

(2) For the purposes of Rules 22 and 23 a temporary post on a certain rate of pay (fixed or timescale) which is converted into a permanent post on the same or a different rate of pay, is not the "same post" as the permanent post even though the duties remain the same. In other words in view of rule 9 (30), the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent post if it is on a time-scale unless the case is covered by the concession admissible under clauses (ii) and (iii) of proviso to Rule 22.

The above decision does not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post, it refers only to cases of conversion of a temporary post into a permanent one on a different rate of pay. There is nothing in the above decision debarring service in a temporary post, created as an addition to a cadre and on the same time-scale from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished.

(3) The expression "if he holds a lien on a permanent post" in Rule 22 (1) should be held to include the lien on a permanent post to which a Government servant is appointed in a provisionally substantive capacity under Rule 14 (d) and the expression "substantive pay in respect of the old post" in that rule be held to include his substantive pay in respect of that provisional substantive appointment. Rule 22(1) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining the initial pay.

(Comptroller and Auditor-General's Letter No.586-A351/39, dated 23rd December,1939)

(4) A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time scale has taken the place of another.

If a Government servant has held substantively, or officiated in a post in the cadre or class prior to the introduction of a new time-scale and has drawn during the period salary or pay equal to a stage or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

(5) When the next increment in the time-scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the *new post* and forthwith lose the personal pay and all connection with the time-scale of the old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at an subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

(6) When the pay of a post is changed, but not its duties and the old pay is split up into pay and special pay, the initial pay fixed for the holder of the post under the new scale, both pay and special pay should, under clause (1) (a) (ii) of the rule, not exceed his old pay. Thus an officer on Rs. 450 whose post is changed into one on Rs. 350-25-500 plus Rs. 100 special pay should get Rs. 350 plus Rs. 100 special pay and not Rs. 450 plus Rs. 100 special pay.

(7) In the case of a Government servant whose post is abolished owing to reduction of establishment and who is provided with an appointment in new office, his initial pay in the new post should not be fixed under Rule 22 (1), as it is not a case of *transfer from one scale of pay to another* but of the abolition of one appointment followed by reappointment to a new post within the meaning of Article 426, Civil Service Regulations.

If, however, the conditions laid down in the proviso to Rule 22 (2) are fulfilled in such a case, the pay may be regulated under that proviso.

(Comptroller and Auditor-General's Endorsement No. 467-E/208825, dated 30th January 1926.)

(8) (i)(*a*) In G.O. No. 1363, Revenue, dated 10th September 1923, as modified by G.O. No. 1295, Revenue, dated 17th August 1925, and G.O. Press No. 1074, Revenue, dated 14th May 1936 Government approved of a scheme for the appointment of clerks in Madras offices as Deputy Tahsildars and Sub-Magistrates in the mofussil. According to this scheme a clerk has to be taken into the office in the city from the mofussil in exchange of a clerk sent out from an office in the Madras City to the mofussil as Deputy Tahsildar or Sub-Magistrate. The appointment of a mofussil clerk in exchange for the Madras-Clerk will be optional and not compulsory as hitherto.

A mofussil clerk so appointed in an office in Madras City will start in the time-scale of pay of the post to which he is appointed at the stage corresponding to his average pay as defined in Rule 9 (2) or substantive pay in the mofussil whichever is higher. If this average or substantive pay is less than the minimum pay of the post to which he is appointed in the office in the City, he will start on such minimum pay; if it falls between the two stages in the city time-scale, he will start at the higher of these two stages.

(*b*) (i) When for want of a vacancy a Madras clerk has to be reverted in the ordinary course from his acting appointment as a Deputy Tahsildar, he should not be reverted to his permanent post in the Madras Office but should be appointed to some suitable post in the district to enable him to gain further experience of district revenue work until his turn for reappointment as a Deputy Tahsildar again arises. A post on the pay which the clerk would be drawing in the Madras Office, if he had not been

selected for appointment as Deputy Tahsildar, should be created temporarily in the district in place of the post on the normally sanctioned rate of pay, the duties of which he is appointed to perform, until such time as the clerk concerned is again appointed to act as a Deputy Tahsildar.

(ii) When for want of vacancy, an Assistant of the Office of the Commissioner of Commercial Taxes or the Sales Tax Appellate Tribunal including the Additional Benches or an Assistant Section Officer of the Secretariat, as the case may be, has to be reverted in the ordinary course from the acting appointment as Assistant Commercial Tax Officer, or as soon as he completes his training as Assistant Commercial Tax Officer, he shall not be reverted to his permanent or officiating post. He shall be appointed in some suitable post in the division in which he acts as Assistant Commercial Tax Officer, or undergone training as Assistant Commercial Tax Officer, until his turn for re-appointment or appointment as the case may be, as Assistant Commercial Tax Officer, again arises. A post in the pay of which an Assistant shall be drawing in the Office of the Commercial Taxes or Sales Tax Appellate Tribunal including the Additional Benches or an Assistant Section Officer of the Secretariat, as the case may be, if he had not been selected for appointment as Assistant Commercial Tax Officer, shall be created temporarily in the division until such time as the Assistant of the Office of the Commissioner of Commercial Taxes or the Sales Tax Appellate Tribunal including the Additional Benches or an Assistant Section Officer of the Secretariat, as the case may be, is again appointed to act as Assistant Commercial Tax Officer.

(i) Main amendment with effect from 5th May 1970.

(ii) "or an Assistant Section Officer of the Secretariat"—with effect from 30th November 1984.

[G.O. Ms. No. 275, Personnel and Administrative Reforms (FR.Spl.) dept., dated 29th July 1991.]

(*c*) The orders in clause (a) above apply also to cases where, apart from the exchange scheme, it is found necessary to introduce in offices in the city men with knowledge of district work (clerks, Deputy Tahsildars and Tahsildars).

[G.O. Press No. 36, Public, dated 28.4.1927 and G.O. No. 84, Public (Services), dated 27.1.1934.]

Note.—As normally only senior clerks in the mofussil possessing a certain amount of district experience will be required for appointment in city offices, the Government direct that the fixation of pay as above shall be admissible only to full members and approved probationers in the categories of upper and lower division clerks, who are transferred from mofussil to city offices.

[G.O. Ms. No. 312, Public (Services), dated 8th February 1940.]

(*d*) All orders fixing the pay and allowances of clerks taken in exchange in the Department of the Secretariat will be issued in the Personnel and Administrative Reforms Department in consultation with the Accountant-General and the Finance Department.

[G.O. Ms. No. 936, Public (Services), dated 31st July 1930.]

(9) It is not the intention of Government that each and every case of grant of officiating pay should be referred to Government by the Heads of Departments for orders. As Rule 22 (1) (b) (ii) clearly lays down that officiating pay can be drawn by a Government servant only when the officiating post carries with it duties and responsibilities of greater importance than those attaching to the post on which he holds a lien or would hold a lien had his lien not been suspended, the Heads of Departments may not feel any difficulty in regard to the grant of officiating pay in such cases. Only when they feel any doubt, they need refer the matter to Government for orders.

(Memo. No. 50600-A, Codes I-1, dated 29th July 1950.)

(10) Please see ruling (3) under Rule 35 regarding the fixation of pay of a Government servant, who takes charge on the afternoon of a day and the Government servant concerned earns an increment the next day in his substantive post.

(11) Please see ruling (2) under Rule 19 regarding the grant of personal pay to save, from a loss in emoluments, officers holding permanent post on promotion to higher posts, on the new revised scale of pay.

(12) When once a Government servant officiating in a post is appointed to officiate in a higher post and his pay is initially fixed with reference to Note under Fundamental Rule 22, his subsequent

reversion to lower post, during the period he is holding the higher officiating post, shall not affect his pay.

(Memo. No. 95974/FR/59-2, Finance, dated 7th November 1959.)

(13) Note under Fundamental Rule 22 shall also apply to cases of fixation of pay under Fundamental Rule 22 (1) (a) (ii), that is, to cases not involving assumption of higher responsibilities or duties.

(Finance Memorandum No. 95974/FR/59-2, dated 7th November 1959.)

(14) Note under Fundamental Rule 22 shall apply to regular appointments and not to those made under Rule 10 (a) (i) or 39 (a) of the Tamil Nadu State and Subordinate Service Rules.

(Finance Memorandum No. 95974/FR/59-2, dated 7th November 1959.)

(15) The Statutory Rules issued for the various services will override the Fundamental Rules, where the latter are repugnant to the former. Consequently the pay of an officer appointed to a post in service should be fixed with reference to the Statutory Rules relating to that service notwithstanding anything contained in the Fundamental Rules. Thus when a Government servant holding a permanent post in one service is on probation in a post in another service, in which he is merely officiating, enhanced pay in respect of his officiating post may be granted under the Statutory Rules relating to that service if admissible under these rules. A declaration from Government as to the admissibility of officiating promotion under Rule 22 (1) (b) (ii) is not necessary in such cases.

(G.O. Ms. No. 485, Finance, dated 31st August 1932.)

(16) The condition in Rule 22 (1) (b) (ii) is waived in the cases of Upper Subordinate of the Tamil Nadu Agriculture Department so as to allow acting promotion from one field rate of pay to another without change of duty except in vacancies caused by grant of leave other than extraordinary leave without allowances.

(G.O. Ms. No. 1496, Development, dated 24th October 1922 and (G.O. Ms. No. 2603, Development, dated 13th October 1943 and Finance Memorandum No. 105731/FR/85-9, dated 7th May 1958.)

Counting of service in the special post for increment.

(17) (i) It is not intended that the phrase "outside the ordinary line of service" in the second proviso to Rule 22 (1) (b) (ii) should be rigidly interpreted either as "outside the cadre of a service" or as "outside the ordinary time-scale". The form of words adopted was designed to allow Government to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule might arise.

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

(18) Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in India.

(Ruling 13, Section IV of Compilation of Audit Rulings.)

(19) A declaration by Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government servant appointed to the post from another post in the same cadre.

(Ruling 14, Section IV of Compilation of Audit Rulings.)

(20) The words "duties" and "responsibilities" used in Rule 22 (1) (b) (ii) are to be interpreted in a wide sense as including besides the work to be performed, the general responsibilities and liabilities incidental to being member of a particular service.

(Comptroller and Auditor-General's No. 3971-A/676-23, dated 13th September 1923.)

(21) Higher officiating pay is not permissible in cases where different posts on different scales of pay have been merged into single revised scale.

[Government of India, Finance Department No. F.15 (96) Ex. 1/39, dated 23rd October 1939.]

(22) Officiating promotion from the posts of Headmasters of Approved Schools to the posts of Superintendent of Borstal Schools is permissible in the Tamil Nadu Jail Service.

(G.O. Ms. No. 3041, Home, dated 2nd June 1939).

(23) For the purpose of this rule the appointment to the post of First Physicist, Barnard Institute of Radiology, Madras, involves duties and responsibilities of greater importance than those attached to the post of Second Physicist.

(Comptroller and Auditor-General's letter No. G.A. Medl., III/41, dated 26th April 1950 and Memo No. 9917-H/50-1, Health, dated 24th August 1950.)

(24) Officiating promotions will be allowed to the members of the Tamil Nadu High Court Service in the following cases:-

(1) Promotion from the post of Lower Division Clerks or Typists or Examiners or Readers to that of Chief Operator, Photostat Machine.

(2) promotion from the post of Assistant Operator to that of Chief Operator, Photostat Machine; and

(3) promotion from the posts of Copyists or Circulation Van Driver or Gollah or Binder or Attenders to that of Assistant Operators, Photostat machine.

(Memo. No. 14641, C.S.R., 51-1, Finance, dated 12th March 1951.)

(25) (1) The pay of Senior Draughting Officer on promotion as "Junior Engineer" in the Public Works and Highways Department should be fixed in the scale of pay applicable to Junior Engineers at the stage next above the pay they are actually drawing at the time of promotion subject to the following conditions:—

(i) Once the pay of such promotees is fixed in the category of Junior Engineers as mentioned above, they will not be entitled to the higher rates of pay to which they would become eligible from time to time, consequent on their promotion to higher grades in the category of draughting official; and

(ii) in cases where a draughting official officiating in a higher grade post is promoted as Junior Engineer, he will be eligible to have his pay as Junior Engineer fixed as mentioned above, only if he would have continued to officiate in the higher grade post but for his appointment as Junior Engineer. If, but for his appointment as Junior Engineer, he would have been holding a lower grade post in the category of draughting official, his pay should be revised accordingly, i.e., he should be allowed to draw as Junior Engineer, the minimum of the scale of pay of Junior Engineers or his pay as draughting official, whichever is higher.

(Finance Memo No. 32397, C.S.R. 3, dated 26th June 1962)

(2)(i) The pay of Junior Draughting Officer and of Draughting Officer (ordinary grade) on promotion as Junior Engineer shall be fixed under rule 22-B, subject to the condition that once the pay of such promotee is fixed in the category of Junior Engineer as mentioned above, he will not be entitled to the higher rate of pay to which he would become eligible from time to time consequent on his promotion to higher category of draughting official;

(ii) The pay of Draughting Officer (Selection Grade) on promotion as Junior Engineer shall be fixed as per ruling (8) under rule 22-B.

[G.O. Ms. No. 364, P & A R (FR.III) Dept, dated 6th April 1985 with effect from 14th February 1983.]

Explanation:—The above clause shall also apply to the Junior Draughting Officer and Draughting Officer promoted as Junior Engineer in the Highways and Rural Works Department.

[G.O. Ms. No. 108, P & A R (FR.III) Dept, dt 8th February 1986 - with effect from 18th July 1985.]

Pay of officiating Government servants, when the pay of post is reduced.

(26) The pay of a Government servant officiating in a post, the pay of which has been reduced with effect from the next succession thereto, is regulated on the reduced pay.

(Finance Memorandum No.39397, C.S.R. 3, dated 26th June 1962.)

When the pay is subject to increase.

(27) The pay of a Government servant officiating in a post, the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service, is the pay which he would from time to time receive, if he held the post substantively.

(28) Section Officers of the Secretariat, the *Offices of the Commissioners of Revenue Administration, Land Administration, Land Reforms, Prohibition and Excise and Other Heads of Departments in the city* and in the office of the Director of Settlements, when sent out to districts as Tahsildars or Deputy Tahsildars, shall not draw, while serving as Tahsildar or Deputy Tahsildar, pay or increments in excess of that sanctioned for Tahsildars or Deputy Tahsildars as the case may be. Subject to this limitation a Section Officer when sent out as Tahsildar or Deputy Tahsildar, may draw as starting pay his permanent pay as Section Officer. He will also be allowed to count any period of service as Section Officer in the particular stage in his permanent scale of pay for increments to the next stage in the scale of pay, sanctioned for Tahsildars, e.g., a Section Officer who has put in four months service on Rs. 240, will be allowed to draw Rs. 250, in the scale of pay sanctioned for Tahsildars after he has put in eight months service as Tahsildar.

(G.O. Ms. No. 346, Revenue, dated 27th April 1929.)

Exception.—The above ruling does not apply to cases of Section Officers of the Secretariat, the *Offices of the Commissioners of Revenue Administration, Land Administration, Land Reforms, Prohibition and Excise and Other Heads of Departments in the city* and in the office of the Director of Settlements who are deputed for training in the Tamil Nadu Revenue Subordinate Service under the scheme sanctioned in G.O. No. 276, Revenue, dated 31st January 1950.

(Memorandum No.38870, C.S.R.1, dated 19th May 1952.)

**G.O. Ms. No. 485, P. & A.R. (FR. Spl.) dept., dt. 29-11-90, (w.e.f. 1-12-80)*

(29) Piece workers in the Government Press, Madras, when appointed to officiate in posts of Deputy Foreman, Assistant Foreman, etc., on time-scales of pay, may be allowed to draw pay in the time-scales at any stage not exceeding their average earnings for the previous twelve months.

(G.O. No. 531, Finance, dated 23rd July 1929.)

Fixation of initial Pay of Persons without substantive appointment on re-employment after discharge for want of vacancies.

(30) If a person without any substantive appointment is selected for admission to a service and is ousted for want of vacancy he will on re-appointment, start only on the minimum pay in the time-scale applicable to the post with reference to Note 1 under Rule 26 (a) unless advance increments are sanctioned by Government under Rule 27.

[G.O. No. 784, Public (Services), dated 21st September 1933.]

(31) Please see ruling (2) (a) under Rule 19 regarding the grant of personal pay to save, from loss in emoluments, officers holding permanent posts on promotion to higher posts on the new revised scale of pay.

(32) (i) In the case of a Government servant whose officiating pay on refixation under Fundamental Rule 22 (1) (b) (i) carries his pay above the efficiency bar, stage in the time-scale of the officiating pay, the Government servant concerned should be deemed to have automatically crossed the efficiency bar at the time of refixation of officiating pay and the question of application of efficiency bar will not arise.

However, in cases where the competent authority feels that such refixation should not be allowed for the reason that the Government servant concerned is not actually fit to cross the efficiency bar, the refixation of pay can be denied by invoking the provisions of Rule 35 by issue of special orders in respect of each such case.

(ii) In the case of a Government servant officiating in a post and whose pay had been fixed under Fundamental Rule 22 (1) (b) (i) if he is confirmed in that post from a retrospective date, the refixation of pay done under Fundamental Rule 22 (1) (b) (i) after the date of confirmation will have to be revised. The overpayment consequent on such revision will first be set off against the arrears, if

any, that might become payable to the Government servant for a portion of the period from the date of confirmation to the date of issue of orders of confirmation. The balance of overpayment that cannot be set off against the arrears, if any, shall be waived.

(Memo No.76594, F.R.62-2, dated 27th July 1922.)

(33) In the case of a Government servant proceeding on leave, if the period of leave counts for increment in the officiating post under Fundamental Rule 26 (bb) subject to the fulfillment of the conditions and production of the necessary certificates, his officiating pay may be refixed under Fundamental Rule 22 (1) (b) (i) from the very date of increment or increase in the substantive pay, as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

If, however, the period of leave does not count for increment in the officiating post, the Government servant losses all connections with that post during that period and he will be entitled to get his officiating pay refixed only from the date he returns from leave in which case, his next increment will fall due only after completion of the prescribed period of duty from the date of resuming charge unless he becomes entitled to refixation of pay under Fundamental Rule 22 (1) (b) (i) once again from an earlier date.

(Finance Memorandum No.47905, F.R. 60-4, dated 16th August 1960.)

(34) Such of the Junior Engineers/Supervisors working under the emergency provisions under the Government, on their joining duty in the Public Works Department or Highways and Rural Works Department or Industries Department (Construction Branches), consequent on their selection by the Tamil Nadu Public Service Commission for regular appointment in any of the above said departments, be allowed the pay they were last drawing.

[G.O.Ms.No.74, Finance (F.R.I), dated 31st January 1976.]

(35) (1) The Pay of the Government servants appointed to Selection Grade posts shall be fixed as indicated below:—

(i) Where there is a corresponding stage after adding one increment in the ordinary grade, at the same stage in the Selection Grade;

(ii) Where there is no corresponding stage as referred to in clause (i) above, at the lower stage in Selection Grade and the difference between that stage and the amount worked out as indicated in clause (i) above shall be treated as “Personal Pay”. Personal Pay due to the fixation of pay in Selection Grade shall be continued to be drawn till the individual is moved to another post and this “Personal Pay” shall be taken into account for the purpose of fixation of pay on appointment to the higher post or to the Special Grade;

(iii) Where after adding one increment in the ordinary grade, the amount is less than the minimum of the Selection Grade scale of pay, at such minimum.

(2) The service from the date of last increment in the ordinary grade post shall be allowed to be counted for increment in the Selection Grade.

(3) The above said mode of fixation shall also apply to Government servants appointed to Special Grade Posts and Special temporary posts.

[G.O. Ms. No. 15, P&AR (FR.III) dept., dated 5th January 1987 - w.e.f. 1-10-84 - notionally and with monetary benefit on the 1-4-1986.]

22-A The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to the post thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by Rule 22:

Provided both in cases covered by clause (1) of that rule and in cases, other than those of re-employment after resignation, removal or dismissal-from public service, covered by clause (2) of the same rule that, if he either —

has previously held substantively or officiated in,

(i) the same post prior to reduction of its time-scale, or

(ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post,

then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay under Rule 9 (21) (a) (iii) which he would have drawn under Rule 22 on the last such occasion if the unreduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasion.

$ Explanation.— In cases of non-permanent Government Servants, where the period of absence is treated as "non-duty", the proviso to this rule shall not apply and the period of service prior to such "non-duty" shall not count for increment".

[G.O. Ms. No. 764, P&AR *(FR.III)* Dept.,*, dated 31 July 1985*-w.e.f*31st July 1985.]*

*$ (Substituted vide G.*O.(Ms) No. 20, P&AR (FR-II) Dept., dated 03.02.2017 – w.e.f. 01.01.2006)

22-B. *Notwithstanding anything contained in these rules, where a Government servant holding a post in a substantive or officiating capacity, is promoted or appointed in a substantive or officiating capacity, to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the level of the higher post in the pay matrix shall be fixed by granting one increment in pay in the level of the lower post and he shall be placed at a cell equal to the pay so arrived at in the level of the higher post in the pay matrix of the higher post, and if no such cell is available in the level of the higher post to which he is promoted, the initial pay shall be fixed at next higher cell in the level of the higher post. However, if the pay so arrived at in the level in the lower post after granting one increment is lower than the minimum pay or the first cell in the level of the higher post, the initial pay shall be fixed at minimum pay or the first cell of the level of higher post**.**

**[Substituted vide G.O. Ms. No. 173,* P&AR *(FR.II)* Dept., *dated 11.11.2019-* w.e.f. *01.01.2016.]*

Provided that the provisions of rule 22(1)(b)(i) shall not be applicable to a case where the initial pay has been fixed under this rule F.R.22-B:

@Provided further that where the pay so arrived at under this rules exceeds the maximum in the pay band, pay shall be fixed beyond the maximum of the pay band and shall be allowed biennial increment at the rate of three percent of the basic pay including grade pay as stagnation increment.

[@added vide G.O. Ms. No. 39, P&AR *(FR.IV)* Dept., *dated 30th March 2016-* w.e.f. *01.01.2006.]*

Provided also that where a Government servant is promoted or appointed to a higher post involving the assumption of duties and responsibilities of greater importance than those attaching to the post held by him, option shall be given:

(i) for fixation of pay under this rule on the date of promotion or appointment, taking into account, the pay in the lower post immediately prior to promotion or appointment to the higher post without any further review on accrual of increment in the ****level in the pay matrix* **of the lower post,

Or

(ii) *for fixation of pay on the date of promotion or appointment to the higher post, initially to draw the next higher pay cell available in the level of the higher post to the pay cell in the level of the lower post and for re-fixation of pay under this rule on the date of accrual of next increment in the lower post, by granting two increments, one accrued on account of annual increment and second on account of promotion, in the level of lower post and his pay shall be fixed at a pay cell equal to the pay so arrived at, in the level of the higher post, in the pay matrix and if no such cell is available in the level of the higher post to which he is promoted, the initial pay shall be fixed at

next higher cell in the level of the higher post. Such option shall be exercised within a period of one month from the date of promotion or appointment. The option once exercised shall be final. If no such option is exercised within the said period of one month, the pay shall be fixed in the manner as provided in clause (i) above. If the pay is fixed in the manner as provided in this clause, his next increment shall be allowed on completion of the required qualifying period of one year with effect from the date of re-fixation of pay

[G.O. Ms. No. 830, P&AR *(F.R.III),* Dept., *dated 2nd September 1983 —* w.e.f. *1st May 1981.]*

**[Substituted vide G.O. Ms. No. 173,* P&AR *(FR.II)* Dept., *dated 11.11.2019-* w.e.f. *01.01.2016].*

Provided that if a Government servant has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same ****level in the pay matrix*, or**

(iii) a permanent post on an identical ****level in the pay matrix* **or a temporary post on an identical ****level in the pay matrix*, such post being on the same ****level in the pay matrix*** **as a permanent post then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by Government under rule 9 (21) (a) (iii) which he drew on the last such occasion and he shall count the period during which he drew that pay on such last occasion and any previous occasions, for increment in the stage of the ****level in the pay matrix* **equivalent to that pay.**

If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of the proviso to be, the pay which he last drew in the temporary post.

(G.O. Ms. No. 1744, Finance, dated 21st November 1969.)

**[Substituted vide G.O. Ms. No. 173,* P&AR *(FR.II)* Dept., *dated 11.11.2019-* w.e.f. *01.01.2016.]*

Explanation 1.—Where a Government servant is appointed or promoted to a higher post in his regular line while he is holding an intermediary post outside his regular line, the presumptive pay of the Government servant in the lower post which he would have drawn in his regular line but for his appointment on deputation or transfer of service to an intermediary post outside his regular line alone shall be taken into account for the purpose of fixation of his pay under this rule.

[G.O.Ms.No.434, Finance (F.R.I.), dated 2nd May 1975.]

Explanation 2.—Where a Government servant is appointed or promoted to a higher post in his regular line while he is holding an intermediary post outside his regular line and on which he is having a lien or service rights shall be allowed initial fixation of pay under Fundamental Rule 22 (*a*) or (*b*) according as the higher post carries duties and responsibilities higher than those attached to the intermediary post outside the regular line. For this purpose, his pay in the post outside the regular line shall be taken only where he has a lien or service rights in that post. Where a Government servant does not have lien or service rights in intermediary posts outside the regular line, his initial pay fixation shall be governed by F.R. 22-B as in Explanation-1.

[G.O. Ms. No. 956, P&AR (F.R.I.) dept., dated 30th August 1976 - with effect from 2nd May 1975.]

Explanation 3.—Omitted.

[G.O. Ms. No. 778, P&AR *(F.R.III)* Dept.,*, dated 8th August 1986*—w.e.f *1st October 1984.]*

** Explanation 4*.— In cases of non permanent Government servants, where the period of absence is treated as “non-duty”, the fourth proviso to this rule shall not apply and the period of service prior to such “ non – duty “ shall not count for increment.

**(Substituted vide G.O. Ms. No. 39,* P&AR *(FR.IV) dept., dt. 30.3.2006 - with effect from 01.01.2006.]*

RULINGS

(1) The orders of the Government shall be necessary for the fixation of pay of a Government servant under Fundamental Rule 22-B if he is appointed to a post to which service rules or adhoc rules have not been framed.

(Finance Memo. No. 160950/F.R./65-2, dated 20th January 1966.)

(2) In case where both the senior and junior are drawing the same rate of pay in the lower post, the senior who was promoted to the higher post before drawing the next increment in the lower post would be drawing less pay than his junior, who was promoted to the higher post after drawing the next increment in the lower post. In such cases, the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay fixed for the junior officer in that higher post and the stepping up should be done with effect from the date of promotion or appointment of the junior and also subject to the following conditions:—

(i) Both the junior and senior officers should belong to the same cadre and the post in which they have been promoted or appointed should be identical and in the same cadre;

(ii) The **level in the pay matrix* of the lower and higher posts in which they are entitled to draw pay should be identical;

(iii) The anomaly should be directly as a result of the application of Fundamental Rule 22-B. For example, if, even in the lower post the junior officer draws from time to time, a higher rate of pay than the senior by virtue of grant of advance increments, the provisions contained in this order should not be invoked to step up the pay of the senior officer; and

(iv) The orders refixing the pay of the senior officers in accordance with the provisions of this order should be issued under Fundamental Rule 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

The above ruling shall take effect from the 1st September 1966. Cases of seniors drawing less pay than juniors in respect of promotions occurring on or after the 1st June 1962 shall also be regulated under the above ruling but the actual monetary benefit shall be admissible only with effect from the 1st September 1966.

(G.O. Ms. No. 1374, Finance, dated 9th December 1966.)

**[Substituted vide G.O. Ms. No. 173,* P&AR *(FR.II)* Dept., *dated 11.11.2019-* w.e.f. *01.01.2016].*

Explanation 1.—The expression "Same rate of pay" referred to in this ruling means that the date of increment of the senior for reaching a stage in the time scale of pay of the lower post, shall not be later than that of the junior for reaching the same stage in such time scale of pay.

(G.O. Ms. No. 69, Personnel and Administrative Reforms dept., dated 27th January 1983.)

Explanation 2.—Anamoly of junior drawing more pay than senior in cases where junior availing himself of the option and the senior not availing himself of the option contained in the fifth proviso under rule 22-B, shall be rectified under this ruling, if the conditions in ruling (2) are satisfied.

[G.O. Ms. No. 808, P&AR (FR. III) Department, dated 14th August 1985 – w.e.f. 1st May 1981.]

(3) The pay of a Government servant whose increment has been stopped as a measure of punishment for a specified period without cumulative effect, shall, on his promotion to a higher post before the expiry of the punishment period, be fixed at the appropriate stage in the scale of pay applicable to the higher post with reference to the notional pay which he would have drawn in the normal course on the date of such promotion but for the punishment and the monetary equivalent of the amount which he would have lost during the unexpired period of punishment shall be recovered from him.

(G.O.Ms.No.191, Finance, dated 3rd March 1967.)

(4) The initial fixation of pay under F.R. 22-B shall be allowed in all cases of temporary appointments of persons who satisfy all the rules relating to regular promotion/appointment, to the category in which they have been temporarily appointed with effect from 1st January 1974. Appointments made prior to 1st January 1974 and remaining un-regularised on 1st January 1974

shall also be eligible for such fixation. The period from the initial fixation of pay under F.R. 22-B shall count for increments. Such fixation and increments shall be admissible even in cases where fixation is at the minimum.

[G.O.Ms.No.773, Finance (F.R.I.) dept., dated 13th August 1975.]

@In cases where the services of a person are regularised from a date, subsequent to the date of initial temporary appointment / promotion, his pay shall be refixed in the higher post under Fundamental Rule 22-B with effect from the subsequent date of regularisation of services in the higher post and increments, if any, granted shall be, revised. The excess pay drawn due to the initial fixation under Fundamental Rule 22-B on temporary promotion / appointment, till the date of issue of regularization orders, shall not be recovered in such cases or in cases where he is reverted to the lower post subsequently or if the person ceased to hold the higher post due to retirement or for any other reason and the excess pay drawn from the date of issue of order of regularization shall be recovered.

[G.O. Ms. No. 558, P&AR *(F.R.III) dept., dated 24th June 1983 - With effect from 9th January 1975])*

@ [Substituted vide G.O. Ms. No.30 , P&AR *(F.R.II) dept., dt. 28.2.2017 - w.e.f . 28.02.2017.]*

(5) The pay fixed under Fundamental Rule 22-B on each occasion of re-promotion after reversion, shall not exceed what the Government servant would have been entitled to had be continued in the same post without reversion.

[G.O. Ms. No. 786, Finance (F.R.I.) dept., dated 19th July 1976.]

Provided that the above ruling shall not apply while fixing the pay of a Government servant on re-promotion / re-appointment to higher post, if such Government servant is first promoted/appointed to higher post from the ordinary grade of the lower post and is appointed to selection grade of the lower post while on reversion. The pay of the Government servant on such re-promotion/ re-appointment to higher post shall be refixed under Rule 22-B with reference to the pay drawn in the selection grade of the lower post. However, if the Government servant is again reverted to selection grade of the lower post and re-promoted/re-appointed to higher post, the above ruling shall apply while fixing the pay.

[G.O. Ms. No. 181, P&AR *(F.R.III) dept., dated 5th March 1983.- With effect from 1st October 1978]*

(6) In the case a Government servant already in service in a post is appointed to another post through the Tamil Nadu Public Service Commission by direct recruitment, or when the mode of his appointment to the new post is by direct recruitment, the Government servant concerned should be allowed to draw the minimum of the **level in the pay matrix* or as provided in the service rules relating to such appointments and fixation of pay under Fundamental Rule 22 or 22-B is not admissible.

[G.O.Ms.No.889, Finance (F.R.I.) dept., dated 12th August 1976.]

***[Substituted vide G.O. Ms. No. 173,* P&AR *(FR.II)* Dept., *dated 11.11.2019*- w.e.f. *01.01.2016.]*

(7) *omitted

(8) *omitted

(9) *omitted

(10) *omitted

[**vide G.O. Ms. No. 39,* P&AR *(FR.IV) dept., dated 30th March 2016-with effect from 01.01.2006.]*

(11) *(1) In cases where a Government servant who has already been moved to Selection Grade or Special Grade of the lower post prior to 1.1.2006 is promoted or appointed to a higher post after 1.1.2006 and also in cases where a Government servant has moved to Selection Grade or Special Grade after 1.1.2006 and opted for revised scale of pay on a subsequent date after 1.1.2006 in whose cases their Selection Grade or Special Grade of the lower post carries identical or higher pay band and or grade pay, the Government servant shall be allowed to continue in the same identical or higher pay band and grade pay applicable to Selection grade or Special grade of the lower post as per the clarifications issued in Government Letter No.45113/Finance (PC) department, dated 17.08.2009 with one increment benefit either from the date of promotion or appointment or from the

date of accrual of next increment in the lower post, based on the option exercised by the Government Servant.

*(2) The option once exercised shall be final. If no such option is exercised within one month from the date of promotion or appointment, the pay shall be fixed from the date of promotion or appointment.

*(3) The next increment shall be allowed on completion of the required qualifying period of one year with effect from the date of fixation of pay.

*Note: The above modes of fixation of pay shall take notional effect from 1.1.2006 with monetary benefit from 1.1.2007 and all the conditions issued from time to time regarding notional effect and monetary benefit for fixation of pay shall be adhered to".

*(*Substituted vide G.O. Ms. No. 39,* P&AR *(FR.IV) dept., dated 30.3.2016 - w.e.f. 01.01.2006.]*

(12) @While calculating the 5% of pay as minimum benefit, the fraction below 50 paise shall be ignored and 50 paise and above shall be rounded off to the next higher rupee.

@ (incorporated vide G.O.Ms.No.163 P&AR (FR.IV) Dept.,, dated 23.11.2009 - w.e.f 21.11.1981)

23. *The holder of the post, the scale of pay (pay band) and the grade pay or the grade pay of which is changed, shall be treated as if he was transferred to a new post on the new scale of pay (pay band) and grade pay or grade pay as the case may be. If the revision of the scale of pay (pay band) and grade pay or grade pay is without any increase in duties and responsibilities, pay shall be fixed with effect from the date of revision of the scale of pay (pay band) and grade pay or grade pay, at the same pay in the pay band and the difference in grade pay between the two posts. If the pay, in the pay band is lesser than the minimum of the new scale of pay (pay band), minimum of the new pay band shall be fixed. In both the cases, the next increment in the new scale (pay band) and grade pay or grade pay as the case may be, shall accrue on the normal date, namely, the date on which the next increment is due in the old pay band or grade pay.

* (Substituted vide *G.O.Ms.No.50,* P&AR *(FR-IV)* Dept., *dated 16th May 2011 – w.e.f, 1.1.2006).*

RULINGS.

1. @ If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under Rule 22 (2) and not under Rule 22 (1), even though he may be holding the post substantively.

2. @ When special pays attached to posts are abolished or reduced, the existing incumbents are allowed to draw the special pays at the original rate as 'personal pay' so long as they continue to hold the posts. In such cases, the 'personal pay' is admissible to permanent incumbents, if any, as well as to officiating incumbents.

In the case of officiating Government servants or Government servants appointed substantively to a cadre and not to individual posts in the cadre, it has been decided that for purpose of eligibility to draw the personal pay, the continuity of tenure of a Government servant in the post should be considered unbroken if (1) he takes leave on average pay not exceeding four months and returns to the same post on the expiry of his leave or (2) he is deputed temporarily on other duty for administrative reasons or (3) officiates in a higher post and returns to the same post on the expiry of such duty, provided that it is certified, by Government in the case of Group A and B Officers and by the Head of the Department in the case of Group C and D Officers, that the incumbent would have continued to hold the appointment in respect of which the "personal pay" was granted but for such deputation or promotion as the case might be.

Note.—(1) The term "same post" in the above rule should be interpreted to cover posts of the same category in a cadre and not necessarily the posts at the same station.

(G.O. Ms. No. 822, Finance, dated 30th December 1933).

Note.—(2) For purposes of the orders embodied in the second sub-paragraph, persons in receipt of the same scale of pay in the Tamil Nadu Ministerial Service should be treated as belonging to a particular cadre. For example, all lower division clerks, on Rs. 90 — 140 should be treated as belonging to one cadre while upper division clerks on Rs. 125—175 should be treated as belonging to another cadre.

(Finance Memorandum No. 22016-C.S.R. 3, dated 30th October 1935.)

3. @ The protection afforded by Rule 23 applies only to special pays attached to posts. "Unhealthy localities special pays" are not attached to posts but are fixed with reference to localities. They are not admissible to all persons holding the posts (which would be the case if the special pays were attached to the posts) as persons who are natives of or are domiciled in the locality are not eligible for them.

(Finance Memorandum No. 28576, C.S.R., dated 27th October 1933.)

4. @ The Agricultural Engineering Supervisors with three years service and who have passed Sections 'A' and 'B' of the A.M.I.E. shall be treated as Junior Engineers and that they shall be given the scale of pay applicable to Junior Engineers.

[G.O. Ms. No. 383, P&AR *(F.R.I.) dept., dated 23rd March 1979 -* w.e.f *8th October 1974.]*

@ [Renumbered vide G.O.Ms.No.694, P&AR *I(FR.II)* Dept., *dated 30.12.1989 -* w.e.f *1.9 1983.]*

24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by Government or by any authority to whom Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

Note 1.—The authority competent to withhold increments from Government servant is the authority in which such power has been vested under rule 14 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

Note 2.—The procedure that should be followed for stoppage of increment of a Government servant under the rule-making control of the Government of Tamil Nadu is the procedure prescribed in Rule 17 (*a*) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or rule 3 (*a*) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1950, as the case may be.

Instruction under Rule 24.

An authority withholding an increment of an officer should expressly state in the order that the period for which the increment has been stopped will be exclusive of any interval spent on leave before the period is completed.

If a Government servant avails leave during the period of punishment, the period of punishment shall be extended. If during such extended period, he again goes on leave, the increment shall be postponed further corresponding to the period of leave availed of by him, during the extended period of punishment.

[G.O. Ms. No. 591, P&AR *(F.R.II)* Dept.*,, dated 22.6.1982.]*

RULINGS.

(1) The order withholding an ordinary increment in a time-scale must specify the period for which it is to be withheld if the order is to be operative. If the order does not state that the withholding of the increment shall have the effect of postponing future increments, it shall be assumed that the officer's pay is restored to what it would have been, had his increment not been withheld from the next natural date from which he would have drawn an increment.

The effect of an order withholding a particular increment is that the officer remains on the same pay without any increment for the period for which that order withholds that increment.

(G.O. No. 1973-W., P.W. and Labour, dated 8th September 1933.)

(2) (*a*) All orders withholding increments issued by administrative authorities in the case of Group A and B officers should be scrutinized in audit to see if they are in accordance with the above instructions. As regards Group C and D officers, heads of departments and officers will be responsible for seeing that the instruction is observed.

(G.O. No. 432, Finance, dated 2nd July 1931.)

(*b*) In all cases of stoppages of increment with cumulative effect, the period of stoppage reckoned should be inclusive of intervals spent on leave.

(Finance Memorandum No. 59212/F.R./58-1, dated 7th June 1958.)

Effect of stoppage of increment on pension.

(3) (*a*) Where it is proposed to withhold an increment without cumulative effect in an officer's pay as a punishment the authority inflicting the punishment should, before the order is actually passed, consider whether it will affect the officer's pension, and if so, to what extent; if it is decided finally to withhold the increment, it should be made clear in the order that the effect of the punishment on the pension has been considered and that the order is intended to have this effect.

[G.O. Ms. No. 945, Public (Services), dated 4th August 1930.]

(*b*) The above orders are not applicable to stoppages at an efficiency bar.

[G.O. No. 1183, Public (Services), dated 13th September 1932.]

(4) (*a*) If a Government servant is suspended for misconduct neither the period of suspension nor any period of service preceding the suspension shall be allowed to count towards the period necessary to earn an increment.

Note.—The term "misconduct" referred to in this ruling and the ruling 5 below implies a grave degree of negligence or serious failure on the part of the person concerned to carry out instructions or to comply with regulations. It is a transgression of some established and definite rule of action and not mere neglect or failure. Suspension as punishment for neglect of duty cannot be treated as or imposed for misconduct. When there are violations of definite law and for such acts the punishment of suspension is imposed, it can be held that the punishment of suspension has been imposed for misconduct.

(G.O. No. 356, Finance, dated 18th March 1970.)

(*b*) No Government servant shall, be given his increment unless in the case of a clerk, the head of his office, or in any other case, such superior officer as may be prescribed for this purpose by the authority empowered to sanction the increment, signs a certificate prescribed in the Tamil Nadu Treasury Code Form No. 49.

These orders are applicable to all Government servants who are on incremental scales of pay whether the increments accrue annually or at other intervals.

(G.O. No. 9, Public, dated 5th January 1926, No.439, Public, dated 12th May 1926 and No.173, Public, dated 28th February 1927.)

Note.—The above orders do not apply to Group A and B officers, nor are they applicable to the personnel of the Fire Service Branch below the rank of Sub-Officer (excepting Telephone Operators) or Police Constables. The case of Constables is not similar to that of Government servants on the usual incremental scales and should be treated on the same basis as if they were in grades and they may be reduced from one such grade to another. Every order so reducing a constable, however, should state definitely the period for which the reduction is to have effect *vide* G.O. No. 422, (Judicial), Police, dated the 14th August 1923 and Memorandum No.180, Public, dated the 25th March 1926.

(G.O. No. 439, Public, dated 12th May 1926.)

(5) In cases of suspension on account of imprisonment for debt, or for reasons other than misconduct the period of service preceding the suspension may be allowed to count for increments but not the actual period of suspension.

(Memorandum No. 588-1, Public, dated 2nd May 1927.)

(6) Under Fundamental Rule 24 an increment shall ordinarily be drawn as a matter of course unless it is withheld. Therefore, the fact that charges are pending against an officer is not an adequate reason for not authorising the increments due to him. If the penalty of stoppage of increment is imposed on him as a result of the charges against him, his next increment can be withheld as there is no objection to withholding it subsequent to the period of service to which the charges relate.

(Finance Memorandum No.1279/F.R./60-4, dated 4th June 1960.)

25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

RULINGS.

(1) When an officer, who was previously held up at an efficiency bar in a time-scale, is subsequently allowed to cross it, he should be given only the increment next above the bar, with effect from the date of its removal, irrespective of the length of his service.

(G.O. No. 225, Finance, dated 27th September 1940.)

Effect of removal of bar on increments.

(2) The above instruction applies only to the fixation of pay in the time-scale in which the efficiency bar has applied. It is not open to a State Government to fix an officer's pay in the senior time-scale merely because the officer has been held up by the efficiency bar in the junior time-scale. He should be paid in the senior time-scale according to length of service, unless his pay in such scale is itself affected by the operation of an efficiency bar or by a disciplinary order passed in accordance with Tamil Nadu Civil Services (Discipline and Appeal) Rules.

[G.O. Ms. No. 450, Public (Police), dated 14th September 1934.]

26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

(*a*) All duty in a post on a time-scale counts for increments in that time-scale:

Provided that the increments of all Government servants shall be so advanced as to fall due on the commencement of the quarter concerned, that is advanced to 1st January for all those drawing increments between 2nd January and 31st March, or 1st April, 1st July or 1st October, as the case may be:

Provided further that for the purpose of arriving at the date of next increment in that timescale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal date arrived at after advancing the date of increment to the first of the quarter.

In cases where the punishment of stoppage of increment has been imposed with cumulative effect, the benefit of advancing the date of increment to the first of the quarter shall stand withdrawn permanently and that all future increments shall be given effect to only from the date of actual accrual.

The amendment hereby made shall be deemed to have come into force on 1st January 1974.

[G .O. Ms. No. 38, Finance (F.R.I) dept., dated 11th January 1977.]

[G.O. Ms. No. 803, P&AR *(F.R.I.) dept., dated 13th July 1978.]*

Note 1.—If an officiating Government servant in a post, who has no substantive appointment is discharged from service for want of vacancy, he shall on appointment to the same post, draw the pay last drawn prior to his discharge from service. The periods prior to the discharge from service shall count for purpose of future increment in the time scale of pay of that post.

[G.O. Ms. No. 1072, P and A.R. (FR. III) Dept., dated 31st October 1986. - (w.e.f. 7-4-1986)]

Note 2.—Omitted.

Note 3.—A Government servant of the Tamil Nadu Police Subordinate Service or the Malabar Special Police Subordinate Service can count for increments, the service rendered prior to suspension imposed on him as a specific penalty.

Note 4.—In the case of Constables and Head Constables of the Tamil Nadu Police Subordinate Service and Constables, Lance Naiks, Naiks, Havildars and Havildars-Major of the Malabar Special Police and the Special Armed Police appointed after the 30th March 1959, the increments accruing during the period between the first and fifteenth of a month shall be sanctioned to take effect on the

first of the month itself and the increments accruing during the period between sixteenth and the last day of the month shall be sanctioned to take effect on the first day of the succeeding month.

Note 5.—Not more than three increments shall be allowed for service in a post under the Government in respect of which rules have not been made.

[G.O. Ms. No. 1409, Finance (F.R.), dated 25th October 1972.]

Note.7—The period of training undergone by Government servants appointed by direct recruitment to a post prior to their actual independent charge of such post, during which they draw pay at the minimum of the time scale of pay applicable to such post, shall count for increment in the time scale of pay applicable to such post.

[G.O. Ms. No. 370, P&AR *(Per.J) Department, dated 26-6-1989. With effect from 28th June, 1982.]*

***(b)* Service in another post, other than a post carrying less pay referred to in clause (a) of Rule 15, whether in a substantive or officiating capacity, service on deputation and leave except extraordinary leave taken otherwise than on medical certificate, count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended:**

Provided that Government shall have power in any case in which they are satisfied that the leave was taken for any cause beyond the Government servant's control to direct that extraordinary leave shall be counted for increment under this clause;

Provided further that the period of compulsory leave taken by officiating Civil Surgeons, Assistant Surgeons, Mould and Radon Technicians, Radiographers, Radium Assistants, and Dark- room Assistants in the Radiology Department and officiating Medical Officers in a Government Tuberculosis Institution shall count for increment.

Note 1.—A Government servant deputed out of India under Fundamental Rule 51, may count the period of deputation for increments in the time-scale of pay attached to the post of which he was officiating when he proceeded on deputation. The period of deputation so reckoned for increment should be limited to the period during which the Government servant would have actually officiated in the post but for his deputation.

Note 2.—When a Government servant while officiating in a post, is deputed to another Government in India, the period of such deputation shall count for increment in the time-scale applicable to the post in which he was officiating at the time of deputation. The period of deputation which counts for increment in the post in which the Government servant was officiating at the time of deputation shall be limited to the period during which he would have continued to officiate but for his deputation.

Note 3.—The Director of Agriculture shall issue the certificate of officiation in respect of officers of Agriculture Department working outside the department.

[G.O. Ms. No. 1123, Finance, dated 15th September 1970.]

Note 4.—The Chief Engineers in charge of establishment in the Public Works Department and Highways and Rural Works Department shall issue the certificate of officiation in respect of Assistant Engineers, Executive Engineers and Divisional Engineers of the Public Works and Highways and Rural Works Department working outside the department.

[G.O. Ms. No. 216, Finance (F.R.I.) dept., dated 21st February 1973.]

Note 5.—The Director of Medical Education and the Director of Health Services and Family Planning shall issue the certificate of officiation in respect of officers of the Tamil Nadu Medical Services in the grade of Civil Surgeon and below working outside the department.

[G.O. Ms. No. 514, Finance (F.R.I) dept., dated 28th May 1975.]

(*bb*) All leave except extraordinary leave taken otherwise than on medical certificate counts for increments in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave. The period which counts for increments under this clause is,

however, restricted to the period during which the Government servant would have actually officiated in the post:

Provided that the Government shall have power in any case in which they are satisfied that the leave was taken for any cause beyond the Government servants control to direct that extraordinary leave shall be counted for increment under this clause.

Note 1.—The appointing authority or other authority specifically empowered by the Government in this behalf should certify in each case that the Government servant would have actually continued to officiate in the post but for his proceeding on leave. The period of leave will count for increment only to the extent it is covered by the certificate.

Where no officiating arrangement is made in the leave vacancy and the Government servant returns to the same post after leave, the certificate that he would have actually continued to officiate in the post but for his proceeding on leave may be issued by the leave sanctioning authority instead of the appointing authority.

[G.O. Ms. No. 549, Finance, dated 27th June 1968.)

Delegations—*See* **Appendix II.**

Note 2.—The Director of Industries and Commerce shall issue the certificate under this rule in cases involving additional charge arrangement under rule 49 and extra expenditure to Government on this account.

Note 3.—Deleted.

Note 4.—Omitted.

[G.O. Ms. No. 212, P&AR *(FR.III)* Dept., *dated 25th March 1988*—w.e.f. *25th March, 1988.]*

Note 5.—The Director of Agriculture shall issue the certificate of officiation under this rule in respect of posts in the selection categories of Tamil Nadu Agriculture Service in the case of additional charge arrangements under Rule 49.

(G.O. Ms. No. 1123, Finance, dated 15th September 1970.)

Note 6.—The certificate of officiation contemplated in Note 1 above shall be dispensed with in respect of those Government servants who have put in more than three years of continuous service in the officiating post or who are approved probationers in that post, subject to the condition that if any such officer is reverted to a lower post during such leave a specific intimation should be sent to audit giving full details of the case for review of that individual case.

[G.O. Ms. No. 777, Finance (F.R.-I) dept., dated 16th July 1976.]

(*c*) If a Government servant, while officiating in a post holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post or is appointed or re-appointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post.

The period of officiating service in the higher post, which counts for increments in the lower post is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post.

This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

Exception.—The service rendered by an officiating Junior Lecturer, Engineering College, in the Tamil Nadu Educational Service, in the category of Lecturers in Engineering Colleges, in the said service, shall count for increments in the scale of pay applicable to the category of Junior Lecturers:

Provided that if a Government Servant, while holding a post in a substantive or officiating capacity is appointed temporarily to another post carrying identical time-scale of pay, his temporary service in that post shall, if he is reappointed to his substantive or officiating post, count for increment in the time-scale of that substantive or officiating post and

that the period of temporary service shall, however, be restricted to the period during which he would have held the substantive or officiating post but for his temporary appointment.

[G.O. Ms. No. 467, P&AR *(Per.J)* Dept., *dated 29th August 1988—* w.e.f. *29th August, 1988.]*

Note 1.—A Government servant deputed to N.C.C. as regular Commissioned Officer in the National Cadet Corps Units, shall count the period of deputation for increment, in the time-scale of pay attached to the post in which he was officiating prior to his deputation to the National Cadet Corps. The period of deputation so reckoned for increment shall be limited to the period during which the Government servant would have actually officiated in the post but for his deputation.

(G.O. Ms. No. 1411, Finance, dated 21st December 1966.)

Note 2.—The Chief Engineers in-charge of establishment in Public Works Department and Highways and Rural Works Department shall issue the certificate of officiation in respect of Assistant Engineers, Executive Engineers and Divisional Engineers of the Public Works and Highways and Rural Works Departments.

[G.O. Ms. No. 216, Finance (F.R.I.) dept., dated 21st February 1973.]

Note 3.—The Director of Medical Education and the Director of Health Services and Family Planning shall issue the certificate of officiation in respect of officers of the Tamil Nadu Medical Service in the grade of Civil Surgeon and below.

[G.O. Ms. No. 514, Finance (F.R.I) dept., dated 28th May 1975]

Note 4.—The Director of Agriculture shall issue the certificate of officiation in respect of all Group A and B officers of Agriculture Department.

The amendment hereby made shall be deemed to have come into force on the 27th June 1974.

[G.O. Ms. No. 938, Finance (F.R.I) dept., dated 24th August 1976.]

(*d*) Foreign service counts for increments in the time scale applicable to—

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended;

(ii) any post to which he may receive officiating promotion under the rule 113 or 113-A for the duration of such promotion; and

(iii) the post in Government service held by him in an officiating or temporary capacity subject to the condition that the period of foreign service which counts for increments in the officiating or temporary post will be restricted to the period during which the Government servant would have held the officiating or temporary post but for his appointment in foreign service.

Note 1.—The Director of Agriculture shall issue the certificate of officiation in respect of officers of Agricultural Department in foreign service.

(G.O. Ms. No. 1123, Finance, dated 15th September 1970.)

Note 2.—The Director of Industries and Commerce shall issue the certificate of officiation under this rule in respect of officers of the Industries Department in foreign service.

[G.O. Ms. No. 655, Finance, (F.R.), dated 8th May 1972.]

Note 3.—The Examiner of Local Fund Accounts shall issue the certificate of officiation in respect of officers of the Local Fund Audit Department in foreign service.

[G.O. Ms. No. 1379, Finance (F.R.I.) dept., dated 12th October 1972.]

Note 4.—The Chief Engineers in-charge of Establishment in Public Works Department and Highways and Rural Works Department shall issue the certificate of officiation in respect of Assistant Engineers, Executive Engineers and Divisional Engineers of the Public Works and Highways and Rural Works department in foreign service.

[G.O. Ms. No. 216, Finance (F.R.) dept., dated 21st February 1973.]

Note 5.—The Commissioner, Hindu Religious and Charitable Endowments (Administration) Department shall issue the certificate of officiation under this rule in respect of the Assistant Commissioner of the Hindu Religious and Charitable Endowments (Administration) Department in foreign service.

[G.O. Ms. No. 775, Finance (F.R.) dept., dated 18th June 1973.]

Note 6.—(*a*) The Registrar of Co-operative Societies shall issue the certificate of officiation under this rule in respect of all State Service Officers of the Co-operative Department in foreign service.

(*b*) *The *Additional Registrar of Co-operative Societies (Finance and Banking)* shall issue the certificate of officiation under this rule in respect of the Deputy Registrar of Co-operative Societies in foreign service.

[G.O. Ms. No. 408, P&AR (FR.Spl.)Dept, dated 20-9-1990 w.e.f. 23-5-1988].

*(*substituted vide G.O.(Ms) No.127, P&AR(FR-IV)* Dept., *dated 28.10.13, w.e.f 15.11.2007]*

Note 7.—The Deputy Commissioners and the Personal Assistant to the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department shall issue the certificate of officiation under this rule in respect of Group C and D Officers of the Hindu Religious and Charitable Endowments (Administration) Department working in the religious institutions on foreign service terms.

[G.O. Ms. No. 1454, Finance (F.R.I.) dept., dated 29th November 1974.]

Note 8.—The Commissioner for Milk Production and Dairy Development, Madras shall issue the certificate of officiation under this rule in respect of all Group A and B Officers under his control deputed to the Tamil Nadu Dairy Development Corporation on foreign service terms.

[G.O. Ms. No. 234, Finance (F.R.I) dept., dated 11th March 1975.]

Note 9.—The Director of Medical Education and the Director of Health Services and Family Planning shall issue the certificate of officiation in respect of officers of the Tamil Nadu Medical Service in the grade of Civil Surgeon and below in foreign service.

[G.O. Ms. No. 514, Finance (F.R.I.) dept., dated 28th May 1975.]

Note 10—Deleted.

Note 11.—The certificate of officiation contemplated under this rule shall be dispensed with in respect of those who have put in more than three years of continuous service in the officiating post or who are approved probationers in that post, subject to the condition that if such officer is reverted to a lower post while on foreign service, a specific intimation should be sent to audit giving full details of the case for review of that individual case.

[G.O. Ms. No. 777, Finance (F.R.I.) dept., dated 16th July 1976.]

Note 12.—The Director of Evaluation and Applied Research Department shall issue certificate of officiation under this rule in respect of Research Officers under his control deputed on foreign service terms.

[G.O. Ms. No. 390, P. & A.R. (Per. J) Dept., dated 5-7-89, w.e.f. 26-5-88.]

Note 13.—The Director of Treasuries and Accounts shall issue the certificate of officiation under this rule in respect of all the Officers of the Tamil Nadu Treasuries and Accounts Service on foreign service terms except the Joint Directors.

[G.O. Ms. No. 419, P&AR (FR.SPL.) dept., dated 26-9-90 - w.e.f. 25-4-88.)

Note 14.—The Director of Co-operative Audit shall issue the certificate of officiation in respect of Assistant Director of Co-operative Audit and Co-operative Audit Officers.

[G.O. Ms. No. 344, P&AR *(FR.IV)* Dept.*, dated 11-11-1995* - w.e.f. *the 2nd September 1993.]*

$ Note 15.—The Director of Handlooms and Textiles shall issue the certificate of officiation in respect of Joint Directors, Deputy Directors and Assistant Directors of the Handlooms and Textiles Department in foreign service.

$ [Added in G.O. Ms. No. 21, P&AR *(FR.II)* Dept.*, dated 03.02.2017-with effect from 26.08.2016.]*

(*e*) Joining time counts for increment—

(i) If it is under clause (a) or clause (c) of rule 105, in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable, to the post, the pay of which is received by a Government servant during the period; and

(ii) If it is under clause (b) of rule 105, in the time scale applicable to the post or posts on which the last day of leave before the commencement of the joining time counts for increment.

RULINGS.

Rulings under Rule 26 (a)—Increment admissible to a probationer.

(1) Except where the terms of probation or any general or special orders of Government relating to a class or service provide otherwise, if a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

(Finance Memorandum No.109227-FR 59-2, dated 27th November 1959.)

(2) In cases where the passing of an examination or test confers on a Government servant the title to any right, benefit or concession, such title should be deemed to have accrued on the day following the last day of the examination or test which he passed. In cases where the examination or test can be passed in instalments, the title to the right, benefit or concession will be deemed to have accrued on the day following the last day of the examination in the subject or subjects in which he has passed.

[G.O. No. 1446, Public (Services), dated 1st May 1934.]

The above does not apply to District and Sessions Judges recruited direct from the Bar on probation. Increments may be allowed to such officers in accordance with rules (c) and (d) of the rules regulating the pay of officers promoted from a State Service to hold Indian Civil Service posts or otherwise appointed to hold such posts.

[Government of India letter No.F.129/34, Home (Ests.), dated 29th March 1935.]

Note.—The right conferred by passing the examination is the right to draw an increment from the day following the last day of the examination provided that the person concerned is otherwise eligible for the increment.

Counting for increment in Civil Posts, The War Service rendered by Temporary Civil Government Servants.

(3) (i) The period spent in "War Service" as defined below by a temporary Government servant who is permitted by the appropriate civil authority to undertake such service shall, in the event of the return with approved "War Service" to a civil post, and subject to the condition that the appointing authority certifies that he would, but for his transfer to "War Service" have continued throughout in civil employ either in the same or another post, be taken into consideration for the purpose of fixation of his pay in the applicable time-scale on his return from "War Service" to such post, whether in a substantive capacity or otherwise.

(ii) In order that the concession allowed in clause (i) above may, in cases where the person returns to his former post, be admissible under rule 26, all cases of transfer with permission to "War Service" during the present war should be treated as transfers to "higher posts" for the purpose of clause (c) of that rule.

(iii) In cases not covered by Rule 26, e.g., the case of a person who on return from "War Service" is re-employed in a civil post other than the one he held previously, permanent or temporary, the concession allowed in clause (i) above may, where equitable, be given under rule 27 on the merits of each case, after account is taken of the stage which he would have reached in the time-scale of the post in which he would have continued but for his transfer to War Service.

Definition of War Service.

(a) Service of any kind in a unit or formation liable for service overseas;

(b) Service in India under Military, Munitions or Stores authorities with a liability to serve overseas;

(c) All other service involving subjection to naval, military or air force law;

(d) A period of training with a military unit or formation involving liability to serve overseas;

(e) Whole-time service in any Civil Defence Organization specified in this behalf by the Union or the State Government; and

(f) finition.

(Government of India, Finance Department Office Memo. No .F 114, Ex.1143, dated 2.3.1943.)

Counting of service in the Army Reserve for increments.

(4) Service in the Army Reserve of ex-military men who enlist in the police shall not count for increments in the Police Department except for the periods during which the reservist was mobilised for active service.

(G.O. No. 492, Judicial, dated 31st August 1925.)

(5) According to the orders in G.O.No.989, Public (Services), dated the 21st September 1934, *ad hoc* rules should be framed every time a temporary post is created. If such rules allow only a fixed rate of pay for the temporary post, the service of the subordinate in the temporary post on fixed pay will not count for increments in the time-scale applicable to corresponding permanent post in the service.

(Finance Memo.No.42334-C.S.R. 2, dated 24th December 1934.)

(6) The rules for permanent incumbents embodied in the special rules for the Tamil Nadu Police Subordinate Services issued under the Police Acts will apply automatically to all the holders of temporary posts. Hence *ad hoc* rules will not be issued in respect of these temporary posts.

(Memo.No.246-A-I, Home, dated 25th January 1937.)

(7) Deleted.

(8) A question was raised whether a Government servant appointed to a post neither as a probationer nor under the emergency provisions [e.g., a Sarishtadar appointed as Assistant Secretary to Government under Rules 2(3) and 6 of the Special Rules for the Tamil Nadu General Service, Class IX] can draw increment in the scale of pay attaching to that post after putting in the necessary period of duty. There is no provision in the Service Rules which prevents him from drawing increments nor will the provisions of Fundamental Rule 31-A relating to probationers and approved probationers apply to him. In such a case, Fundamental Rule 26 will apply and he will accordingly be eligible to draw increments.

[Memo. No. 95716, C.S.R.3, Finance, dated 19th February 1951.)

(9) Any period of leave whether with or without allowances taken during officiating service will not interrupt the continuity of officiating service for the purpose of Note 1 under Fundamental Rule 26 (a).

(Memorandum No.*24595-C.S.R., 52-2, dated 13th May 1952.)*

(10) Omitted—

[G.O. Ms. No. 1073, P. & A.R. (FR. III) Dept., dt. 31-10-1986 - w.e.f. from 7-4-1986.]

(11) When the tenure of officiating service of Government servant in a time-scale is interrupted by duty in a post of Copyist or Copies Examiner in the Revenue Department, the intervening service should not be regarded as a break of continuity of service for the purpose of Note 1 under Rule 26 (a).

(12) When the tenure of officiating or temporary service of an Agricultural Demonstration Maistry in a time-scale post is interrupted by duty in Agricultural Research Station on daily wages the intervening service should not be regarded as a break of continuity of service for the purpose of Note 1 under Rule 26 (a).

[Government Memorandum No.33988, Finance (C.S.R.)-3, dated 3rd June 1953.]

Increments on fixed dates and temporary service counting for increments under Fundamental Rule 26 (a).

(13) (i) In the case of a Government servant availing a period of extraordinary leave without medical certificate on reverting to a lower post or punished with stoppage of increments without cumulative effect, his increment will be regulated as illustrated below:—

ILLUSTRATION I.

Date of accrual of last increment.	1st December 1973.
Normal date of accrual as per proviso under Fundamental Rule 26(a).	1st October 1974.
Stoppage of increment for 2 months ordered in May 1974.	(+) 0.2.0
Date from which increment has to be sanctioned.	1st December 1974
Normal date of subsequent increment.	1st December 1975.
The date of accrual as per proviso under F.R. 26(a)	1st October 1975.

ILLUSTRATION II.

Date of accrual of last increment.	1st December 1973.
Increment sanctioned as per proviso under Fundamental Rule 26(a)	1st October 1974.
Normal date of accrual of next increment.	1st October 1975.
Stoppage of increment for 2 months ordered in November 1974.	(+) 0.2.0
Date from which increment has to be sanctioned.	1st December 1975.
Normal date of subsequent increment.	1st December 1976.
The date of accrual as per proviso under F.R. 26(a)	1st October 1976.

ILLUSTRATION III.

	D	M	Y
Date of accrual of last increment	1	1	80
Normal date of next increment	1	1	81
Extraordinary Leave without Allowance without Medical Certificate or reversion.	0	4	0
Date from which increment has to be sanctioned.	1	5	81
Date of accrual of subsequent increment as per Fundamental Rule 26(a).	1	4	82

After advancing the date of increment to first of the quarter, the period which will not count for increment should be added to the first of the quarter, provided before sanction of the increment it

should be ensured that all the period not counting for increment occurred prior to the date of sanction of increment is given effect to.

The punishment of stoppage of increment without cumulative effect does not postpone the future increments. The increment in such cases should be regulated as illustrated below:—

ILLUSTRATION - IV

Date of accrual of last increment	1	4	1980
Normal date of next increment	1	4	1981
Stoppage of increment without cumulative effect for six months ordered in May, 1980.	0	6	0
Due date from which increment has to be sanctioned.	1	10	1981
Normal date of subsequent increment.	1	4	1982

[G.O. Ms. No. 158, P&AR *(F.R.III)* Dept., *dated 24th February 1982. -* w.e.f. *1st January 1974.]*

(ii) Probationers can also be sanctioned increments before completion of probation. However, for sanction of increment that accrued prior to the first January 1974, the rules as they stood prior to the 1st January 1974 shall apply.

(iii) The increments for temporary service can be sanctioned by competent authority. No special sanction of any superior authority is necessary.

(iv) If an increment accrues to any Government servant appointed temporarily under rule 10 (a) (i) or 39 (a) (i) with reference to provision under rule 10 (bb) or 39 (gg) of the general rules for the Tamil Nadu State and Subordinate Service within one year from the 1st January 1974, he can be sanctioned that increment on the 1st of the quarter in which the increments accrue. If no increment is due within one year from the 1st January 1974 the temporary service from the 1st January 1974, shall be reckoned for the purpose of sanction of increment with reference to Fundamental Rule 26 (a).

(v) The services rendered by Government servants appointed on emergency basis in different departments cannot be reckoned for the purpose of sanction of increment. Temporary Government servants ousted in one department and appointed in another department shall be treated as fresh entrants to services.

(vi) If any increment accrues to any Government servant on any day in a quarter after the 1st January 1974, taking also into account, the service rendered period to that date, the increment shall be sanctioned on the first of the quarter itself even though he has put in less than a year's service on the first of the quarter.

(vii) Government servants in temporary service including of those recruited through Employment Exchange will be eligible to count their temporary service in a post towards increment only if they satisfy all the rules prescribed for holding that post in a regular capacity. In other cases, the temporary service will count from the date on which they become fully qualified to hold that post.

Provided that Government Servants in temporary service appointed on or after the 11th November, 1982 shall pass the tests and acquire the qualification prescribed for regular Government servants to become eligible for increment.

[G.O. Ms. No. 396, P&AR *(Per.J)* Dept., *dated 7-7-1989 - [*w.e.f. *10th November 1982.]*

(viii) Government servants recruited by the Tamil Nadu Public Service Commission who are working in other departments on higher scales of pay can count their temporary service towards increment on the higher scales though their services in such posts are not regularised.

$(ix) The increment of a Government servant which falls due in a quarter may be sanctioned on the first day of that quarter even though he retires from services or expires prior to the actual date of accrual of increment.

$[Substituted vide G.O. Ms. No. 148, P & AR (FR.II) Dept., dated 31.10.2018, w.e.f. 31.10.2018.]

(x) The provisions for counting of temporary service towards increment are not applicable to persons who are working in unclassified posts. In such cases, the increments shall be regulated only with reference to the provisions contained in Note 5 under Fundamental Rule 26(a).

[G.O.Ms.No. 41,Finance (F.R.I) dept., dated 1th January 1977- With effect from 1st January 1974.]

(xi) (a) Typists and Steno-typists appointed in the Tamil Nadu Secretariat Service on or after 6th August 1980 and in the Tamil Nadu Ministerial Service on or after 1st April 1982 shall not be granted any increment, if they do not possess the requisite qualification in Tamil Typewriting/Tamil Shorthand. In their cases, service from the date on which they become fully qualified to hold the post of Typist or Steno typist, as the case may be, shall count for increment.

(*b*) Typist and Steno-typists appointed prior to 6th August 1980 in the Tamil Nadu Secretariat Service and appointed prior to 1st April 1982 in the Tamil Nadu Ministerial Service are eligible to draw increments. If they satisfy the qualifications prescribed in the relevant rule as they stood prior to 5th August 1980 and 1st April 1982, respectively subject to the other provisions under this ruling.

[G.O. Ms. No. 1103, P&AR *(FR.III)* Dept., *dated 19.11 1985.]*

Example.

Tamil Nadu Ministerial Service.

Appointed on	5th June 1981
Qualified on ..	7th November 1982

Period counting for increment.

	Y.	M.	D.
5th June 1981 to 31st March 1982	0	9	26
7th November 1982 to 10th January 1983	0	2	4
	1	0	0

[G.O. Ms. No. 871, P&AR Dept., *dated 29th August 1984.]*

(14) Government servants in the posts for which either Selection/Special Grades or advancement to higher posts have not been provided shall be given one stagnation increment on their completing ten years service in the same post. Such increment shall not be advanced to the first day of the quarter. This benefit will be available only once in the same cadre with cumulative effect. The usual annual increment will be sanctioned on the normal due date.

(15) Government servants stagnating in Selection Grade/Special Grade scale beyond ten years shall also be given one stagnation increment on their completing ten years service in the Selection Grade/Special Grade. Such increment shall not be advanced to the first day of the quarter. This benefit will be available only once in the same cadre with cumulative effect. The usual annual increment will be sanctioned on the normal due date:

Provided that, in the case of Government servants, eligible for the above stagnation increment during the period between the 1st October 1978 and the 31st March 1981, the monetary benefit shall be admissible with effect from 1st April 1981:

Provided further that the stagnation increment referred to in ruling (14) and in this ruling shall not be admissible with effect on and from the 1st October 1978 and upto and inclusive of the 30th September 1984, if the Government Servant has already reached the maximum of the time-scale of pay before completion of ten years of service. In such cases, stagnation increment as in ruling (16) alone shall be admissible.

(16) The Government servant, who have completed ten years of service in a post on or after the 1st October 1984 and having no facility of Selection Grade, Special Grade or advancement to higher

posts, shall be allowed the stagnation increment referred to in rulings (14) and (15), irrespective of the fact whether they have crossed the maximum of a time-scale of pay or not:

Provided that the stagnation increment referred to in rulings (14) and (15) shall have notional effect from the 1st October 1984 with monetary benefit from the 1st April 1986.

[G.O. Ms. No. 406, P&AR *(FR.spl.)* Dept., *dated 19th September 1990.-* w.e.f. *11th September 1986]*

(17) Stagnation increments beyond the maximum of the time-scale of pay at the rate of the last increment shall be given annually to all Government servants stagnating in the Ordinary Grade/Selection Grade/Special Grade, the maximum of whose time-scale of pay does not exceed Rs. 2,000 per mensem. This facility shall cease when the pay of such Government servants including the stagnation increments reaches Rs. 2,000 per mensem:

Provided that in the case of Government servants eligible for the stagnation increments beyond the maximum of the time-scale of pay, the maximum of which is Rs. 1,500 and above but below Rs. 2,000 per mensem during the period between the 1st October 1978 and the 31st March 1981, the monetary benefit shall be admissible with effect from 1st April 1981.

[G.O. Ms. No. 892, P&AR *(F.R.III),* Dept., *dated 10th September 1978* – w.e.f *1st October 1978])*

Provided that on and with effect from 1st October 1984 the maximum limit of Rs. 2,000 per mensem mentioned above shall be Rs.3,000 per mensem.

[G.O. Ms. No. 55, Personnel and Administrative Reforms (FR.III) Department, dated 20.1.1986.]

*Provided that on and from 1st Oct, 1984 the maximum limit shall be Rs.3,500/- per mensem with monetary benefit from 1st April 1986.

**[Inserted vide G.O. Ms. No. 35, P&AR (FR.II) dept., dated 03.03.2017)*

Provided that on and with effect from 1st June 1988 the maximum limit of Rs.3,500 per mensem mentioned above shall be Rs.5,450 per mensem.

[G.O. Ms. No. 299, P & A R (FR. Spl.) Dept., dated 20.8.1991 read with Letter No.13543/DO.II(FR.3)/92-5, P & A R (FR.3) Dept, dated 3.11.1992.]

#Provided further that on and from 1st June 1988, the maximum limit of Rs.5450/- per mensem mentioned above shall be increased to Rs.6000/- per mensem with monetary benefit from 1.4.1992.

#Provided also that in case of Government servants whose pay has been fixed at the maximum or beyond of the maximum of the time scale of pay by elongating the scale of pay of the Tamil Nadu Revised Scales of Pay Rules, 1998 or who have reached the maximum of the revised scale of pay on or after 1st January 1996 be allowed biennial increment at the rate of last increment without any ceiling limit with monetary benefit with effect from 1st September 1998 .

#(Substituted vide G.O.Ms.No.105, P&AR(FR.IV) Dept., dt. 2.9.2002)

(18) The pay of a Government servant appointed to the Selection Grade post, Special Grade post or Special Temporary posts on the date of accrual of increment in the ordinary grade post may be fixed without taking into account the increment that accrued in the ordinary grade post and he may be allowed to draw his increment on that date in the scale of pay applicable to the Selection Grade, Special Grade or Special Temporary post, as the case may be.

[G.O. Ms. No.144, P&AR *(FR.V)* Dept., *dated 12-5-1995* – w.e.f *1-10-1978]*

RULINGS UNDER RULE 26 (b).

Effect of over-stayal of leave on increments.

(1) A period of over-stayal of leave does not count towards increments under the Fundamental Rules unless under Rule 85 (b) it is commuted into extraordinary leave and under Rule 26 (b) or 26 (bb) extraordinary leave is allowed to count for increments.

Conditions under which a Government servant officiating in a post can count a period of absence on duty from the post for increments in the time-scale attached to it.

(2) (i) If the rates of pay of the post in which a Government servant was officiating at the time of transfer and that of the new post to which he is appointed to officiate happens to be the same, the

period of joining time spent in proceeding from the old post to the new post should be treated as duty in the lower of the two posts and will count for increment in that lower post under Rule 26 (*c*).

(ii) In the case of a Government servant who, while officiating in a post proceeds on training or to attend a course of instruction and who is treated as on duty while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

(G.I.F.D. letter No. F. 250-C.S.R., dated 19th December 1924.)

Effect of leave taken by officiating Government servants for increments.

(3) The period of compulsory leave, i.e., one months' leave each year, taken by officiating Assistant Surgeons and selection category Assistant Surgeons, in the Radiology Department will reckon as service for increments.

[G.O. No. 2375, P.H., dated 6th July 1939 and G.O. Ms. No. 271, P.H., dated 1st November 1943.]

(4) The head of a department may permit an unpassed clerk under his control to rise to the top of the time-scale in which he is, subject to the following conditions:—

(a) The unpassed clerk should have passed one at least of the special or departmental tests prescribed for promotion to higher posts in the department. If no special or departmental test is prescribed for a particular department, an unpassed clerk in that department, who has passed or may hereafter pass any test except the language test in his mother-tongue may be granted the concession.

(b) He should have proved himself deserving of the concession by his work and conduct.

(G.O. No. 78, Finance, dated 6th February 1947.)

(5) When a Government servant is appointed to the temporary posts of Process Server or Amin in the Revenue Department, he may count his service in such temporary posts for leave and increments in the permanent post on which he holds a lien.

(G.O. Ms. No. 220, Finance, dated 20th June 1939.)

(6) When a Government servant is appointed to the temporary post of Copyist or Examiner in the Revenue Department his service in such temporary post should not count for increment or leave in the permanent post on which he holds a lien.

(G.O. Ms. No. 50, Finance, dated 26th February 1940.)

(7) The services rendered by Assistant Engineers and Executive Engineers of the Public Works Department while on other duty in departments such as Public Health, Highways, etc., shall count for increment in the respective categories.

(Finance Memorandum No. 121976/F.R., 57-1, dated 6th January 1958.)

(8) The services rendered by the Executive Engineers, Assistant Engineers and subordinates of the Public Works Department and Highways Department, who are deputed to the Technical Education Department for serving as Professors, Lecturers or Assistant Lecturers in that department will count for increment in their respective categories.

(Finance Memorandum No. 1690/F.R., 58-1, dated 23rd January 1958 and No. 18948/F.R./60-2, dated 21st March 1960.)

Rulings under Rule 26 (bb).

(1) The provision of Fundamental Rule 26 (*bb*) will apply also to cases where Government servants were not actually officiating in a lower post before going on leave while officiating in a higher post but would have officiated in the lower post but for going on leave.

[Government Memorandum No. 56597, Finance (C.S.R.)-2, dated 23rd October 1953].

(2) A Government servant, who has been appointed to a post under General Rule 10 (*a*) (i) of the State and Subordinate Service Rules and also allowed to draw increments in that post by relaxation of rule 10 (*b*) *ibid*, is eligible for the concession in Fundamental Rule 26 (bb) provided the conditions laid down therein are satisfied.

This concession is also admissible to the Government servants appointed under the emergency provisions under other Service Rules, who have been allowed increments in such posts in relaxation of the relevant rules.

[Government Memorandum No. 82826, Finance (C.S.R.)-2, dated 23rd September 1954.]

Rulings under Rule 26 (c)

(1) The intention of the rule was to introduce a fresh concession permitting a Government servant to count officiating service in a higher post as service for increment in a lower post if he is reappointed to the lower post. This is not merely an alternative to the ordinary Rule 26 (*a*) which permits such officiating service to count for increment in the higher post.

A Government servant can also count this officiating service in the higher post for increment in that post if he is subsequently appointed to it either in an officiating or permanent capacity.

(Comptroller and Auditor-General's Endorsement No. 6-A 412/3, dated 7th January 1924).

(2) Rule 26 (*c*) should be applied also to officiating Government servants without substantive appointments.

(G.O. Ms. No. 72, Finance, dated 30th January 1928.)

(3) The intention of Rule 26(*c*) is to allow the concession, irrespective of whether the higher post is within or outside the department to which the Government servant belongs or whether such post is under any other Government (Central or State).

(G.O. Ms. No. 55, Finance, dated 23rd January 1959.)

(4) For the purpose of Rule 26 (*c*), it is not necessary that re-appointments to the lower post on reversion from the higher officiating or temporary post should be made immediately in continuation of the duty in the higher post. Any interruption due to leave or reversion to the permanent post will not deprive a Government servant of the concession of counting his service in the higher post for increments in the lower post, if appointed thereto subsequently.

(5) The posts in temporary grades of pay in the Survey Department cannot be termed higher posts than the corresponding ones in the permanent establishment, with more onerous and responsible work attached to them for purposes of Rule 26 (c). Hence a Government servant in the Survey Department, who holds a permanent post in one scale of pay and is officiating in a higher scale of pay, cannot when appointed to a corresponding temporary post on fixed pay, count his service, in the temporary post towards increment in the post in which he was officiating before he was appointed to the temporary post.

(G.O. Ms. No. 22, Revenue, dated 6th January 1931.)

(6) If a Government servant while officiating in a post is appointed to officiate in a higher post, his officiating service in the higher post will, if he is re-appointed to the lower post, count for increment in the lower post even though his officiating pay in the higher post is less than his officiating pay in the lower post.

> *Example*.—A Government servant officiating as an Examiner or Copyist on Rs. 96 per mensem in the scale of Rs. 90-3-105-4-125, if appointed to officiate as Clerk on Rs. 90 per mensem in the scale of Rs. 90-4110-3-140 can count his officiating service as clerk on Rs. 90 per mensem for increment as Examiner in the stage of Rs. 96.

(7) In order to allow the period of officiating service in a higher post to count for increment in a lower post under the second sentence of Rule 26 (*c*), a certificate to the effect that the officer would have officiated in the lower post had he not been appointed to officiate in the higher post should be obtained from the authority competent to appoint the officer to the lower officiating post. The certificate is not necessary in the case of an Assistant Surgeon appointed as Lecturer in clinical and non-clinical departments and Tutors in non-clinical departments in the Tamil Nadu Medical Service.

(G.O. No. 163, Finance, dated 20th March 1930, Finance Memorandum No. 33444, F.R. 54-2, dated 23rd April 1957, No. 10981, F.R. 60-2, dated 22nd February 1960 and No. 89812, F.R. 60-3, dated 29th October 1960.)

(8) For the purpose of Fundamental Rule 26 (c), the officiating and temporary service in the higher post will include the period of leave which count for increments in that post under Fundamental Rule 26 (bb).

[Government Memorandum No. 796869, Finance (C.S.R.)-2, dated 27th January 1953.]

Implications of Rules 26 (a) to (c).

The implications of clauses (a) to (c) of Rule 26 are as under—

(i) Clause (*a*) prescribes that all duty, whether in a substantive or officiating capacity, in a post, permanent or temporary, either continuous or in different spells, counts for increments in the timescale applicable to that post. All the other clauses provide for circumstances in which interruptions in duty in a post may so count.

(ii) Clause (*b*) prescribes that the Government servant holding a permanent post in a substantive or provisionally substantive capacity, is entitled to count interruptions of duty in that post due to (1) service in another post (permanent or temporary) whether in a substantive or officiating capacity or (2) service on deputation or (3) leave except extraordinary leave taken otherwise than on medical certificate for increment in the time-scale applicable to that permanent post. This clause, thus, excludes from its scope interruptions of duty in an officiating capacity in a permanent or in a temporary post; these are covered by clauses (*bb*) and (*c*).

(iii) Clause (*c*) applies where the interruption of duty in an officiating capacity in a permanent post or in any capacity in a temporary post is caused by appointment to a higher permanent post in an officiating capacity or to a higher temporary post in any capacity. It provides that, subject to the restriction in the penultimate sentence of the clause, such interruption counts for increment in the time-scale applicable to the lower post which he held previously, if he is re-appointed to that lower post, *whether immediately on reversion or after break*.

(Comptroller and Auditor-General's letter No. 117-A 185-44, dated 5th April 1945.)

$26A The Government servant, who retires on or after the 31st December 2014 and whose increment falls due on the next day following the date of superannuation, on completion of one full year of service which is countable for increment under Rule 26, shall be sanctioned with one increment at the rate of 3% of Pay + Grade Pay, notionally on the afternoon of the date of retirement, purely for pensionary benefits only.

$ (Inserted vide G.O.(Ms) No.14, P&AR (FR-II) Dept., dated 31st January 2017- w.e.f. 31.12.2014)

27. (1) An authority may grant a premature increment to a Government servant on a timescale of pay if it has power to create a post in the same cadre on the same scale of pay.

(2) The Heads of Departments shall step up the pay of the senior on par with the pay of his junior. Such cases shall be sent to Government for ratification within one month from the date of refixation. The Government may ratify or refuse to ratify such fixation. If the Government refuses to ratify such fixation or any wrong fixation is noticed at a later date, the excess amount drawn by such fixation shall be recovered from the individual.

[G.O. Ms. No. 20, P.&.AR. (FR.V) dept., dated 20th January 1995, w.e.f. 10th September 1986.]

RULINGS.

Effect of grant of premature Increments on future Increments.

(1) When increments are granted in advance, it is usually the intention that the Government servant should be entitled to subsequent increments in the same manner, as if he has reached his position in the scale in the ordinary course, and in the absence of special orders to the contrary, he should be placed on exactly the same footing as regards future increment as a Government servant, who has so risen.

(G.O. Ms. No. 567, Finance, dated 6th August 1919.)

(2) In drafting the Fundamental Rules, it was clearly, recognized that Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Rule 22.

(Comptroller and Auditor-General's D.O. No. 2-A, 408-23, dated the 3.1.1924, to A.G.P. and T.)

(3) The expression "scale of pay" represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

(Letter No. 143-A/3-23, from Auditor, Government of India, Sanctions).

(4) The pay of the steno-typists and typists drawing pay in the lower division scale of pay plus special pay admissible to them on their promotion as Assistants including Audit Clerks in the Local Fund Audit Department, Handloom Inspectors in the Handlooms and Textiles Department and Punch Operators/Machine Operators/Verifier Operators in the Statistics Department shall be fixed at their option within one month from the date of promotion either—

(i) at the appropriate stage in the upper division scale equal to the pay plus special pay. If there is no such stage, the stage next below that pay plus personal pay equal to the difference to be absorbed in future increments; or

(ii) under Fundamental Rule 22-B, without taking into account the special pay.

The option once exercised shall be final. If no option is exercised within a period of one month from the date of promotion, the pay shall be fixed as in clause (i) referred to above.

[G.O. Ms. No. 1075, P&AR *(F.R.III) Department, dated 12.11.1982.]*

The above mode of fixation of pay shall be followed in the case of Junior Assistant-*cum*-Typist when appointed as Assistant in the Department of National Cadet Corps.

[G.O. Ms. No. 3, P&AR *(Per.J)* Dept., *dated 3rd January 1989,* w.e.f *1st October 1984.]*

(5) The steno-typists and typists drawing pay in the lower division scale of pay plus special pay admissible to them, on their promotion as upper division steno-typists shall elect to have their pay fixed with reference to ruling (4) above or under the normal rule. The option once exercised shall be final. If they elect to have their pay fixed under the normal rules, the drawal of special pay in addition to their pay is subject to the conditions that (i) their pay in the post of upper division clerks/upper division steno-typists is not fixed with reference to ruling (4) above and (ii) they are counted against sanctioned posts of upper division steno-typists.

(Finance Memorandum No. 122988/F.R./59-6, dated 29th October 1960.)

Explanation.—The option shall be exercised within one month from the date of promotion as Upper Division Steno-typists and that if no option is exercised within this time-limit, the pay shall be fixed under the normal rules, that is under Fundamental Rule 22-B.

[G.O. Ms. No. 1075, P&AR *(F.R.III) Department, dated 12th November 1982.]*

(6) The pay of the members in category 4 of Class IV of the Tamil Nadu Judicial Ministerial Service drawing pay in the scale of Rs. 125-5-175 plus Special pay of Rs. 10 or Rs. 20 per mensem, as the case may be, on their promotion as Central Nazir or Head Clerk, District Court or Sarishtadar, Sub Court should be fixed at the appropriate stage in the scale of Rs. 180-5-200-10-250 equal to the pay plus special pay or if there is no such stage, the stage next below that pay plus personal pay equal to the difference to be absorbed in future increments or if such total emoluments are less than the minimum of the scale of Rs. 180-5-200-10-250, at the minimum of the scale.

(Memo. No. 72235/F.R./61-3, dated 28th August 1961.)

(7) Deleted.

(8) Typists/Steno-typists in the Co-operation Department appointed by transfer as Junior Inspector of Co-operative Societies be allowed option to have their pay fixed either (i) under Fundamental Rule 22-B without taking into account of the Special Pay; or (ii) at the appropriate stage in the Junior Inspector of Co-operative Societies scale equal to the pay plus special pay in the post of Typists/Steno Typists and, if there is no such stage, the stage next below that (pay plus special pay) and the difference as personal pay to be absorbed in future increments.

Option shall be exercised within one month from the date of appointment and option once exercised shall be final. If no option is exercised within one month, pay shall be fixed as in clause (ii) above.

[G.O. Ms. No. 520, P&AR *(Per.J)* Dept.*, dated 6th October 1988* w.e.f. *1st October 1984.]*

(9) The special pay of Rs. 2 granted to Police Constables and Lance Naiks of Malabar Special Police/Special Armed Police shall be taken into account for purpose of fixation of pay when they are promoted to higher posts.

(G.O. Ms. No. 190, Finance, dated 12th February 1970.)

(10) The advance increment to Government servants for passing the Account Test for Subordinate Officers, Part I may be sanctioned by the authority which normally sanctions increment to them.

(11) The period between the date of previous increment in a time-scale and the date of sanction of the advance increment for passing the Account Test for Subordinate Officers, Part I shall count for subsequent increments in that time-scales.

(12) The pay of the Clerks and Head Clerks of Panchayat Unions and Town Panchayats in the Panchayat Union Service consequent on their absorption in Government service as Executive Officers, Grade I, be fixed at the appropriate stage in the time-scale of pay applicable to the post of Executive Officer, Grade I, equal to the pay they would have drawn in the posts of Clerks and Head Clerks of Panchayat Unions and Town Panchayats or if there is no such stage, the stage next below that pay plus personal pay equal to the difference to be absorbed in future increments or if such total emoluments are less than the minimum of the scale of pay of Executive Officer, Grade I, at the minimum of the time-scale of pay.

[G.O. Ms. No. 20, Finance (F.R.), dated 8th January 1973.]

(13) The pay of an ordinary grade Typist/Steno-Typist in the Secretariat on promotion as Typist (Confidential)/Steno-Typist (Confidential) in the higher scale shall be fixed under the normal rules referred to in ruling (5) above, that is, the pay in the higher scale shall be fixed with reference to the actual pay drawn in the ordinary post of Typist/Steno-typist and the Typewriting/Shorthand special pays shall be allowed in addition.

The above mode of fixation of pay shall be followed when an Assistant promoted from the category of Typist/Steno-Typist, is appointed as Upper Division Steno-Typist in the offices of the Heads of Department.

(14) The pay of Typist (Confidential)/Steno-Typist (Confidential) in the Secretariat on promotion as regular Assistant shall be fixed under ruling (4) above, that is, his pay in the post of Assistant shall be fixed with reference to the pay plus special pay which he would have drawn as ordinary grade Typist/Steno-Typist but for his promotion as Typist (Confidential)/Steno-Typist (Confidential). After having fixed the pay as above in the post of Assistant, the difference between this pay and what he would have drawn as Typist (Confidential)/Steno-Typist (Confidential) on the date of promotion as Assistant shall be given as personal pay to be absorbed in future increments.

The above mode of fixation of pay shall be followed in the case of Upper Division Steno-Typists when appointed as Assistant in the Office of the Heads of Departments and Judicial Department and who cease to do Typewriting/Shorthand work.

The above mode of fixation of pay shall be followed in the case of Upper Division Typist/Upper Division Steno-Typist in the Office of Heads of Departments and Judicial Department and Typist (Confidential) and Personal Assistant in Secretariat under the Flexible Complementing Scheme when appointed as Assistant.

[G.O. Ms. No. 209, P&AR *(F.R. III)* Dept., *dated 11.3.1983. – With effect from 1st October 1978.]*

The above mode of fixation of pay shall also be followed in the case of Selection Grade Typists/Selection Grade Steno-Typists, Upper Division Steno-Typists in the Co-operation Department, on appointment as Junior Inspector of Co-operative Societies by transfer.

[G.O. Ms. No. 520, P&AR *(Per. J) dept., dated 6th October 1988* - With effect from 1st October 1984]

Note.—The pay of an Assistant in the Secretariat, who is promoted straightaway from the ordinary category of Typist / Steno-Typist but subsequently appointed to the post of Typist (Confidential) / Steno-Typist (Confidential) on paper shall be refixed under the above ruling. That is, his pay in the post of Typist (Confidential)/Steno-Typist (Confidential) shall be first fixed notionally on the date of

appointment to that post and then the pay in the post of Assistant shall be fixed under the above ruling giving protection to the notional pay.

[G.O. Ms. No. 510, Finance (F.R.), dated 21st April 1973.]

(15) Deleted.

(16) When a Government servant is reverted to a lower post, due to administrative reasons, the benefit of advance increment sanctioned to him in the higher post, shall be sanctioned in the lower post also. They pay in the lower post shall be the pay he would have drawn had he been sanctioned advance increment on the date of attaining eligibility for the advance increment in the lower post plus the annual increment due to him in the lower post till the date of reversion.

[G.O.Ms.No.487, P&AR *(FR.III)* Dept., *dated 23rd May 1983.]*

(17) In case where a Government servant has been overlooked for promotion/appointment to the next higher post but subsequently promoted/appointed to that higher post after restoration of his original seniority on appeal, his pay shall be fixed on the date of assumption of charge in the higher post on par with the pay of his junior provided he has drawn the same rate of pay as his junior in the lower post from time to time. If he has not drawn the same rate of pay as his junior in the lower post, his pay shall be fixed, on the date of assumption of charge, at the stage at which he would have drawn pay on that date had he been promoted/appointed to the higher post along with his junior. In cases where seniority has been restored on or after 19th September 1981, arrears of pay and allowance consequent of fixation of pay shall be admissible with effect from the date of assumption of charge in the higher post; in cases where seniority has been restored prior to 19th September 1981, arrears shall be admissible only with effect from the above date.

[G.O. Ms. No. 977, P&AR *(FR.III)* Dept., *dated 6th October, 1986.]*

Provided that in case of Government servants whose names were deferred for inclusion in the panel for promotion to higher post due to pendency of charges, but subsequently included in the same panel on exoneration of the charges after the date of their retirement on superannuation on appeal or review, their pay shall be fixed notionally on the date of their retirement on superannuation at the stage at which they would have drawn, had they been promoted or appointed to the higher post along with their junior for the purpose of pension and other monetary terminal benefit;

Provided further that in the case of Government servant whose names were deferred for inclusion in the panel due to pendency of charges and have subsequently died while in service or after retirement from service, the charges shall automatically stand abate. In such cases, the pay shall be fixed notionally on the last date of their service or on the date of the retirement on superannuation, as the case may be, at the stage at which they would have drawn, had they been promoted or appointed to the higher post along with their juniors for the purpose of pension and other monetary terminal benefits."

(vide G.O.Ms.No.120, P&AR (FR.IV) Department, dated 6.7.2001- w.e.f. 30.10.2000)

(18) The pay of Typists, Personal Clerks, Senior Typists and Senior Personal Clerks on promotion as Assistant Section Officers in the Tamil Nadu Secretariat has to be fixed as detailed below:—

I. The pay of Typists, Selection Grade Typists or Senior Typists on promotion as Assistant Section Officer shall be fixed at their option either:

(i) at the appropriate stage in the scale of pay of Assistant Section Officer, equal to the pay plus special pay drawn. If there is no such stage, the stage next below that pay plus 'Personal Pay' equal to the difference, to be absorbed in future increment.

or

(ii) Under Fundamental Rule 22-B, without taking into account the special pay.

Monetary benefit of fixation in case of promotion from Senior Typists shall be allowed only with effect from 1st April 1992 or from the date of promotion, whichever is later.

II. From 1-6-1988 to 31-7-1992, the pay of Personal Clerks, Selection Grade Personal Clerks or Senior Personal Clerks on promotion as Assistant Section Officers shall be fixed at their option either:—

(i) at the appropriate stage in the scale of pay of Assistant Section Officer, equal to the pay plus special pay drawn. If there is no such stage, the stage next below that pay plus 'Personal Pay' equal to the difference, to be absorbed in future increment.

or

(ii) Under Fundamental Rule 22-B, without taking into account the special pay.

Monetary benefit of fixation in case of promotion from Senior Personal Clerks shall be allowed only with effect from 1st April 1992 or from the date of promotion, whichever is later.

III. From 1-6-1988 to 31-7-1992, the pay of Selection Grade Senior Typists or Selection Grade Senior Personal Clerks, on promotion as Assistant Section Officer shall be fixed at their option either:—

(i) at the appropriate stage in the scale of pay of Assistant Section Officer with reference to the pay plus special pay that would have been drawn as ordinary grade Senior Typist or Ordinary Grade Senior Personal Clerk but for movement to Selection Grade Senior Typist or Selection Grade Senior Personal Clerk. After having fixed the pay as above in the post of Assistant Section Officer, the difference between this pay and that would have been drawn as Selection Grade Senior Typist or Selection Grade Senior Personal Clerk on the date of promotion as Assistant Section Officer shall be given as 'Personal Pay' to be absorbed in future increment.

or

(ii) Under Fundamental Rule 22-B, with reference to the pay drawn in the post of Senior Personal Clerk or Senior Typist, without taking into account the special pay.

The monetary benefit of fixation shall be allowed from 1-4-1992 or from the date of promotion, whichever is later.

IV. From 1-8-1992, the pay of Personal Clerks, Selection Grade Personal Clerks or Senior Personal Clerks on promotion as Assistant section Officer shall be fixed under FR. 22-B.

V. From 1-8-1992, the pay of Selection Grade Senior Personal Clerk on promotion as Assistant Section Officer shall be fixed as in the manner indicated under ruling (8) read with ruling (9) under FR. 22-B.

VI. (i) From 1-6-88 to 31-7-1992, the pay of Personal Assistants on promotion as Assistant Section Officer shall be fixed at the same stage in the scale of pay of Assistant Section Officer and the special pay drawn in the post of Personal Assistant allowed as 'Personal Pay' to be absorbed in future increment.

(ii) From 1-8-1992, the pay of Personal Assistant on promotion as Assistant Section Officer shall be fixed under FR.22(2) i.e. at the same stage in the scale of pay of Assistant Section Officer.

In all cases of fixation of pay with reference to items, I, II & III above, option shall be exercised in writing within one month from the date of promotion as Assistant Section Officer. Option once exercised is final. If no option is exercised within the time limit, pay shall be fixed as ordered in item I (i), II (i) and III(i) respectively.

The amendment hereby made shall come into force on the 1st June 1988.

[G.O. Ms. No. 221, P. & A.R. (FR.IV) Department, dated 29th August 1997.]

(19) (1) (*a*). The pay of Selection Grade Typist in the Tamil Nadu Ministerial Service or Tamil Nadu Judicial Ministerial Service on promotion as Assistant shall be fixed in the manner laid down in ruling (8), read with ruling (9) under Fundamental Rule 22-B, without taking into account, the special pay drawn in the post of Selection Grade Typist.

(*b*) The above fixation shall take effect from the 1st June 1988.

(2) Where the Special Grade Typist in the Tamil Nadu Ministerial Service or Tamil Nadu Judicial Ministerial Service, drawing pay in higher scale of pay is promoted as Assistant carrying lesser scale of pay.—

(a) he shall continue to draw pay in the scale of pay applicable to the post of Special Grade Typist after adding one notional increment without taking into account the special pay; or

(b) he shall draw pay fixed under Fundamental Rule 22-B, with reference to the notional pay drawn in the ordinary grade Typist without taking into account the Special pay.

(c) Option shall also be allowed for fixation of pay after accrual of next increment in the lower post under clause (a) or (b) above.

(d) The option once exercised shall be final. If no option is exercised within one month from the date of promotion, the pay shall be fixed as in clause (a) referred to above.

(e) The above fixation shall take notional effect from the 1st June, 1988 with monetary benefit from the 1st April. 1992.

(3) (*a*) The Steno-Typist, Grade III in the Tamil Nadu Ministerial Service or Tamil Nadu Judicial Ministerial Service on promotion as Assistant during the period from the 1st June, 1988 to the 31st July 1992 shall continue to draw the same pay drawn in the post of Steno-Typist, grade III till the 31st July 1992. On the 1st August 1992, the Special pay drawn in the post of Steno-typist, Grade III shall be merged with the basic pay of the post of Steno-typist, Grade III and the pay fixed in the post of Assistant on the 1st August 1992 under Fundamental Rule 22(2), namely, at the same state stage in the scale of pay of Assistant;

(*b*) The pay of the Steno-Typist, Grade III whose name has already been included in the panel for promotion as Assistant prior to the 1st August 1992 and promoted after the 1st August 1992 shall be fixed under Fundamental Rule 22 (2).

(4) (*a*) The selection grade Steno-Typist, Grade III in the Tamil Nadu Ministerial Service or Tamil Nadu Judicial Ministerial Service on promotion as Assistant during the period from the 1st June 1988 to the 31st July 1992 shall continue to draw the same pay drawn in the post of Selection Grade Steno-Typist, Grade III till the 31st July 1992. On 1-8-1992, the special pay drawn in the post of Selection Grade Steno-Typist, grade III shall be merged with basic pay of the post of Selection Grade Steno-Typist, grade III and pay fixed in the post of Assistant on the 1st August 1992 under Fundamental Rule 22(1) (b) (ii), namely, at the appropriate stage in the scale of pay of Assistant equal to the pay drawn in the post of Selection Grade Steno-Typist, Grade III.

If there is no appropriate stage in the scale of pay of Assistant, pay shall be fixed at the stage next below and the difference treated as “personal pay” to be absorbed in future increments.

(*b*) The pay of Selection Grade Steno-Typist, Grade III, whose name has already been included in the panel for promotion as Assistant prior to the 1st August 1992 and promoted as Assistant on or after the 1st August 1992 shall be fixed in the manner specified in Fundamental Rule 22 (1) (b) (ii).

[G.O. Ms. No. 59, P&AR (FR-IV) Department, Dated 5-4-99.]

28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper;

Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of Rule 22 read with clause *(b) or clause (c)*, as the case may be, of Rule 26.

29. If a Government servant is reduced as a measure of penalty to a lower service, grade or post or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, the period of reduction shall operate to postpone future increments and if so, to what extent.

INSTRUCTION UNDER RULE 29.

An authority ordering the reduction of an officer should expressly state in the order that the period for which the reduction has been ordered will be exclusive of any interval spent on leave before that period is completed.

[G.O. Ms. No. 492, P&AR *(F.R.III)* Dept., *dated 25th May 1982.* - w.e.f. *19th May 1979.]*

RULINGS.

(1) (*a*) Every order passed by a competent authority imposing on a Government servant the penalty of reduction to a lower stage in a time scale should indicate—

(i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative;

(ii) the stage in the time-scale (in terms of rupees) to which the Government servant is reduced; and

(iii) the extent (in terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

The reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also, when a Government servant is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

(*b*) The question as to what should be the pay of a Government servant on the expiry of the period of reduction should be decided as follows:—

(i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of Fundamental Rule 25.

(ii) If the order specifies that the period of reduction was to operate to postpone future increment for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above but for treating the period for which the increments were to be postponed as not counting for increment.

[Finance Memorandum No. 105637 / F.R./59-2, dated 1st December 1959 and Memo No. 63835 / (F.R.) / 60-2, dated 15th July 1960.]

(2) Every order passed by a competent authority imposing on a Government servant the penalty of reduction to a lower service, grade or post or to a lower stage in his time-scale should indicate—

(i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative. It should be noted that the reduction to a lower service, grade or post or to a lower stage in his time-scale is also not permissible under the rules either for an unspecified period or as a permanent measure. It should only be for a specified period.

(ii) the extent (in terms of years and months) if any, to which the period referred to in sub clause (i) above shall operate to postpone future increments on restoration, after the specified period. The period specified under this sub-clause shall in no case exceed the period specified under sub clause (i) above.

(3) In the case of penalties of reduction to a lower service, grade or post or to a lower stage in his time-scale for a specified period, the Government servant shall be automatically restored to his old post after the expiry of the specified period and the question as to what should be his pay on such restoration shall be decided as indicated in clause (*b*) of Ruling (1).

[G.O. Ms. No. 493, P&AR *(F.R. III)* Dept., *dated 25th May 1982 – With effect from 19th May 1979.]*

(4) In all cases of reduction to a lower stage in the time scale with cumulative effect, the period of reduction reckoned should be inclusive of intervals spent on leave.

[G.O. Ms. No. 418, Finance (F.R.I), dated 26th March 1974.]

29 A. Where an order of penalty of withholding of increment of a Government servant or his reduction to a lower service, grade or post or to a lower time-scale, or to a lower stage in a time-scale is set aside or modified by a competent authority on appeal or review, the pay of the

Government servant shall, notwithstanding anything contained in these rules, be regulated in the following manner:-

(a) If the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn.

(b) If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation.—If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

INSTRUCTION UNDER RULE 29-A

A permanent post vacated by reduction of a Government servant to a lower service, grade or post or to a lower time-scale should not be filled substantively until the expiry of a period of one year from the date of such reduction.

Where, on the expiry of the period of one year the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

(G.O .Ms. No. 629, Finance, dated 8th June 1962.)

RULINGS.

(1) In cases falling under sub-rule (a) of Rule 29-A, service rendered by the Government servant in the lower service, grade or post or lower time-scale or lower stage in the time-scale or at the stage the increment was withheld from the date of imposition of such penalty, by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority, shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty.

(2) In cases falling under sub-rule (b) of Rule 29-A, service from the date of imposition of the penalty by the disciplinary authority, to the date on which the order is modified by the appellate or reviewing authority, shall be counted for the purpose of increment or for other purposes in the post which he was holding immediately before the imposition of the penalty or any other post which he would have held but for the order of penalty, to the extent the modified order permits of such counting.

For example, if an officer holding a post in the scale of Rs.375-25-800 is reduced to a post in the scale of Rs.250-25-400 for a period of two years and if, after six months, the order is modified by the appellate authority as reduction to a post in the scale of Rs.300-25-600, the period of six months will count for increment in the scale of Rs.300-25-600.

If, on the other hand, the order of penalty is modified as reduction to a lower stage in the timescale of Rs.375-25-800 for a specified period or withholding of increment in that time scale for a specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.

(Memo. No. 3224-F.R./62-2, dated 3rd May 1962.)

30. and **31.** Omitted.

31-A Subject to the provisions of Rule 26 (c) and 35, a probationer and an approved probationer in any service on duty shall draw pay as follows:—

(*a*) A Probationer who does not hold a permanent post shall draw—

(i) While undergoing a course of instruction or training, the pay specified in the special rules in that behalf; and

(ii) after completion of the course of instruction or training or where there is no prescribed course of instruction or training, the pay of the lowest grade or the minimum pay in the time-scale of pay, as the case may be applicable to his class or category, subject to such orders as Government, may, from time to time, issue.

(*b*) A person, who holds a permanent post—

(i) in a subordinate service and is appointed as a probationer in a corresponding State Service or in another State or Subordinate Service, shall draw the minimum pay of the officiating post, if it is higher than his subordinate pay, without any regard to Rule 22 (1) (b) (ii) but if such minimum pay is lower than his substantive pay, the stage at which his pay should be fixed in the time-scale of the officiating post shall be determined with due regard to Rule 22 (1) (*b*) (ii);

(ii) in a State Service and is appointed as a probationer in another State Service, shall draw pay as in sub-clause (i);

(iii) in a class or category and is appointed on probation to a class or category in the same service involving the assumption of duties and responsibilities of greater importance shall draw pay under Rule 22 (1)

(c) An approved probationer shall draw such pay as would be admissible to him if he were a full member of the service in the class or category in which he is holding a post.

(d) A probationer whose period of probation is extended shall not be eligible to have his pay refixed under Rule 22 (1) (b) (i) during the extended period of his probation. He shall, however, be entailed to draw his substantive pay, if any, if at any time, that happens to exceed the officiating pay otherwise admissible under clause (b) or clause (c) as the case may be.

[G.O. Ms. No. 1174, Finance (F.R.I.) dept., dated 29th August 1974.]

Explanation.—The initial pay of a Typist or a Steno-typist appointed as a Junior Assistant and *vice versa*, shall be fixed at the stage of the time scale which is equal to the pay drawn in the old post and the period of service which was not counted for increment in the old post shall count for increment in the new post.

[G.O. Ms. No. 698, P&AR *(F.R.III)* Dept., *dated 1.8.1983 – With effect from 1st January 1974.]*

RULINGS.

(1) The refixation of pay under Rule 22 (1) (b) (i) is a fresh fixation of initial pay and not grant of increment in the officiating post. Such fresh fixation of pay will not be against the provisions of clause (i) of sub-rule (2) of Rule 31-A. The pay of a probationer can also be re-fixed under Rule 22(1) (b) (i).

(G.O. No. 189, Finance, dated 29th February 1960.)

(2) For temporary Junior Engineers and Supervisors in the Public Works Department and the temporary teaching staff of Technical Educational Institutions who are granted increments for their emergency service, when appointed regularly on probation, the first increment specified in Rule 31-A (2) (i) will be increment falling due after the date of commencement of probation and the second increment shall be granted to them only after their satisfactory completion of probation.

(Memo No. 77807/FR/61-3, dated 6th September 1961.)

[G.O. Ms. No. 422, Finance (F.R.I.) dept., dated 27th March 1974.]

(3) When the Account Test for Subordinate Officers, Part-I is prescribed to be passed within the period of probation, in the service rules, the advance increment granted to probationers for passing the test will not be brought within the purview of the rule.

(4) Where the Account Test for Subordinate Officers, Part-I is not prescribed as a condition of probation, but is required to be passed either for continuance in that post or for promotion to a higher

post, the advance increment should be allowed from the day following the last day of the test irrespective of whether the test is passed within or after the period of probation.

[G.O. Ms. No. 301, P&AR *(FR.III)* Dept., *dated 26.3.1985 – With effect from 5th September 1983)*

31-B Notwithstanding anything contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the Government in this behalf.

(G.O. Ms. No. 1175, Finance, dated 6th October 1964.)

33. When a Government servant officiates in a post, the pay of which has been fixed at a rate personal to another Government servant, Government may permit him to draw pay at any rate not exceeding the rate so fixed or if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lower stage of that time-scale and future increments not exceeding those of the sanctioned scales.

Note.—Rule 33 prescribes the initial rate of pay of an officer officiating in a post, the pay of which has been fixed at a rate personal to another Government servant. If the pay thus personally fixed is on a time-scale, it is not intended that an officiating incumbent should be debarred from drawing increments in the time-scale according to the ordinary rules.

(Comptroller and Auditor-General's letter No.144-A/34-24, dated the 2nd March 1922.)

35. Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Note.—This rule makes it possible to dispense with charge allowances and the system of holding charge. It also obviates the necessity for special rules fixing definite rates or allowances for definite acting incumbents. There may be other cases also in which Government will wish to give less than the full pay, particularly those of Government servants without substantive posts.

Delegation under Rule 35.

The head of a department is empowered to exercise full powers under this rule.

RULINGS.

Scope of the rule.

(1) One class of cases falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

Fixation of initial pay of a Government servant on his confirmation in a post in which he officiated previously but drew pay which was less than the minimum of the time-scale attached thereto.

(2) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under rule 35, he must not be treated as having effectually officiated in that post within the meaning of rule 22 or having rendered duty in it within the meaning of rule 26. Such an officer, on confirmation, should have his initial pay fixed under rule 22 (2) and draw the next increment after he has put in duty for the usual period required, calculating from the date of his confirmation.

(3) If a Government servant appointed to officiate in a higher post takes charge of that post on an afternoon and earns an increment in the scale attached to his permanent post with effect from the next day, his pay in the officiating post should be fixed with reference to the substantive pay on the date of taking over charge, even though he will draw the officiating pay with effect from the next day only, i.e., the increment should not be taken into account in fixing his officiating pay.

(Memorandum No.13118-E-1, Home, dated 20th April 1938.)

36. Instructions allowing acting promotions to be made in place of Government servants who are treated as on duty under rule 9 (6) (b) are given below:

INSTRUCTIONS UNDER RULE 36.

1. In cases where a cadre includes provision for a training reserve and in the case of members of the process service establishment undergoing training in survey schools, officiating arrangements are inadmissible in the place of Government servants deputed for training.

2. In other cases, officiating arrangements are allowed if the period of training extends to one month or more. If it is less than a month no arrangement can be made except under the special sanction of Government.

3. Acting appointments are permissible in order to arrange for engineering officers being relieved from duty under rule 9 (6) (b) (iii) to enable them to prepare for examinations.

In case of posts or cadres for which leave reserve exists, the vacancy caused on account of deputation for training should be filled out of the leave reserve so long as the number of persons actually on leave is less than the leave reserve sanctioned and that officiating appointment to fill the vacancy are admissible only in cases where this position does not exist.

RULINGS.

(1) In future, substitutes may be appointed in place of Government servants undergoing training in the Indian Territorial Force. But the appointing authorities are required to see that, as far as possible, no substitute is appointed when the period of training is less than one month.

[G.O. No. 963, Public (Political), dated 14th June 1939.]

(2) The Director of Fisheries has been authorized to appoint, subject to the condition that no extra expenditure is thereby incurred, substitutes in the place of teachers employed in Fisherman Elementary Schools when they are deputed to undergo training in the Indian Territorial Force.

(G.O. Ms. No. 1144, Development, dated 7th August 1926.)

(3) In the place of Government servants deputed for training in the Indian Signal Corps and other Arms of the Indian Army Reserve, substitutes may be appointed subject to the provision of Instructions 1 and 2 under rule 36.

(G.O. Ms. No. 806, Public, dated 30th August 1927 and No.833, Public, dated 8th August 1929.)

37. *Personal pay*.—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased and shall cease as soon as his pay is increased by an amount equal to his personal pay.

38. *Omitted*.

39. *Pay of temporary post*.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

RULINGS.

Special duty or deputation in India.

Under the Fundamental Rules, special duty or deputation in India will not be recognized. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then rules 39 and 49 will apply.

40. When a temporary post is created which will probably be filled by a person who is already a Government servant, his pay should be fixed by Government with due regard to—

(a) the character and responsibility of the work to be performed; and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

INSTRUCTION UNDER RULE 40.

When a subordinate authority intends appointing a person already in Government service to a temporary post which he is empowered to create, he cannot under the above rule, fix the pay of the

temporary post created at an amount in excess of the pay of the Government servant, without the sanction of Government.

RULINGS.

Fixation of the pay of temporary posts outside the regular line of a service.

(1) (*a*) The following principles contained in Article 81, C.S.R. should govern the grant of enhanced pay to Government servants whether placed on "special duty" within their departments or "on deputation" outside them:-

(i) A Government servant placed on "special duty" or "On deputation" should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

Note.—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special pay" or "deputation" begins, and would continue to hold such a post for approximately the same period as his temporary post is expected to last, he takes this fact into account and fix a uniform pay throughout the period.

(ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable, rule 40 may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed without the special sanction of Finance Department, one-fifth of substantive pay or Rs.10 a day, whichever is less.

(b) Government servants deputed to posts substantively parallel in work and responsibility to the posts which they would otherwise have occupied, should receive no increase in pay though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowance.

(c) The foregoing principles may, however, be relaxed in exceptional cases where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

(G.I.F.D. No.13, XIX Ex. 131, dated 7th January 1932.)

(2) In the matter of sending Government servants to famine duty, temporary posts should be created by the competent authority concerned on a fixed pay which would give the Government servant employed, an increase over his permanent pay on the scale sanctioned to Government servants employed in hill stations. [See Class V (a)-Hill Stations of Appendix to Part I of the Tamil Nadu Manual of Special Pay and Allowances.] This concession will not be admissible in the case of Government servants employed in connection with test works, nor will it apply to temporary men or those recruited on special pay for famine work.

No allowance is admissible in the case of Government servants solely employed on office work and not responsible for regular famine relief operations, such as Famine Accountants, Travelling Auditors and Accountants.

(G.O. Ms. No. 1420, Revenue, dated 21st September 1923.)

Instructions for regulating the pay admissible to incumbents of temporary posts on fixed pay.

(3) When sanction for additional staff is given for doing additional work, two courses are open, viz.,—

(i) To sanction temporary staff with special reference to the requirements of the additional work to be done and with the specific intention that the men holding the temporary posts should do the work. In such cases, if the intention is to post permanent men, the rates of pay are so fixed as to be suitable for them. If permanent men are appointed to these posts, their substitutes will draw pay in accordance with the ordinary rules in the Fundamental Rules.

(ii) To sanction temporary posts on specific rates of pay (whether fixed or time-scale) without special reference to the nature of the additional work involved but with the intention that the appointing authority may utilize the service of any person for the additional work and not necessarily the men holding the temporary posts. In this case, the orders merely amount to permitting the appointing authority to recruit men to the temporary post, to treat them as part of his establishment and to utilize the services of such persons of his entire establishment as are most suitable for the additional work. Then, the permanent men doing the additional work do not vacate their permanent posts but continue to hold them and the junior most men recruited against the temporary posts hold only the temporary posts though they do not perform the additional work on account of which the temporary staff was sanctioned. As the latter men are not appointed to the posts held by permanent men, the question of fixing their pay in the permanent posts does not arise and they can draw only the pay fixed in the temporary posts.

The question whether an outsider (i.e., a person without a substantive appointment) recruited in consequence of the creation of a temporary post on fixed pay can count his service for increments or not will, therefore, depend upon whether the temporary post was created with the special intention that the person holding the temporary post should do the work or not. Unless a contrary intention is expressed in the orders sanctioning the temporary post, it may be presumed that the intention of Government is, that the procedure in item (ii) above should be adopted.

43. *Omitted*.

CHAPTER V — ADDITIONS TO PAY.

44. Subject to the condition that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Government may grant compensatory allowances and may make rules prescribing the amount and the conditions subject to which the allowance may be drawn.

INSTRUCTIONS UNDER RULE 44.

1. Compensatory allowances attached to a post shall be drawn in full by a Government servant performing the duties of the post.

2. The competent authority after recording reasons, which shall be communicated to Audit, may permit a Government servant on leave or relieved temporarily for preparing or attending an examination or transferred temporarily from a post to which any local or miscellaneous allowances are attached to draw such allowances or part thereof for a period not exceeding four months without prejudice to the Government servant officiating for him also drawing it.

The above permission shall be accorded only subject to the following considerations, namely:—

(i) the Government servant is expected to return to a post to which a similar allowance is attached; and

(ii) he will continue to incur during the said period, the expenses to meet which, the compensatory allowance was granted.

Explanation.—The competent authority referred to above is the authority who sanctions the leave, relief or transfer.

3. When a Government servant is transferred from a post in which he draws a compensatory allowance such as Madras House Allowance or Hill Allowance (other than a Travelling Allowance) to a post to which a compensatory allowance of a like nature is attached, he may draw the allowance during joining time, provided that if the rates of the allowance differ, he may draw the lower rate only.

4. (*a*) *While on duty*.—House-rent allowance attached to a post may be drawn in full by a Government servant officiating in the post provided that, subject to mutual arrangement, it may continue to be paid to the Government servant for whom he is officiating for a maximum period of four months.

(*b*) *While on leave with allowances*.—A Government servant, shall be permitted to draw house-rent allowance for six months of leave including maternity leave but not extraordinary leave. He shall be paid house-rent allowance during the period of leave at the rates at which he was entitled to it prior to going on leave irrespective of whether he is reposted to the same station or not.

[G.O. Ms. No. 623, Finance (F.R.-I) dept., dated 13th April 1974.]

(*c*) When a Government servant, occupying rent-free quarters at the station at which he enters leave, vacates such quarters, he shall be paid house-rent allowance from the date of vacation of the quarters at the rate otherwise admissible to him at the station, if rent-free quarters had not been attached to that post.

[G.O. Ms. No. 490, P&AR *(F.R.III)* Dept.*, dated 23rd May 1983 w.e.f. 19th January 1983.]*

5. Subject to the condition that no house-rent allowance *in lieu* of rent-free quarters is claimed at the new headquarters a subordinate police officer, who is entitled to rent-free quarters and who is unable to secure a house at his new headquarters may be permitted to draw house-rent allowance for the house occupied by his family at the old headquarters. In special cases, where a head constable or constable has to keep his family at a place other than the old or new headquarters by force or circumstances, he may be permitted, subject to the fulfilment of the other conditions specified in the preceding sentence, to draw the actual rent for the house occupied by his family or the house-rent allowance admissible under the rules, whichever is less.

Fireman and others of equivalent rank in the Fire Service Department are also entitled to the above concession.

6. Travelling allowance has been dealt with separately.*

7. The competent authority shall embody in the orders sanctioning the leave or transfer, a certificate regarding the likelihood of the Government servant's return either to the post from which he proceeded on leave or transfer to another post carrying a similar allowance.

In the absence of the certificate referred to in the first paragraph, Madras House Allowance may be drawn by a Government servant for the period of leave provided that-

(i) he actually returns to the same post from which he proceeded on leave or to another post carrying a similar allowance;

(ii) the competent authority furnishes a certificate to the effect that the Government servant, who is allowed Madras House Allowance for the leave period, actually retained his house in Madras City during leave and that he actually incurred the expenses to meet for which such allowance is paid;

(iii) the allowance shall be drawn only on the return of the Government servant from leave; and

(iv) in the case of a Government servant who is entitled to Madras House Allowance, though he occupies a house owned by him, a certificate shall be furnished to the effect that he continued to reside in the same house during the period of leave.

In the case of an allowance granted for the expensiveness of living, the Government servant shall certify that he or his family or both resided for the period for which the allowance is claimed at the old station or at another station in which he would be entitled to a similar allowance. In the case of other allowances, the Government servant shall certify that for the period for which the allowance is claimed, he continued to incur the expenses, to meet which, the allowance was granted.

For the purpose of this Instruction.—

(i) "Family" includes the wife and children including an adopted child of a Government servant residing with and wholly dependent on him. In the case of a woman Government servant, the term "family" shall not include her husband unless he is wholly dependent on her. Nor will the term include a married daughter after the date on which she was placed under her husband's protection.

(ii) "Leave" means leave with allowances alone including maternity leave but does not include extraordinary leave.

8. When a Government servant is compulsorily retired under sub-rule (2) rule of 56 while on leave, he shall be permitted to draw due compensatory allowances like House Rent Allowances, **Vide* the Tamil Nadu Manual of Special Pay and Allowances Volume I, Part II.

City Compensatory allowance admissible to him notwithstanding the fact that he is retired compulsorily before he re-joins duty after the expiry of the leave period.

The amendment hereby made shall be deemed to have come into force on the 30th November 1972.

[G.O. Ms. No. 978, Personnel and Administrative Reforms (F.R.I) dept., dated 26th August 1978.]

RULINGS.

(1) Veterinary Assistant Surgeons appointed to discharge the duties in temporary posts, whether they hold permanent posts in the cadre or not, are eligible for special pay and allowances at the same rates as incumbents of permanent post are eligible for, for doing duty in the specified localities.

(G.O. Ms. No. 535, Development, dated 5th March 1937.)

(2) The following classes of compensatory allowances to Medical Officers are not admissible during leave:-

(i) Compensatory allowance granted for loss of private practice.

Note.—The holders of the following categories of posts who are completely debarred from doing private practice and who are compensated for loss of private practice by grant of Non-practising

allowance, shall draw the Non-practising allowance during all kinds of leave other than extraordinary leave without allowances.

1. Director of Medical Services
2. Deans of Medical Colleges.
3. Directors of Upgraded Institutes.
4. Director of King Institute, Guindy.
5. Assistant Director, King Institute, Guindy.
6. Non-Clinical Professor/Reader.
7. Civil Surgeons in the General Line.
8. State Family Planning Officer.
9. Non-Clinical Tutors/Assistant or Lecturers.
10. Assistant Surgeons in the King Institute, Guindy.
11. Assistant Director, State Forensic Science Laboratory, Madras.
12. Additional Director, Tamil Nadu Forensic Science and Chemical Laboratory, Madras.

(G.O. Ms. No. 1088, Finance, dated 26th September 1966.)

[G.O. Ms. No. 794, Finance (F.R.I), dated 22nd July 1976.]

(ii) Compensatory allowances granted *in lieu* of a share of fees realized in Government Medical Institutions and the King Institute, Guindy, from private work.

[G.O. No. 631, P.H. (L.S.G.), dated 27th February 1936.]

(3) If a Government servant in receipt of house rent allowance under the Madras House Allowance Scheme proceeds on leave for a period extending beyond the half-year or year for which it was sanctioned, he may be allowed by a competent authority under this rule to continue to draw during the whole period of such leave, house allowance at the rate drawn prior to proceeding on leave, provided the conditions laid down in this rule are satisfied.

(Memo. No.36308-C.S.R.-2, Finance, dated 12th January 1935.)

(4) (i) House-rent allowance to a Government servant, who accepts allotment of Government quarters, should be stopped from the date of occupation or from the eighth day after the date of allotment of Government quarters, whichever is earlier. In cases of refusal of allotment of Government quarters, house-rent allowance will not be admissible from the date of allotment of Government quarters.

A Government servant who, on transfer, has been permitted to retain the Government quarters at the old station, is eligible for the house-rent allowance in respect of the new station, if otherwise admissible without regard to the fact whether he has been permitted to retain the Government quarters at the old station on payment of normal rent or penal rent.

(Memo. No. 10943/FR.60-3/Finance, dated 6th April 1960.) Ruling (4) renumbered as 4(i) – vide G.O. Ms. No. 307, P&AR *(Per.J),* Dept.*,, dated 24th May 1989 with effect from 11th March 1982).*

(ii) A Government servant who is on transfer and who has been permitted to retain upto a maximum period of six months the accommodation provided by the Accommodation Controller, is eligible to draw House Rent Allowance in the new station at the rate applicable to the old station or at the new station, whichever is less until such time the accommodation in the old station is surrendered.

(added vide G.O. Ms. No. 307, P&AR *(Per.J),* Dept.*,, dated 24th May 1989 - w.e.f. 11th March 1982.)*

(iii) Government servants occupying Housing Board Quarters, while on transfer in the middle of an academic year shall be permitted to retain the quarters/apartments upto the end of the academic year on payment of concessional rent foregoing House Rent Allowance issued from time to time or the economic rent fixed for the quarters whichever is higher from the date of the transfer till they

vacate the quarters. 31st May of every year shall be reckoned as the end of the academic year and the intervening period from July to April as the middle of the academic year.

Explanations:—

Concessional Rent—The rate of rent is determined based on the percentage fixed by the Government from time to time on basic pay plus withholding House Rent Allowance.

Economic Rent—The economic rent is fixed by the officers authorised in this regard in working out concessional rent based on the capital cost of the building.

[G.O. Ms. No. 307, P&AR *(Per.J),* Dept., *dated 24th May 1989 w.e.f. 29th July 1983.]*

(5) The nursing personnel working in Government Medical Institutions are eligible for ration allowance for a period of 180 days of all kinds of leave, except extraordinary leave on loss of pay.

[G.O. Ms. No. 70, P & AR (FR-IV) dept., dated 10-3-97 – with effect from 5th May 1995]

45. The following rules shall govern the allotment of buildings owned or leased by Government or such portions thereof to officers for use by them as residence and the circumstances in which an officer shall be considered to be in occupation of a residence.

RULES.

1. *Allotment of residences*.—(i) Buildings acquired, constructed, or leased by Government for the occupants of particular posts shall ordinarily be occupied by the officers holding those posts.

(ii) Where any question is raised as to which officer has the prior title to occupy a particular house, or if no officer wishes to occupy a house, as to which officer shall be required to pay rent for it, the question shall be decided by the Collector and the Superintending Engineer, sitting together.

When there is any difference of opinion between the Superintending Engineer and the Collector in the matter of allotment of quarters, the question shall be submitted to the Government for orders.

(iii) In the City of Madras, houses will be allotted to applicants in consideration of the general public convenience and priority of application by the Secretary to Government, Public Works Department and the Chief Secretary sitting together:

Provided that nothing contained in this sub-rule shall apply to the allotment of the official residence "Brodie Castle".

(iv) It will be the duty of the Executive Engineer to report every case of vacancy as soon as it is known that it is likely to arise and to take prompt steps to ensure that no house is allowed to remain vacant for a day longer than is unavoidable.

(v) The Director of Medical Education shall be empowered to allot unoccupied post attached residential quarters in remaining Medical Institutions to other willing Medical Officers of the same rank without any loss of revenue to Government, provided that the quarters intended for the Residential Medical Officers shall not be allotted to any other Medical Officer.

[G.O. Ms. No. 695, P&AR (FR. II) Dept., dated 30.12.1989 -- with effect from 11th August 1988.]

2. *Exchange of residential buildings by officers of the same station*.—Any two officers at a station may exchange the buildings allotted to them with each other as a purely private arrangement, but each officer will continue to be responsible for the rent of the buildings assigned to him.

3. *Sub*-letting *of residence*.—The sub-letting of an official residence may be permitted only under the following conditions:—

(i) The previous sanction of Government should be obtained for sub-letting;

In the Fundamental Rules, in rule 45, in clause (1) after sub-clause (iv), the following sub-clause shall be added, namely:—

(ii) the officer will still remain personally responsible for the rent and for any damage caused to the building beyond fair wear and tear;

(iii) Government will not recognize the sub-tenancy;

(iv) the rent to be charged by the officer to his tenant should not, except with the sanction of Government in special circumstances, exceed the rent paid by the officer to Government;

(v) sub-tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided.

4. *Officers on leave*.—An Officer who goes on leave should be held to have ceased to be in occupation of the building from the date of commencement of leave, unless for any reason, a competent authority decides otherwise.

Note (1).—The local administrative head of the Department may grant permission to occupy Government quarters to officers proceeding on leave on average pay not exceeding six months; in other cases the permission of Government is necessary.

A Government servant in basic service, whether permanent or not, proceeding on leave without allowances for a period not exceeding one month, may be permitted to occupy Government quarters during the period of leave on payment of rent at concessional rates. Such permission will be granted by the authority competent to make a permanent appointment to the post held by the Government servant.

Note (2)—Omitted.

Note (3).—The Director of Agriculture may permit Government servants on transfer to retain up to a maximum period of one month the Government quarters allotted to them in their previous posts.

Note (4).—The Collector of The Nilgiris may sanction the retention of Government quarters by Government servants on transfer at their old stations for a period not exceeding three months.

5. An incumbent whether permanent or temporary of an appointment, for whose benefit a house has been constructed or purchased or leased by Government under the conditions specified in paragraphs 265 and 266 of the Tamil Nadu Public Works Department Code, will be held responsible for the prescribed rent during his tenure of the appointment. In the following cases, however, no rent will be recovered, provided that the head of the department or the authority competent to make a permanent appointment to the post for the incumbent of which the house is intended, furnishes a certificate to the officer responsible for the recovery of rents that the conditions laid down are satisfied:-

(G.O. Ms. No.1129, Finance dept., dated 17th August 1974.)

(i) when an officer is holding, as a temporary measure under rule 49, an appointment to which a Government residence is attached, in addition to his substantive appointment and does not actually occupy the house;

(ii) when an officer in addition to the duties of such an appointment carries on the duties of another appointment which preclude him from occupying the house;

(iii) when an officer is officiating in an appointment for a period not exceeding one month and does not wish to occupy the house; and

(iv) when an officer is officiating in an appointment for a period not exceeding two months and the circumstances are such as to preclude him from occupying the house.

Note.—An officer who is merely discharging the current or routine duties of an appointment to which an official residence is attached is not bound to occupy it and should not be considered as the incumbent of the appointment for purposes of recovery of rent.

Delegation.

The Collectors of districts are empowered to furnish a certificate for the non-recovery of the rent in respect of officers of the Revenue Department. In the case of other departments, the District Officers and the Regional Officers are empowered to issue such certificates.

RULINGS.

Convention regarding reimbursement by the Government of India to State Governments and *vice versa* of the difference between the standard rent of buildings and rent actually recovered from their officers occupying them.

(1) (*a*) The Government of India and the Governments of Tamil Nadu, Uttar Pradesh, East Punjab, Madhya Pradesh and Assam have mutually agreed that when an officer of one of these Governments occupies by official arrangements a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other, the difference between the standard rent and the rent actually recovered.

(*b*) The Governments of Bombay, West Bengal, Bihar and Orissa, having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (a) above will be that the Government providing the residence will claim from the officer, the rent which would be recoverable from him, if he were serving under its administrative control and will be paid by the Government under whose administrative control he is serving the difference, if any between the rent recoverable from him and the standard rent calculated for the residence under rule 45-B (omitted).

(G.I., F.D., Letter No. D.199-A, dated 30th March 1929 and G.I., F.D. Endt., No.F.3. XXVIII-R, I 29, dated 18th March 1939.)

Recovery of Rent in excess of 10 per cent of emoluments.

(2) Under clause IV (c) (ii) of rule 45-A, Government may recover rent in excess of 10 per cent of a Government servant's emoluments but not in excess of the standard rent as defined in clause III of the rule.

(G.I., F.D., Letter No. F. 291-R-I 27, dated 14th February 1928.)

(3) A Government servant, who, at his own request is supplied with the residence owned or leased by Government of a class higher than that for which he is eligible when a house of his class is available for him, shall be charged the full standard rent and shall not be given the benefit of 10 per cent concession granted by clause IV (b) of rule 45-A.

(4) All District Magistrates having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences allotted to the officers. As the cost of housing of these guards is to be borne by Police Department, the question arose whether the cost of erection of these quarters could not be excluded from the capital cost of the residence for the purpose of calculating the standard rent to be recovered from the officer concerned. Government shall have under rule 45 the power to exclude the cost of the quarters under reference from the capital cost of the residences for the purpose of fixing standard rent.

(Comptroller and Auditor-General's letter No. T 863-Admn. II/247-32, dated 19th July 1932 to A.G.,U.P.)

(5) When a Government servant is permitted to occupy Government quarters during leave, rent should be recovered from him at the rate at which he is allowed to pay while on duty.

(G.O. Ms. No. 3494, W., dated 29th November 1929 and No.395, W., dated 8th February 1930.)

(6) The term "The local administrative head of the department" occurring in the Note below rule 4 under rule 45 includes heads of offices also.

[Memorandum No.41308-I, C.S.R., (Fin.,) dated 4th December 1941.]

(7) (i) When residential buildings owned, leased or requisitioned by Government are allotted to Central Government servants at their own request, full rent of the buildings should be charged from them. If, however, the accommodation is provided at the official request of the appropriate authority, rent should be recovered at 10 per cent of the emoluments of the person concerned.

(ii) The residential accommodation provided to Central Government servants in accordance with the instructions in sub-paragraph (i) above, should conform to the standards of accommodation laid down by Government for their own officers. In cases of officers who are allotted accommodation

of a higher class at their own request than that to which they are entitled according to the standards, full rent of the buildings should be recovered from them even though the accommodation may have been procured under official arrangements.

(Finance Memo. No.7259/C.S.R., 4, dated 6th May 1955.)

Note.—The term "full rent of the buildings" occurring in sub-paragraphs (i) and (ii) will mean the standard rent in the case of buildings owned by Government and the actual rent payable *plus* incidental charges in the case of leased and requisitioned buildings.

(Finance memo.No.66566 (A) C.S.R., dated 12th October 1955.)

45-A I. This rule applies to members of the State and Subordinate Services, members of work charged establishments and menials paid from contingencies, holders of special posts and the members of the All India Services under the administrative control of Government.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings and the cost or value of the site (including expenditure on its preparation); and shall be either.—

(a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or when this is not known.

(b) the present value of the residence.

Note.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Illustrations.—The cost of replacing palmyrah rafters by Karimarudu or bamboo hurdling by teak wood reepers, or lime plastering by cement plastering should not be added to the capital cost of a building. The cost of deepening a well in order to restore the normal water-supply should not be added to the capital cost of a building. But the cost of replacing country tiles by Mangalore tiles, or a mud compound wall by a wall of brick in mortar plastered with cement or a cement floor by tiles should be dealt with in accordance with clauses (a) and (b) of paragraph 93 of the Madras Public Works Department Code.

Provided that—

(i) Government may make rules providing the manner in which the present value of residences shall be determined;

(ii) for purposes of sub-clause (a) above, the expenditure incurred on such work as —

(*a*) raising, levelling and dressing sites,

(b) construction of revetments, retaining walls, and

(c) storm water drainage, shall be regarded as expenditure upon the preparation of site;

(iii) Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation.

(iv) the capital cost, however calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government or (2) in other cases, the estimated amount of such charges.

(v) Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set a side, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided; and

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, Government may, by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(*a*) (i) In the case of a leased residence, the sum paid to the less or,

(ii) In the case of a requisitioned residence, the standard rent shall be the compensation payable to the owner of the building,

plus in either case an addition determined under the instructions given below, for meeting, during the period of lease or requisition, as the case may be, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be charged on Government and for the interest on such capital expenditure, as also for Municipal and other taxes in the nature of house or property tax, payable by Government in respect of such residence.

Note.—For the purpose of this clause, the additions for both the ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges except to the extra followed under proviso (iv) to clause II

Instructions.

Additions and alterations to leased residences.—In the event of any addition or alteration to the building being made with the consent of the owner subsequent to the signing of the lease at the request of the occupant and at Government expense, the following rules should govern the recovery of rent:—

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of that work less an allowance for deterioration, which should be fixed before the work is done, the standard rent will be raised so as to cover—

(a) such percentage rate as may as prescribed from time to time as the standard of return on productive irrigation works on the capital cost of additional work;

(b) the percentage or amount fixed for deterioration;

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Government);

or

(ii) if the landlord refuses to accept any liability for the additional work, the standard rent will be raised so as to cover during the period of the lease—

(a) the capital sum expended, including interest at such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works;

(b) the annual estimated charges for maintenance and repairs of the additional work.

Note.—The standard rent should be fixed when the work is completed.

In case (i), the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In case (ii), interest will be calculated on half the amount of the outlay.

(b) In the case of residential buildings owned by the Government, the standard rent shall be calculated at seven per cent per annum on the capital cost of the buildings.

[G.O. Ms. No.1639, Finance (F.R.I.) dept., dated 28th December 1973.]

Note.—Government may, by rule, permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine without the rent of the residence being increased.

(c) In both cases, standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above.

The standard rate of rent of a building shall be fixed at the nearest half-rupee or rupee as indicated below. In regard to rents of Rs. 5 and above, fractions of 50 paise and over shall be treated as one rupee, those below 50 paise being ignored. In regard to rents below Rs.5, fractions of 25 paise and above but below 75 Paise shall be taken as 50 Paise ignoring the fractions below 25 Paise and fractions of 75 Paise and above shall be rounded off as one rupee.

IV. When Government supplies an officer with a residence leased, or requisitioned or owned by Government, the following conditions shall be observed:—

(a) The scale of accommodation supplied shall not, except at the officers own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence at ten per cent of his family emoluments irrespective of the standard rent except in cases where a higher rate of rent has been fixed and shall forego the house rent allowance and (ii) municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax.

[G.O. Ms. No. 1639, Finance (F.R.I.) dept., dated 28th December 1973.]

Note.—For the purposes of clauses III and IV (b) (ii) of rules 45-A the portions of property tax levied on Government buildings by local bodies representing water, drainage, lighting and scavenging taxes shall be treated as being not in the nature of house or property tax.

(*c*) Notwithstanding anything contained in sub-clause (*b*) above, Government may—

(i) at any time, after the standard rents have been calculated under the provisions of clause III above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled:—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments;

(ii) by general or special order, provide for taking rent in excess of that prescribed in sub clause (b) above from an officer—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

(4) who is permitted to sub-let the residence supplied to him, or

(5) who sub-lets without permission the residence supplied to him, or

(6) who does not vacate the residence after the cancellation of allotment.

Instructions under Rule 45-A-IV (c)(ii)(1) and (2).

(1) When a Government servant, who is provided by Government with a residence attached to the post held by him occupies, for his own convenience, an additional residence either at or outside the headquarters or occupies, accommodation at the headquarters in excess of that appropriate to his status, the standard rent as defined in rule 45-A III (b) or 10 per cent of salary or the concessional rate that may be applicable to him whichever is least, should be recovered for the residence attached to the post held by him. The full standard rent as defined in Rule 45-A-III (b) should be recovered for the

additional residence or the additional accommodation occupied by the Government servant at or outside his headquarters, irrespective of his salary or of the recovery of rent for the residence attached to the post held by him.

(2) When a building is leased by Government for an officer who is not entitled to rent-free quarters, the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the buildings.

(*d*) When rent has been recovered short, through an error in calculation of standard rent or through mistake or inadvertence, the Government servant shall pay the deficiency on demand made within twelve months from the date on which the short recovery was made, in such number of instalments as the Government may direct.

(e) (i) Where the standard rent of a residence cannot be determined for reasons to be recorded in writing at that time of its allotment, the Government servant shall pay such rent as may be fixed by the Government on the basis of the actual expenditure on the construction or the cost of acquisition of the buildings, the cost of fittings therein and the known and anticipated liabilities relating thereto plus 10 per cent of the amount so arrived at or 10 per cent of his monthly emoluments, whichever is less.

(ii) The rent so fixed shall remain effective until the last date of the calendar month in which the standard rent for the residence is determined.

(iii) In addition to the rent referred to in sub-clause (e)(i), Government servant shall pay municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax and compensation for the charges payable by the Government in respect of the services provided for the residence.

(*f*) Notwithstanding anything contained in sub-clause (e)(i), if recovery for rent is made from a Government servant in respect of the residence allotted to him in accordance with that sub-clause or on any other basis adopted before the 6th January 1964 in respect of that residence and the standard rent for that residence has not been determined, the rent so recovered shall be deemed to be the rent for that residence recoverable under the rules.

Instructions.

In the case of Government servants occupying Government residential buildings, rent shall be recovered from them for the period of their occupation during joining time on transfers at the rates at which they are payable before their transfer.

Rent shall be recovered at the same rates from Government servants on transfer, who are allowed to occupy Government residential buildings beyond their joining time because neither the Government servants holding additional charge of the posts nor the incoming regular incumbents of the posts for whom the said buildings are intended are in need of them for the period of such extended occupation, provided that the new posts to which the Government servants are transferred do not carry higher scales of pay. In cases where the new posts to which the Government servants are transferred carry higher scales of pay, their enhanced rates of pay shall be taken into consideration for calculating rent at 10 per cent of their emoluments from the actual dates of their joining the new posts.

Rent shall also be recovered at the rates specified in the first paragraph from Government servants on transfer, proceeding to new stations during their joining time and occupying the Government residential buildings attached to such posts, if vacant, earlier than actually taking over charge of the new posts, for the period of such occupation during joining time.

V. In special circumstances, for reasons which should be recorded, Government—

(a) may, by general or special order, grant rent-free accommodation to any officer or class of officers, or

(b) *may, by* special order, waive or reduce the amount of rent to be recovered from any officer, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officer.

Note.1—A sanction accorded under clause V (a) of Rule 45-A will not exempt the occupant from liability for payment of rent for water supply, sanitary and electric installations and fittings which will be charged on the basis of 7 per cent on their capital cost except in the case of the following officers who have been exempted from the payment of such rented:—

[G.O. Ms. No.1639, Finance (F.R.-I), dated 28th December 1973.]

(a) Government servants drawing a pay of less than Rs.90 a month.

(b) Nursing Staff, House Surgeons and House Physicians in hospitals.

Explanation.—The term "nursing staff" shall include matrons, ward sisters, staff nurses, pupil nurses, midwives, house-keepers, Government stipended pupil midwives trained in English or in the languages of the State, woman nursing orderlies and woman attendants in mental hospitals when they are provided with rent-free quarters.

(c) Staff of the Raj Bhavan establishment.

(d) Assistant Sub-Inspectors, Reserve Assistant Sub-Inspectors, Head Constables and Police Constables drawing a pay of Rs.70 and above.

(e) All members of the Tamil Nadu Fire Subordinate Service below the category of Sub-officers.

Note 2.—In the case of buildings rented by the Government, rent for water-supply, sanitary and electric installations should be based on the cost of the installations as estimated by the Public Works Department Officers.

The orders in sub-paragraph (1) above shall apply also to private buildings taken on rent by Government servants of other departments who are in receipt of house-rent allowance in lieu of free quarters.

In the case of Police Officers, in Madras City, who occupy buildings rented by the Government and who are in receipt of house-rent allowance *in lieu* of free quarters, rent for water-supply and electric installations shall be recovered at the following rates:—

		For water-supply installation. Rs. P.	*For electric installation* Rs. P.
1.	Inspectors and Reserve Inspectors (Sergeants Major).	2 00 p.m.	2 50 p.m.
2.	Sub-Inspectors and Sergeants	1 00 p.m.	1 50 p.m.
3.	Special Branch Clerks (including Manager, Assistant Manager, Special Branch Clerks, Special Branch Clerks working in 'X' Branch, C.I.D., Assistant Manager and Clerks in the Intelligence Section, Madras) and C.I.D. Photographers	4 00 p.m. (Rent for both water-supply and electric installation.)	

The rates indicated against items (1) and (2) above shall apply to the rooms taken in the hotels.

The above rates shall apply also to buildings taken on rent by Police Officers themselves.

The above rates apply to Inspectors, Reserve Inspectors, Sub-Inspectors and Reserve Sub Inspectors in the districts also.

In the case of the officers of the Fire Service Branch who are in receipt of house-rent allowance *in lieu* of rent-free quarters, rent for water-supply and electric installations shall be recovered at the rates shown below:—

Rank of the officer in the Fire Service Branch.	*Rent at flat rate to be recovered per month.*	
	For water-supply installation.	*For electric installation.*
	Rs. P.	Rs. P.
(1) Station Officer (including Engineer Station Officer).	1 00	1 25
(2) Sub-Officer (including Engineer Sub-Officer).	0 50	0 75

The rates specified above will apply both in the case of private buildings rented by the Government for the Fire Service Officers as well as buildings rented by the Fire Service Officers themselves.

In the case of ministerial staff of the Special Branch, C.I.D., Madras (viz., Manager, Assistant Managers and Clerks) and the Photographer attached to the C.I.D., Madras who are occupying Government quarters or private building either rented by the Government for occupation by the staff or rented by the staff themselves, rent for water-supply and electric installation shall be recovered at the rate of Rs.2 per mensem each.

Instructions under Rule 45-A-V.

Exemptions from payment of rent may be sanctioned, with the previous approval of Government, when a building is rendered uninhabitable by reason of extensive repairs or for any other cause and is so certified by the Executive Engineer. The latter should forward his certificate to the Superintending Engineer, who will report to Government whether partial or total remission of rent should be allowed and for what period.

When only a portion of a Government residence becomes uninhabited, the occupant will be allowed the benefit of a remission of rent, only in the standard rent of the building excluding the proportionate rent of the portion rendered uninhabitable falls below 10 per cent of the occupant's emoluments.

Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant a remission of rent.

The total amount of rent and service taxes recoverable from any Government servant in respect of a Government residential building owned by Government shall not exceed 10 per cent of his emoluments. Government servants entitled to rent-free quarters will be exempted from the payment of service taxes. The concessional rates of rent fixed for certain Government servants under class VII (2) of the Tamil Nadu Manual of Special Pay and Allowances, Part I, shall be treated as the limits in force for the total of rent and service taxes, i.e., service taxes shall not be recovered from the occupant in addition to the rent at the concessional rate.

Note 1.—Heads of Departments may sanction remission of rent under the above instructions up to a limit of Rs.100 in each case.

Note 2.—A Government servant provided with free quarters may continue to occupy them free of rent when he proceeds on leave for a period not exceeding six months or 180 days, as the case may be, provided no substitute is appointed in his place or if a substitute is appointed, quarters are available for the substitute without any extra expense to Government. But the members of the Tamil Nadu Police Subordinate Service and the Tamil Nadu Fire Subordinate Service who are entitled to rent-free quarters as a condition of their service shall be allowed rent-free quarters or house-rent allowance *in lieu* thereof during leave period not exceeding six months or 180 days, as the case may be, irrespective of the fact whether substitutes are posted in their place and extra expense is involved.

If the leave is extended beyond the six months or 180 days limit, rent-free occupation of the quarters must cease.

Note.3—A permanent incumbent may during absence on leave or on duty elsewhere be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in his residence when both the conditions specified below are fulfilled:—

(1) the temporary incumbent does not require the residence and is exempted from the payment of rent for it; and

(2) arrangements cannot be made to lease the house during the absence of the permanent incumbent.

The concession of storage of furniture and other belongings under this note, free of rent, is subject to the conditions that if a claim for vacancy remission of property-tax becomes inadmissible consequent on such storage, an amount equal to the vacancy remission of tax that would otherwise have accrued is recovered from the Government servant concerned.

Note. 4.— The consent of the Finance Department may be presumed to have been given to all sanctions accorded by Government under this instruction.

VI. If a residence is supplied with services, other than water-supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed.

The rules prescribing as to how the additional rent and charges shall be determined and how the remission or reduction of the additional rent or charge in special circumstances shall be authorised, are given in the instructions below.

Note.—The value of the site should be excluded in calculating the additional rent to be charged for special services under this rule which involve the provision of additional site.

Instructions.

1. If, in any case, furniture is supplied to a residential building, a rent of 15 per cent per annum should be recovered on its capital cost.

Exceptions-1.—No rent shall be charged on the furniture supplied to the quarters and buildings attached to the Raj Bhavans at Madras and Ootacamund.

(G.O. Ms. No. 185, Finance, dated 6th March 1968.)

(1) Clerks' and Bandmen's quarters—Madras and Ootacamund.

(2) Quarters of the Manager, Office of the Private Secretary to the Governor, Tamil Nadu Guindy and Ootacamund.

(3) The servants' lines (218 servants' godowns), C.I.D. Inspectors' quarters, superior servants' quarters, and the hospital and dispensary attached to the Government House—Ootacamund.

Rent for additional furniture supplied to the above mentioned quarters either for the first time or in replacement of an old one shall be charged at 15 per cent.

2. State expenditure on the addition of tennis courts, gardens, ball-room floors, etc., should, as a rule, be limited to the residence of the Governor. The addition of cowsheds, fowl-houses, etc., to Government residences should be very rare and they should not be provided without the special sanction of Government in each case. When such amenities are supplied, additional rent will be charged on the outlay thereon at 6 per cent of the capital cost independently of the rent of the residence.

3. The charges for current or for excess water consumption should be paid by the tenant unless specifically exempted under the above rule.

Note.—A sanction accorded under Rule 5, under Rule 45 will be held to exempt an officer from the liability for the charges mentioned in Rule 45-A VI also.

4. In the case of Government buildings providing combined office and residential accommodation, the charges on account of excess water should be borne by Government and the tenants in the proportion of the excess water actually consumed. Separate meters should be supplied to the residential and non-residential portion for this purpose.

VII. The Government may, by rule, prescribe that this rule shall apply to any Government servant or class of Government servants other than those mentioned in this rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants who have been specially exempted from such payment or to effect the amount of rent or charges payable by these servants in whose case the amount so payable is prescribed by Government.

RULINGS.

(1) Proviso (i) obviously does no more than supplement clause (b) by setting the manner in which the present value is to be determined in cases in which the factors specified in clause (a) are not known. Proviso (iii) which unlike proviso (i), is a true proviso alters the operation of the substantive part of the rule by empowering Government to substitute for the capital cost determined in accordance with clause (a) in a case where the factors specified in that clause are known, a new capital cost represented by the present value, calculated in accordance with the rules made under proviso (i) for the primary purpose of determining the present value in cases to which clause (b) is applicable.

(G.O. Ms. No. 370, W., dated 12th March 1925.)

(2) For the purpose of this rule, the word "emoluments" does not include pension drawn from sources other than the Consolidated Fund.

(G.I.F.D. No.225-C.S.R., 27, dated 24th June 1927.)

Concession to low-paid Government Servants.

(3) The concessional rates of rent prescribed in category (2) under Clause VII Housing in Appendix I of the Tamil Nadu Manual of Special Pay and Allowances, Volume II, apply to all Government servants on duty whose average pay is less than Rs. 90 per mensem to whom quarters have been assigned by a general or special order. But, when a Government servant is permitted to occupy Government quarters during leave, rent should be recovered from him at the rate at which he is allowed to pay while on duty, i.e., at the concessional rate for those whose average pay is less than Rs.50 per mensem.

Continuance of rent-free concession during leave.

(4) It will be for the authority granting the leave to decide in each case whether the concession contemplated in Note 2 to the Instructions under Rule 45-A-V may be granted or not. A subordinate who is granted leave for a period exceeding six months in the first instance is ineligible for the concession.

(Finance Endts. No.13665-1/C.S.R., dated 18th April 1925, No.26227-1 C.S.R., dated July 1925 and No.34237-1/C.S.R., dated 5th October 1925.)

Note.— On the analogy of the principle laid down in Note 2 to the instructions under Rule 45-A-V, occupation of Government quarters free of rent or house rent *in lieu* of free quarters is admissible during the first six months or 180 days of leave regardless of the nature of the leave taken and irrespective of whether the leave was sanctioned in one spell or different spells provided that no substitute is appointed in the place of the absentee or if a substitute is appointed, quarters are available for the substitute without any extra expense to Government.

Provided that the members of the Tamil Nadu Police Subordinate Service and the Tamil Nadu Fire Subordinate Service who are entitled to rent-free quarters as a condition of their service shall be allowed rent free quarters or house rent allowance *in lieu* thereof during leave period not exceeding six months or 180 days, as the case may be, irrespective of the fact whether substitutes are posted in their place and extra expense is involved.

(5) The concession in Note 2 to the Instructions under Rule 45-A-V is not applicable to a Government servant, who is absent from the station on tour or who is permitted to spend part of the

summer at some hill station. In these circumstances the officer is still responsible for the full rent of the house.

This rule applies to all Government servants under the administrative control of Government.

*(*P.W.D. Memo. No.5199, Ac.24-C.P., dated 15th January 1925*.)*

Recovery of rent from City Police Subordinates who are eligible for the concession of free quarters.

(6) When subordinates of the Madras City Police overstay their leave by short periods and thereby exceed the limit of four months for which alone they are eligible for the concession of free quarters, rent for the period overstayed should be recovered. In the case of Government quarters the full standard rent should be levied whereas in the case of a hired house, rent charged should be the hire paid for the house together with the difference which the Government may have to pay in hiring a house for the substitute at a higher rate. Individual cases in which the application of this rule will cause hardship may be referred to Government for orders.

*(*G.O. Ms. No. 603, W., dated 7th June 1926*.)*

(7) Not only individuals but also a class of Government servants can be dealt with under clause V (b) of Rule 45-A.

*(*G.O. Ms. No. 733, Finance, dated 5th October 1929*.)*

Rent free concession to House Surgeons and House Physicians.

(8) Unpaid House Surgeons and House Physicians employed in Government hospitals also fall under item 52 of the list of Government servants entitled to rent-free quarters given under Class VII — Housing in Appendix I of the Tamil Nadu Manual of Special Pay and Allowances, Volume II, but not Honorary Medical Officers appointed in pursuance of the scheme of reorganisation of the Tamil Nadu Medical Services set out in G.O.No.3600, Public Health, dated the 23rd December 1937.

*(*Memo. No.276-3D-1, P.H., dated 3rd March 1938*.)*

(9) Government have ordered that the tap rate fees levied by a Municipality for consumption of water should be borne by the tenants of Government residences under Instruction 3 under Rule 45-A-VI.

*(*Public Works Department Memo. No. 5300-C/ 39-2, dated 18th October 1939*.)*

(10) The Occupants of the residential quarters in the following farms of the Animal Husbandry Departments, shall pay rent at concessional rate of five per cent of the emoluments instead of ten per cent subject to foregoing house rent allowance:—

(1) District Livestock Farm, Chettinad.
(2) District Livestock Farm, Orathanad.
(3) District Livestock Farm, Ootacamund.
(4) District Livestock Farm, Hosur.
(5) Salvage of Dry Cows Farm, Alamadhi (New quarters).
(6) District Livestock Farm, Tirunelveli.
(7) Sheep Breeding Research Station, Chinnasalem.
(8 District Livestock Farm, Pudukkottai.
(9) Sheep Farm, Kattupakkam.
(10) Poultry Farm, Kattupakkam.
(11) Livestock Farm, Korukkai.
(12) Institute of Veterinary Preventive Medicine, Ranipet.

The amendment hereby made shall be deemed to have come into force on the 22nd December 1975 in respect of item (11) and on the 1st April 1976 in respect of item (12).

[G.O. Ms. No.1106, Finance (F.R.I.) dept., dated 2nd November 1976.]

[G.O. Ms. No. 1256, Finance (F.R.I.), dated 24th September 1974.]

45-B. Omitted.

45-C. For the purposes of Rule 45-A "emoluments" means—

(i) Pay.

(ii) Personal pay.

(iii) Special pay.

(iv) Omitted.

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended.

(vi) In the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that, if such Government servant is subsequently allowed to draw pay for the period of suspension, the difference between the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, the King's Police Medal, the Indian Police Medal, the Order of British India or the Indian Order of Merit.

Note 1.—The emoluments of a Government servant paid at piece work rates shall be the total emoluments actually earned by the Government servant during the calendar month.

Note 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 3.—In cases in which a portion of the pension has been commuted, the term "pension" occurring in the rule means the full sanctioned pension prior to commutation.

Note 4.—The amount of pension to be taken into account will be the amount originally sanctioned, that is, before commutation, if any, and will also include the pension equivalent of death-*cum*-retirement gratuity and other forms of retirement benefits, if any, *e.g.*, Government's contribution to a Contributory Provident Fund, commuted value of pension, etc.

RULINGS.

Remuneration drawn by Veterinary Assistant Surgeon from Municipal Funds for meat inspection work

(1) The remuneration up to a maximum of Rs. 15 per mensem permitted to be drawn by the Veterinary Assistant Surgeons from Municipal funds for meat inspection work need not be taken into account as a fixed addition to pay with reference to clause (ii) of Rule 45-C, in calculating the rent recoverable from the Assistant Surgeons for the Government quarters occupied by them.

*(*G.O. Ms. No. 977, Development, dated 27th May 1941*.)*

Recovery of rent from a Government Servant under suspension who is subsequently reinstated.

In the matter of calculation of emoluments under Rule 45-C for the purposes of recovery of rent, a suspended Government servant who is treated as on leave (either on average pay or on half average pay), subsequently reinstated and whose period of suspension is treated as leave (either on average pay or on half average pay) should not be treated differently from a Government servant who goes on leave in the usual course. Such cases should accordingly be dealt with under Note 2 below Rule 45-C and not under clause (vi) under that rule.

(2) Dearness pay granted under rule 8 (v) of the Tamil Nadu Revised Scales of Pay Rules, 1960, shall be treated as pay under clause (i) of Rule 45-C.

(Memo. No.56369-A/F.R./65-4, Finance, dated 5th August 1965.)

46. (a) Fees.—Subject to any rules made under Rules 46-A and 47, a Government servant may be permitted, if this can be done without detriment to his official duties and responsibilities, to perform a specified service or series of services for a private person or

body or for a public body including a body administering a local fund and to receive a remuneration therefor, if the service be material, a nonrecurring or recurring fee.

Note.—This clause does not apply to the acceptance of fees by medical officers for professional attendance which is regulated by the orders of Government.

(G.O. No. 81, Public, dated 22nd January 1912.)

***(b) Honoraria*.—Government may grant or permit a Government servant to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of Government and its amount has been settled in advance.**

***(c) Fees and Honoraria*.—In the case of both fees and honoraria, the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in *Fundamental* Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.**

(d) Unless the *Government*, by special order or otherwise direct, one-third of any fee in excess of Rs.400 or, if a recurring fee, of Rs.250 a year, paid to a Government servant, shall be credited to general revenues.

[G.O. Ms. No. 1186, P & A R (F.R.III) Dept., dated 25.11.1981 – w.e.f. 25th November 1981]

RULINGS

Grant of Honoraria or fees.

(1) The rule requires that the reasons for the grant should be recorded in writing, so that the honorarium or fee should be subject to departmental and audit scrutiny. Audit officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

Grant of honoraria for conferences and overtime work.

(2) Temporary increase in work to the staff of an office due to the holding of special conferences under the auspices of a department or subordinate authority or of inter-departmental committees are normal incidents of Government service and form part of the legitimate duties of the Government servants employed on the work within the meaning of Rule 11. The Government servants so employed have, therefore, no claim to extra remuneration under Rule 46.

(G.O. No. 669, Finance, dated 17th October 1930.)

Grant of honorarium or fees for arbitration work.

(3) (i) When a Government servant is appointed to act as arbitrator in a dispute between the department of the Government in which he is working and a private party, he should not be granted any honorarium.

(ii) If, however, he is appointed as an arbitrator in a dispute between a private party and a department of the Government other than the one in which he is working, or other Governments or Union Territories, he may undertake such work and receive honorarium therefor on the following conditions:—

(a) Before undertaking the work, the officer shall, as required under Rule 46 (b), obtain prior approval of the competent authority, who shall decide whether, consistently with his official duties, he may be allowed to undertake the work and receive honorarium for it; and

(b) The honorarium payable will be decided by the Government.

(iii) In either of the above two cases, when any costs on account of arbitration are awarded against a private party, the entire amount, on recovery by the department concerned, shall be credited to government and shall not be paid to the arbitrator.

(4) A Government servant may, with the prior permissions of the competent authority as required under Rule 46(*a*), accept the appointment as an arbitrator in a dispute between private parties. At the time of giving such permission, the competent authority, who shall decide whether, consistently with his official duties, he may undertake the arbitration work and also whether he may accept any fee for it from the parties to the dispute.

(Memo. No.44019/FR/61-3, dated 11th July 1961.)

(5) No remuneration shall be given to District and Session Judges and other Judicial Officers for performing extra work during office hours.

(Government Memo. No.69988/FR/64-7, Finance, dated 5th May 1965.)

46-A. Unless the Government, by special order otherwise direct, no portion of any fee received by a medical officer for services, other than professional attendance, shall be credited to the Consolidated Fund.

47. The rules prescribing the conditions and limits subject to which the authority subordinate to Government may sanction the grant or acceptance of honoraria and the acceptance of fees, other than the acceptance of fees by medical officer for professional attendance are given in the following instructions:—

Instructions under Rules 46 and 47.

1. Subject to the conditions prescribed in Instructions 2 to 6, a competent authority (*vide* Instruction 7 infra) may sanction the grant of an honorarium to, or the acceptance of an honorarium or fee by a Government servant under its administrative control. In the case of Government Examinations, the Director of Collegiate Education, the Director of School Education and the Commissioner for Government Examinations and the Chairman, Tamil Nadu Public Service Commission, may, within the limits laid down, sanction the grant of an honorarium to any Government servant. No Government servant may accept an honorarium or fees without proper sanction.

2. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

3. Sanction must not be given to the acceptance of an honorarium or fees, unless the work for which it is offered has been undertaken with the knowledge and sanction of a competent authority, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it. A government servant may, however, accept without the sanction of any authority, any chairmanship, examinership or paper setting work offered by the Tamil Nadu Public Service Commission, or the Union Public Service Commission or other State Public Service Commissions in India or the Board of Examination of State Board of Technical Education and Training, Tamil Nadu and the appointment as Paper Setter, Moderator and Examiner offered by the Institute of Secretariat Training and Management, New Delhi and the remuneration therefor, provided that such acceptance will not in any way, prejudice his ordinary official duties.

[G.O. Ms. No.148, Personnel and Administrative Reforms (F.R.-I), dated 15th February 1979.]

4. No Government servant should be permitted to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund, and to receive as remuneration therefor a non-recurring or a recurring fee. In exceptional cases, where such service has to be performed by a Government servant, the permission of the Government should be applied for. Permission will be given by Government very rarely and under very clear circumstances justifying such a course, wherein the rare qualifications of the officer and the public importance of the service demand the utilization of his service. In cases where permission is granted by the Government, no portion of the fees earned by Government servants need by credited to the Government.

Note 1.—Literary, cultural and artistic efforts aided by knowledge acquired in the course of service will require prior permission of the competent authority and any income derived therefrom is to be treated as fee, but writing of reports or studies on selected subjects for international bodies like the United Nations Organisation, UNESCO, etc., and literary contributions to both Indian and foreign magazines will not require prior permission, if this is done un-aided by knowledge acquired in the course of service.

Note 2.—The above rule does not apply to fees received by Government servants from a University or other examining body in return for their services as examiners or for other work done in connection with the examinations, and to overtime fees. The authorities who are competent to sanction the undertaking of work covered by this note and the extent which they can sanction acceptance of fees therefor are given in Instruction 7 below.

Note 3.—The above Instruction does not apply to remuneration received by Government servants in the Education Department and the Technical Education Department for writing books.

Note 4.— The above Instruction does not apply to the remuneration received by Government servants of the Anatomy Department of Government Medical Colleges for undertaking the work of embalming dead bodies at the request of private parties.

Note 5.— The above Instruction does not apply to the remuneration received by Government Medical Officers for the examination and issue of certificates to private employees sent by their employers, provided that the examination is done at the Medical Officers' residence or consulting rooms.

Note 6.— The above Instruction does not apply to the fees received by the officers of the Forest Department for examinership in respect of the examination held by the Tamil Nadu Forest College, Coimbatore and the Forest Research Institute and College, Dehra Dun, under the Government of India.

5. No Government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

6. A Government servant called upon by a Court of Law to act as a Commissioner to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the Court.

6-A. A member of the teaching staff in the Education Department may be permitted by the competent authority (*vide* Instruction 7 below) to receive fees for private tuition.

Provided that members of the teaching staff in Government Colleges including the Colleges of Education shall not undertake private tuition and receive any fees.

[G.O. Ms. No. 43, P&AR (FR.Spl.) dept., dated 23-1-90.] (w.e.f. 17-9-86)

7. The delegations under these Instructions are given in **Appendix II**.

RULINGS.

Remuneration granted for services on purely personal grounds — whether a recurring honorarium.

(1) The honorarium paid to an officer selected as an examiner or lecturer on purely personal grounds irrespective of his position under Government, though these grounds may bring about his appointment in successive years or for a term of years, should not be treated as a recurring charge.

(2) Scholarship or stipend received by a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State is treated as honorarium under Fundamental Rule 9(9). It is only when a Government servant is awarded a scholarship or stipend from a source other than the above two sources, it will have to be treated as fees.

No portion of any scholarship or stipend, received during study leave or otherwise, by a Government servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State for the purpose of prosecuting a course of studies or receiving specialised training in professional or technical subjects need be credited to Government.

In cases where permission is granted by the Government, no portion of the payments received by Government servants as a result of full-time or part-time employment undertaken by them need be credited to the Government.

(Finance Memorandum No.30909/FR/60-4, dated 16th May 1960.)

(3) Secretaries to Government, Heads of Departments and Collectors (including I.A.S. Officers who have acted as Collectors or are holding executive posts of equivalent status) may, without the

sanction of any authority deliver lectures in the pre-Examination Training Centre to train Scheduled Caste/Scheduled Tribe candidates appearing for All India Services, when requested to do so by the Principal of the said Training Centre, once in an academic year and accept the honorarium of Rs.50* offered therefor.

(G.O.Ms.No.392, Finance, dated 23rd April 1969.)

*[G.O. Ms. No. 448, P&AR (FR.Spl.) dept., dated 30-10-90.] (*w.e.f. 7-8-87)*

48. Any Government servant is eligible to receive and except as otherwise provided by a general or special order of the Government, to retain without special permission.—

(a) the premium awarded for any essay or plan in public competitions;

(b) any reward offered for the arrest of criminal or for information or special service in connection with the administration of justice;

(c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder;

(d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and

(e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of the Government.

***Note*.—All Police Officers, other than Group A and B Officers, are permitted to accept—**

(a) special rewards offered by the Government;

(b) special rewards offered by private persons, subject to sanction by the Inspector General of Police as to whether the rewards should go to the individuals concerned or to a police fund, or partly to each;

(c) rewards offered by the Customs, Salt and Excise Department.

(d) rewards offered by the War Department for the apprehension of deserters; and

(e) rewards for the apprehension of absconding prisoners of war.

Sub-Inspectors of Police and Reserve Sub-Inspectors are permitted to accept money rewards on recognition of the work of special merit. Except as provided above, officers in the Police Department other than head constables and constables shall not receive without the permission of the Government any reward or fee of the kind referred to in clauses (*b*) to (*d*) of the rule but this prohibition shall not apply to rewards granted under section 50 of the Madras City Police Act, 1898.

RULING.

No Government servant shall accept any present or emolument of any kind from any foreign Government without the consent of the President of India. In all cases when a present or emolument is offered to any servant of Government by a foreign Government, it is essential to get the prior approval of the President of India before allowing the Government servant concerned to accept it.

[Memorandum No.77618 (F.R.) 62-3, dated 10th August 1962.]

48-A. A Government servant whose duties involve the carrying out of scientific or technical research, shall not apply for or obtain or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant, save with the permission of Government and in accordance with such conditions as Government may impose.

48-B. If a question arises whether a Government servant is a Government servant to whom Rule 48-A applies, the decision of Government shall be final.

Instructions under rules 48-A and 48-B.

1. Application for permission under Rule 48-A of the Fundamental Rules should be made by the Government servant making an invention to the head of his department or if he is himself the head of the department, to the Government.

2. The head of the department should deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delaying in making his application at the Patent Office and should forward it with his recommendations to the Government.

3. Permission may be granted by the Government to the applicant without any restriction, if the invention has no connection with the Government servants' official duties and has not resulted from facilities provided at Government expense.

4. If the invention is made in the course of the Government servant's official duties or has resulted from facilities provided at Government expense, then—

(a) If the invention is of such general interest and utility that the public interest will be best served by allowing the Public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An *ex-gratia* payment should ordinarily be made to the inventor as a reward in all such cases;

(b) if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable, the inventor should be directed to take out a patent and to assign his rights under the patent to the President of the Republic of India. In all such cases, the inventor should be rewarded either by a suitable lump-sum payment or by a liberal percentage of the profits made by Government in connection with the invention.

(c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking to permit Government the use of the invention either without payment or on such terms as they may consider reasonable.

5. When the invention has been assigned to the President of the Republic of India under Instruction 4 (b) above, the Government may exploit the patent themselves, or

(a) advertise the patent and grant licences on payment to manufacturers,

or

(b) sell the rights under the patent to a firm or to a private person.

6. In order to secure reasonable uniformity or practice and to secure for Government the full benefits of inventions, the Controller of Patents and Designs should ordinarily be consulted before any awards are made under clauses (*a*), (*b*) and (*c*) of Instruction 4 above or steps are taken for the exploitation of the patents under Instruction 5 above.

CHAPTER VI – COMBINATION OF APPOINTMENTS

49. The Government may appoint a Government servant whether permanent or officiating, to hold full additional charge or to discharge current duties of * *"any one independent post, either under Government service or under foreign service on deputation, in addition to his regular post"* at one time as a temporary measure, and grant additional pay subject to the following limits:-

***(1) (i) When a Government servant belonging to Group A or Group B, either permanent or officiating including a re-employed pensioner or a permanent employee of a local body, holding a temporary post or officiating in a post under Government is appointed to hold full additional charge of a post, additional pay shall be allowed only if the period of additional charge is more than thirty nine days. In computing the period of additional charge, holidays and casual leave should also be included.**

***(ii) No additional pay shall be granted for holding additional charge of current duties of any post.**

***(iii) Additional pay for holding full additional charge shall be granted at the rate of one fifth of the pay drawn in the regular post or half of the minimum pay of the additional post, whichever is less. The additional pay shall be sanctioned irrespective of the duration of the additional charge held by Group – A and B officers only.**

***(iv) In the case of a Government servant whose additional pay has already been authorised for payment, with reference to their respective officiating or substantive pay, no arrears of such additional pay shall be paid in pursuance of subsequent retrospective orders of confirmation, completion of probation or regularisation of services in the post held by him resulting in an increase of substantive pay or pay in the regular post. But such additional pay may be calculated and paid on the basis of such orders, if it has not already been authorised for payment.**

***(v) Additional pay shall be allowed to an officer holding a Government post when he is appointed to hold full additional charge of another post under foreign service on deputation and to an officer under foreign service holding full additional charge of another post in another foreign employer.**

*Explanation I — In the case of a pensioner re-employed, the pay drawn by him in the re-employed post along with the pension originally sanctioned that it is before commutation, if any together with the pension equivalent of the Death-cum-Retirement Gratuity admitted to him as retirement benefit shall be taken as officiating pay for this purpose.

*Explanation II—For the purpose of this rule, the expression 'pay' and 'substantive pay' shall not include any special pay.

*Explanation III—Whenever the post held in full additional charge is a post under a foreign employer, the additional pay shall be borne by the foreign employer concerned.

***(vi) The additional charge arrangement under this rule shall not be made to Group C and D posts / officials. The duties and responsibilities of the vacant post in these categories shall be distributed equally among others in the same cadre or category or post.**

***(2) (a) In addition to the additional pay, the Government servant shall also be permitted to draw the compensatory allowance in full, attached to any one of the posts, whichever is higher.**

*Note 1.—The authority competent to appoint a Government servant to hold additional charge of a post shall declare whether he holds full charge of the other additional post or is appointed merely to discharge the current duties.

*Note 2.—No additional pay shall be granted unless the previous incumbent of the other post has actually given over charge thereof under orders of the competent authority. In the case, however, of additional charge of a new post which does not involve handing over charge thereof by the previous incumbent, additional pay shall be admissible subject to the provisions of this Rule, from the date of incumbent signs the certificate of transfer of charge when taking over additional charge of the new post.

*Note 3.—Leave not exceeding two months taken by a Government servant holding additional charge of another post shall not be construed as constituting a break in the additional charge arrangement.

*Note 4.—No additional pay shall be allowed during any period of vacation, unless the additional duty is performed during such period.

*Note 5.—Additional pay shall not be allowed as a matter of course or granted when the extra duties to be performed are only nominal or comparatively light.

*Note 6.—Additional pay as defined under ruling (2) under Fundamental Rule 9 (21) (a) shall not count as pay for purposes of calculating compensatory allowances.

[*Substituted in G.O.Ms.No.153, P&AR (FR-IV) Dept., dated 05.12.2017 – *w.e.f.* 5.12.2017]

Delegations *under Rule 49-See Appendix II.*

RULINGS.

Interpretation of the term "independent" occurring in the rule.

(1) The term "independent" occurring in Rule 49 should be interpreted to mean "separate" or "distinct".

(G.O. Ms. No. 502, Finance, dated 19th July 1928.)

Note.—The following posts are considered as independent for the purpose of this rule.

Agriculture Department.

*(a) Agricultural Officers.

*(Substituted vide G.O.Ms.No.104 P&AR(FR.IV) Dept, dt. 2.9.2002 w.e.f. 21.01.1981)

(b) Agriculture Engineering Supervisors.

Directorate of Treasuries and Accounts.

Upper Division Clerks and Sub-Treasury Officers in Sub-Treasuries.

(G.O. Ms. No. 1049, Finance, dated 31st August 1964.)

Forensic Science Department

Personal Assistant to Director (Administration).

[Vide G.O.Ms.No.443, P&AR (FR.SPL.) dept., dated 29-10-90 w.e.f. 8-1-90.]

Jail Department.

(a) Store-keeper and Accountants are independent of the posts of the Upper Division Clerks.

(b) Dyeing Master and Additional Dyeing Master in the Central Jail, Coimbatore.

Police Department.

(a) Manager and Accountants in the District Police Office and Regional Transport Office.

(b) Chief Accountants and Superintendents in the Fire Services Branch of the Office of the Inspector-General of Police.

Explanation.—No additional pay is admissible to the Accountant in the District Police Office for holding additional charge of the post of a clerk in that office.

Public Health Department.

Health Inspectors and Health Visitors working in the various Public Health Schemes.

[G.O. Ms. No. 322, Finance (F.R.I.) dept., dated 20th March 1976.]

Revenue Department.

(a) Head Clerks and 2nd Clerks in the Revenue Divisional Office.

(b) Tahsildars and Assistant Tahsildars.

(c) Clerks and Head Accountants in the Taluk and Sub-Taluks.

(d) Firka Revenue Inspectors.

(e) Village Administrative Officers.

Additional Charge in leave vacancies.

(2) In cases where leave reserve has been provided for in a cadre, the appointment of officers to hold additional charge of the posts of officers going on leave should not generally be made, as such arrangements amount to increasing the strength of the cadre and throw extra cost on Government. The leave vacancies should be filled only by the leave reserve officers and exceptions can be allowed only when there are special circumstances justifying the arrangements, e.g., when it would be cheaper to make appointments under Rule 49 than to transfer for this purpose an officer from a distant station.

[G.O. Ms. No. 2858, P.H.(L.S.G.), dated 19th December 1933.]

Admissibility of Special Pay attached to a post or granted for the collateral duties of the post for purpose of determining additional pay

(3) The Special pay attached to the post held in additional charge will not be taken into account for purposes of calculation of additional pay. But in cases where the responsibility or work in consideration of which the special pay is sanctioned pertains to a post which is separable but not independent, then the special pay may be allowed in full in addition to the additional pay admissible under Fundamental Rule 49.

(Finance Memo.No.38054-F.R.,58-1, dated 26th April 1958.)

A School Assistant who is placed in full additional charge of the posts of Headmaster or Headmistress in a Government Secondary and Training School and draws additional pay therefor, may be allowed the special pay attached to the latter post.

(4) In case where a Junior Engineer holds additional charge of a Supervisor's post, the minimum pay of the post for the purpose of calculating additional pay shall be Rs.225 per mensem. In case where a diploma-holder holds additional charge of the supervisor's post, the minimum pay for the purpose shall be Rs.150 per mensem.

(5) (1) Post in respect of which additional charge arrangements have to be ordered can be classified as—

(i) those not in the same office establishment or line of promotion and cadre; and

(ii) those in same office, establishment or line of promotion and cadre.

Those in category (i)— as illustrated below are clearly independent and are eligible for the grant of additional pay.

Illustrations.

(a) Commissioner of Labour holding charge of the post of Registrar of Co-operative Societies.

(b) Co-operative Sub-Registrar in the regular line holding charge of the post of Extension Officer (Block).

(c) Deputy Secretary to Government holding charge of a post of Head of a Department.

(2) Many posts, in respect of which additional charge arrangement can be ordered, happen to be in the same line of promotion, the same office and the same cadre.

Cases in this category may be divided further into—

(*a*) additional post subordinate to post originally held;

(*b*) additional post equivalent and of same rank as that of the regular post; and

(*c*) additional post superior to the regular post.

(3) **Additional *post subordinate to the regular post***.—In such cases, additional pay is not permitted.

Illustrations.

(a) Superintendents of Police holding charge of the post of Assistant Superintendent of Police or Deputy Superintendent of Police.

(b) Collector holding charge of the post of Revenue Divisional Officer, under him.

(c) Superintending Engineer holding charge of post of Executive Engineer under him.

(d) Municipal Commissioner should not be placed in additional charge of the post of Municipal Engineers and Municipal Health Officer and be allowed additional pay.

When the Municipal Engineer or the Municipal Health Officer goes on leave without a substitute the Commissioner may relieve him and look after his routine work without any claim for additional charge allowance.

(Letter No. 102098/FR III/81-6, Personnel and Administrative Reforms Department, dated 4.5.1982.)

The reason for the non-grant of additional pay is that in the normal course, the superior officer is expected to supervise the work of the subordinate and the additional charge arrangement should not in the normal course entitle him to extra remuneration. The work of the additional post should be redistributed among other subordinates in such a way that each one's load of work is increased to a small extent that no one is entitled to additional pay.

(4) ***Additional Post equivalent to the regular post***.—(i) When additional charge arrangements are in respect of different territorial jurisdictions, the posts are definitely independent. In such cases additional pay is admissible.

Illustrations.

(a) A Revenue Inspector of one firka holding charge of another firka.

(b) A Revenue Divisional Officer of a division holding charge of another division.

(c) An Executive Engineer of one division holding charge of another division.

(ii) When the posts hold are in the same office and of the same rank, additional pay shall not be admissible if the duties of the said additional post are of exactly identical nature and if the responsibilities are such as can easily be spread out among others holding the same posts.

Illustrations.

If a Personal Assistant to a Collector goes on leave and if the Collector has a number of other Deputy Collectors working under him in the Headquarters Office, he should consider whether he cannot distribute the responsibilities of the Personal Assistant to the other Deputy Collectors so as to increase each one's load by a small extent.

(iii) Additional Pay shall be admissible only when the responsibilities are indivisible and cannot be distributed to more than one officer. In such cases, a certificate to the effect that the responsibilities of the post held in additional charge are not divisible, should be furnished by the competent authority sanctioning additional pay.

Illustrations.

(a) Secretary to Government of one Department holding charge of the post of another Secretary of another Department;

(b) Deputy Director of Animal Husbandry (Key Villages) or Deputy Director of Animal Husbandry (Administration) or Deputy Director of Animal Husbandry (Extension) holding charge of the other post.

(c) In the office of the Superintending Engineer with a number of draftsmen-one draftsman dealing with designs holding charge of the post of draftsman not dealing with designs.

(5) ***Additional* post *superior to the regular post***.—In cases where the superior posts carry higher scales of pay and where the pay scales of the higher and lower posts are the same or are

overlapping, e.g., when a Deputy Secretary in the I.A.S. cadre holds additional charge of the post of Secretary also in the I.A.S. cadre, the arrangement is to permit the payment of additional pay.

[G.O. Ms. No. 587, Finance (F.R.) dept., dated 21st April 1972.]

***Illustrations*.**

(a) Deputy Secretary to Government in the I.A.S. cadre holding charge of the post of Secretary to Government in the I.A.S. cadre.

(b) Assistant Superintendent of Police holding charge of the post of Superintendent of Police in the I.P.S. cadre.

(G.O. Ms. No. 231, Finance, dated 4th March 1959.)

CHAPTER VII—DEPUTATION OUT OF INDIA.

50. No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Central Government.

51 (1) When a Government servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India:

Provided that a Government servant, who is placed on deputation while already on leave out of India on average pay, may be required to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India; the cost of passages from and to India shall be borne by him.

Note.—The portion of the pay which a Government servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the Central Government in this regard from time to time.

(2) A Government servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the Central Government may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the Central Government may, by order prescribe.

Note 1 to Rules 50 and 51.—Government may depute a subordinate police officer to any country outside India to accompany or take charge of criminals or lunatics or on any other business which forms part of his duty as a police officer and may grant to the officer so deputed (a) full pay for the entire period of absence from India, with (*b*) actual travelling expenses and a subsistence allowance not exceeding the following scale while in any country outside India.

	£	*s.*	*d.*	
To an officer of the Inspector Class	1	2	6	a day
Do. Reserve Sub-Inspector Class	0	15	0	a day
Do. Constable Class				

Delegation.

The powers of Government under this note may be exercised by the Inspector-General of Police, Deputy Inspector-General of Police and the Commissioner of Police, Madras, subject to the condition that the allowances of the subordinate police officers deputed other than pay, are regulated by the Tamil Nadu Travelling Allowance Rules.

Notes 2 – 4 — Omitted.

Note 5.—Rules regulating the grant of travelling and halting allowances of officers of the State and Subordinate Services and holders of special posts serving under Government when sent abroad on deputation are given in Appendix II.

Explanation — The pay of the officers concerned who may be deputed to work out of India is governed by Fundamental Rule 51.

Exception — These rules do not apply to cases governed by special rules, e.g., study leave, forest tours, etc.

RULINGS.

(1) In the expression “pay which he would have drawn had he remained on duty in India” occurring in Rule 51 (1), the expression “pay” should be interpreted literally with reference to Rule 9(21) and should be determined by the appropriate authority in India.

(2) In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with Commissions and Committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the Commission or Committee there.

[G.I.F.D., Endorsement No. F-4(II) R-I/30, dated 27th July 1931.]

Note.—The Accounts Officer should intimate to the High Commissioner in each case after consultation with Government, the pay which an officer would have drawn, if on duty in India.

(G.I.F.D., letters to the India Office No. F-47 R-1, dated 29th May 1928.)

(3) The position regarding the grant of travelling allowance passage to officers, who are sent on deputation abroad and who take leave—either in India or abroad—immediately before, during or immediately after a period of deputation (including deputation-*cum*-special leave) has been considered and, in supersession of the earlier orders in this regard, is decided as follows:—

***A. Leave availed of in India*.—(i)** Leave of any kind taken in India, whether immediately before the commencement of the period of deputation or immediately on return to India at the end of such deputation will have no effect on the deputed officer's title to passage and normal transit time pay in respect of the portions of journeys undertaken during the period of deputation as admissible to him.

In such cases, if the leave is taken immediately before the commencement of the deputation, the period of deputation, subject to the provisions of sub-paragraph (ii) below, will be deemed to commence from the date on which the officer embarks on his journey from the last sea/air port, in India. Similarly, if the leave is taken immediately at the end of deputation, the period of deputation, subject to the provisions of sub-paragraph (ii) below, will be deemed to end on the date on which the officer disembarks at the first sea/air port on arrival in India.

(ii) If the leave taken in India in conjunction with the period of deputation is of the nature of earned leave for a period not exceeding 120 days, the normal time taken by the officer on his journey from the place where he was sending his leave to the sea/air port of embarkation, limited to the normal time taken on the journey from his headquarters in India to the port of embarkation or the normal time taken on the journey from the port of his disembarkation to his headquarters, may under the orders of the authority competent to sanction the deputation be treated as transit time and included in the period of his deputation. In cases of leave not exceeding 120 days, irrespective of the nature of leave, he may also be granted travelling allowance for his journeys in India if such journeys really arise out of and are incidental to his deputation abroad, travelling allowance being allowed from the place where the officer was spending his leave to the port of embarkation or from his normal headquarters to the port of embarkation, whichever is less, in the case of outward journeys and from the port of disembarkation in India to the normal headquarters in the case of return journeys.

N.B.—The provisions of sub-paragraph (ii) above will not be applicable in the cases of leave exceeding 120 days.

B. Leave availed of outside India.—(i) In case leave is taken abroad before, during or at the end of the period as deputation on medical grounds or in order to spend profitably of period of enforced halt due to unavoidable waiting for a passage, such leave will have no adverse effect on the officer's title to normal transit time, pay and passage. The period of leave itself should, of course, not be treated as part of the period of deputation and no daily allowance, travelling allowance or other concessions will be admissible during such leave.

(ii) An officer, who has proceeded abroad on deputation, may in the exigencies of public service permitting, be granted a short spell of leave abroad for personal reasons at the commencement, during or at the end of his assignment abroad without affecting his title to the normal transit time pay and passage to and fro as admissible under the rules. Such leave should not, however, exceed 50 per cent of the actual period of duty performed/to be performed outside India (excluding the transit time from India to the country of deputation and back and enforced halts, if any) or a fortnight, whichever is less. The Officer will not be granted any daily allowance or travelling allowance or any other concession during such period of leave.

(G.O. Ms. No. 820, Finance, dated 27th June 1961.)

(4) The period spent in Delhi for pre-departure formalities (e.g.,) medical examination, passport, travel arrangements, etc., upto a maximum of four days may be treated as transit time in the case of Government servants stationed outside Delhi and required to proceed to Delhi prior to their proceeding on deputation out of India.

(G.O. Ms. No. 428, Finance, dated 31st March 1964.)

(5) If a Government servant, either permanent or officiating is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any Special duty on which he may temporarily be placed, and if a substitute is to be appointed in his place, it is not necessary to issue formal orders creating a new post in order to accommodate him during the period of deputation out of India. Since the very order of deputing him for duty out of India would be considered a sanction in this regard.

[G.O. Ms. No. 656, Finance (F.R.), dated 8th May 1972.]

51-A. When a Government servant is, with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi permanent post other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

CHAPTER VIII—DISMISSAL, REMOVAL AND SUSPENSION.

52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

53 (1) A Government servant who is placed or deemed to have been placed or continues to be under suspension shall be entitled to the following payments, namely:-

(*a*) Subsistence allowance at an amount equal to half of the pay last drawn by the Government servant and in addition dearness allowance, if admissible on the basis of half of the pay last drawn:

(G.O. Ms. No. 180, Personnel and Administrative Reforms Department, dated 4th March 1983.)

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made, the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-

(i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, directly attributable to the Government servant;

(iii) the amount of dearness allowance shall be based on the increase or the decrease in the amount of subsistence allowance, as the case may be, admissible under clause (i) or (ii) above:

Provided further that if a Government servant under suspension continues to be under suspension after the date of retirement, the amount of subsistence allowance shall be reduced to the amount of pension which will be provisionally admissible to him, whether or not the Government servant will be exonerated of the charges for which he was placed under suspension and the provisions of the preceding proviso shall not apply to such cases.

(b) The authority which made or which is deemed to have made the order of suspension may, if it is satisfied that the Government servant continues to incur the expenditure for which the compensatory allowances are granted, direct that the Government servant shall be granted in addition, such compensatory allowances as are admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension as the Government may sanction by general or special order.

(c) Government servants under suspension shall be paid house rent allowance in full at the rates admissible at the place where they are ordered to stay during suspension with reference to the pay last drawn before suspension. Where the headquarters of a Government servant under suspension is changed on his request, he shall be eligible for the house rent allowance at the rates admissible at the earlier headquarters or at the new headquarters whichever is less.

[G.O. Ms. No. 113, P&AR Department, dated 16th February 1983 — With effect from 8th March 1982.

[G.O.Ms.No.351, P&AR(FR.III) Department, dated 6th April 1985.]

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed, or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement under

clauses (3) and (4) of rule 17(*e*) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and who fails to furnish such a certificate for any period or periods during which he is deemed to have been placed or to continue to be under suspension, he shall be entitled to subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be falls short of the amount of subsistence allowance and other allowances, that would otherwise be admissible to him but when the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

(G.O. Ms. No. 1384, Finance, dated 17th December 1965.)

(3) No payment under sub-rule (1) shall be made unless the Government servant continues to reside in the place fixed from time to time, by the authority which made or which is deemed to have made the order of suspension.

(G.O. Ms. No. 1595, Finance, dated 22nd October 1969.)

(4) (i) If a Government servant is suspended while on foreign service for any lapses committed by him or for any criminal misconduct not connected with his office work during the course of his employment in the Government service prior to his appointment to foreign service, the foreign employer shall pay the subsistence allowance initially. The subsistence allowance so paid by the foreign employer shall be reimbursed by the Government later.

(ii) If a Government servant is suspended while on foreign service for any lapse committed by him or for any criminal misconduct not connected with his office work during the course of his employment in the foreign service, the foreign employer shall pay the subsistence allowance till the case is disposed of:

Provided that in the case of criminal misconduct, if foreign employer does not want extension beyond the existing period of deputation of a Government servant, the Government servant shall be deemed to have been reverted to Government service on the expiry of the period of deputation and the subsistence allowance paid by the foreign employer beyond the period of deputation shall be reimbursed by the Government later.

(G.O. Ms. No. 737, dated 24th July 1984.)

5. If a Government servant under suspension continues to be under suspension after the date of superannuation in view of pending disciplinary proceedings against him, and is fully exonerated from the charges against him later, he shall be paid dearness allowance as admissible on normal superannuation and house rent allowance and city compensatory allowance as admissible prior to the date of superannuation for the period from the date subsequent to the date of superannuation till the date on which final orders on the disciplinary proceedings are issued.

[G.O.Ms.No.396, P&AR (FR.III) Department, dated 16th April 1985—with effect from 5th March 1984.]

6. (i) If a Government servant is suspended while on foreign service for any lapse committed by him or for any criminal misconduct not connected with his office during the course of his employment in the Government service prior to his appointment to foreign service and subsequently, if the period of suspension is regularised as duty or leave period according to the merits of the case, the pay or leave salary shall be paid by the Government themselves.

(ii) If a Government servant is suspended while on foreign service for any lapse committed by him during the course of his employment in the foreign service and subsequently if the period of suspension is regularised as duty or leave according to the merits of the case, the pay or leave salary shall be paid by the foreign employer.

(iii) If a Government servant is suspended while on foreign service for any criminal misconduct not connected with the office work during the course of his employment in the foreign service and subsequently if the period of suspension is regularised as duty or leave according to the merits of the case, the pay or leave salary shall be paid by the foreign employer until the expiry of the period of deputation and by the Government beyond the period of deputation.

[G.O. Ms. No. 261, P&AR (FR. Spl.) Dept, dated 30.5.1990 — with effect from 4th October 1983.]

Instruction.

In the case of a Government servant whose subsistence allowance is drawn on an establishment pay bill, a certificate to the effect that he continues to reside in the headquarters fixed by the competent authority should be obtained from him by the head of the office before the subsistence allowance is disbursed to him. In the case of a Government servant who draws his own bill, a similar certificate should be attached to the bill claiming his subsistence allowance.

(G.O. Ms. No. 893, Finance, dated 18th July 1970.)

RULINGS.

(1) *Deleted.*

(2) *Recovery* from the subsistence grant due to a Government servant shall be made as follows:—

(*a*) *Compulsory deductions*—

(i) Income-tax and super-tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable.)

(ii) House rent and allied charges, i.e., electricity, water, furniture, etc.

(iii) Repayment of loans and advances taken from Government at such rates as the head of the department deems it right to fix.

The above deductions shall be enforced from the subsistence allowance.

(*b*) *Optional deductions*—

(i) Premium due on Postal Life Assurance Policies.

(ii) Amounts due to Co-operative Stores and Co-operative Credit Societies.

(iii) Refund of advances taken from General Provident Fund.

The deductions under category (*b*) above shall not be made from the subsistence allowance except with the written consent specifically obtained from the Government servant under suspension.

The following deduction shall not be made from the subsistence allowance:—

(i) Subscription to a General Provident Fund.

(ii) Amounts due on Court attachments.

(iii) Recovery of loss to Government for which a Government servant is responsible.

As regards recovery of overpayments, there is no bar to effect the same from the subsistence allowance but the competent administrative authority will exercise discretion to decide whether the recovery should be held wholly in abeyance during the period of suspension, or it should be effected at full or reduced rate, depending on the circumstances of each case.

(Finance memorandum No. 95089-F.R. 59-9, dated 15th October 1960.)

Note.—The recovery of overpayments from a Government servant under suspension shall not ordinarily be made at a rate greater than one third of the amount of the subsistence allowance, i.e., exclusive of dearness allowance, if any, admissible to him under Rule 53(1)(a).

(Memo. No. 133158 F.R./61-3, dated 4th January 1962.)

(3) *Deleted*.

(4) When an officer placed under suspension and subsequently dismissed is reinstated in pursuance of an *order* passed by the Government or an authority subordinate to them and is again placed under suspension immediately from the date of such reinstatement, the second suspension cannot be treated as continuance to the first one. Subsistence allowance has, therefore, to be allowed at the rate of one-half of average pay for the first year during the second period of suspension also. The question as to how the first period of suspension should be treated would be decided only after the officer's case is finally disposed of and hence the difficulty arises as to how the average pay should be calculated for the purpose of fixing the subsistence allowance during the second period of

suspension. In such cases, the average pay adopted during the first period of suspension may be adopted during the second period of suspension also.

(G.O. Ms. No. 1854, Finance, dated 21st November 1956.)

(5) The expression "pension which will be provisionally admissible" occurring in the second proviso under *clause* (a) of sub-rule (1) of Fundamental Rule 53 ordinarily means pension normally admissible to the Government servant, and therefore no recovery need be made from him subsequently due to the reduction in pension ordered at a later stage. But, if it has been decided provisionally to reduce the pension of a Government servant under suspension before he attains the age of superannuation the subsistence allowance for the period of suspension beyond the age of superannuation may be restricted to such reduced pension.

(Memo. No. 14564 F.R. 62-4, dated 31st May 1962.)

(6) *Ration* allowance shall be granted to a Government servant during the period of suspension.

In the case of a Government servant who continues to be kept under suspension after the date of compulsory retirement from service, market rate of rent shall be charged for occupation of Government quarters beyond the date of such compulsory retirement.

(Finance Memo. No. 49722/FR-63-3, dated 7th August 1963.)

(G.O. Ms. No. 947, Finance, dated 7th October 1967.)

(7) In *the* case of a Government servant who is deemed to have been placed or continues to be under suspension from the date of dismissal, removal or compulsory retirement from service, as the case may be, under clauses (3) and (4) of sub-rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, he shall be paid subsistence and other allowances with retrospective effect from the date of order of such dismissal, removal or compulsory retirement subject to the provisions of Fundamental Rule 53 (2) and the proviso thereunder. It is not necessary to invoke the law of limitation while paying the arrears of subsistence and other allowances in such a case.

[G.O. Ms. No. 1385, Finance (FR/Spl.) dept., dated 17th December 1965.]

(8) In *the* case of Government servants under suspension the subsistence allowance, after the first twelve months period can be increased or decreased and the increase or decrease can be for any period and at any time. The authorities empowered to place Government servants under suspension are competent to reduce the amount of the allowance for any period after the first increase or to increase it after an initial decrease on the expiry of the first twelve months. But such a reduction or increase shall be subject to the maximum limits laid down in the proviso to Rule 53(1) (a) (i.e.), up to 50 percent of the subsistence allowance admissible during the period of twelve months.

(Finance Memo. No. 133806/FR/64-8, dated 31st August 1964.)

(9) The *provisions* of Fundamental Rule 53 may be adopted in the case of menials paid from contingencies during the period of suspension.

(G.O. Ms. No. 1394, Finance, dated 17th December 1966.)

But in their case the rate of subsistence allowance shall be the half of the total emoluments (which will include Dearness Allowance and other allowances) drawn by them prior to suspension.

[G.O. Ms. No. 613, Personnel and Administrative Reforms (F.R.I.) dept., dated 24th May 1978.]

(10) The provisions of Fundamental Rule 53 may be adopted in the case of members of the non-provincialised work-charged establishment of the Public Works and Highways and Rural Works Departments during the period of suspension.

[G.O. Ms. No. 1208, Finance (F.R.), dated 6th September 1972.]

54 (1) When a Government servant, who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal or review or would have been so reinstated (but for his retirement on superannuation while under suspension or not), the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal, or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole), of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2) the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (2) of Article 311 of the Constitution and no further inquiry is proposed to be held) the Government servant shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of the pay and allowance to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period, which, in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice:

Provided that any payment under this sub-rule to a Government servant shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such Government servant are passed by the appellate authority or reviewing authority or immediately preceding the date of retirement on superannuation of such Government servant, as the case may be.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as period spent on duty, unless the competent authority specifically directs that it shall be treated for any specified purpose :

Provided that if the Government servant so desires, such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

Explanation.—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of six months in the case of non-permanent Government servant; and

(b) leave of any kind in excess of five years in the case of a permanent Government servant or an approved probationer.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 53.

(8) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

54-A. (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a court of law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the court.

(2) (i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of rule 54, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled to had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period which, in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice:

Provided that any payment under this sub-rule to a Government servant shall be restricted to a period of three years immediately preceding the date on which the judgment of the court was passed, or the date of retirement on superannuation of such Government servant, as the case may be.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularised in accordance with the provisions contained in sub-rule (5) of rule 54.

(3) If the dismissal, removal or compulsory retirement of a Government Servant is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

54-B.1. (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation *or compulsory retirement while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

- **(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement on superannuation *or compulsory retirement, as the case may be; and**
- **(b) whether or not the said period shall be treated as a period spent on duty.**

(2) Notwithstanding anything contained in rule 53, where a Government servant under suspension dies before the disciplinary or the court proceedings instituted against him are concluded, the period between the date of suspension and the date of death, shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

**[G.O. Ms. No. 282, P&AR (FR-Spl.) Department, dated 12-6-90 – w.e.f. 19th August 1989.)*

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended :

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation (within sixty days from the date on which the communication in this regard is served on him) and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3), the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3), the Government servant shall, subject to the provisions of sub-rules (8) and (9) be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period which, in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1), who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

Explanation.—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of six months in the case of a non-permanent Government servant; and

(b) leave of any kind in excess of five years in the case of a permanent Government servant or an approved probationer.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 53.

2. The grant of pay and allowances or a proportion of them under rule 54 or 54-A or 54-B does not cancel any officiating arrangements that may have been in force while the Government servant was under suspension or dismissal or removal or compulsory retirement.

3. In deciding whether any pay and allowances should be granted under rule 54 or 54-A or 54-B to a Government servant in temporary employ, the period for which the temporary post has been sanctioned should be taken into consideration.

(1) The cases of suspension during pendency of criminal proceedings or proceeding for arrest for debt or during detention under a law providing for preventive detention, shall be dealt with in the following manner hereafter:—

(a) A Government servant who is detained in custody under any law providing for preventive detention or as a result of a proceeding either on a criminal charge or for his arrest for debt shall, if the period of detention exceeds 48 hours and unless he is already under suspension, be deemed to be under suspension, from the date of detention until further orders as contemplated in the Tamil Nadu Civil Services (Discipline and Appeal) Rules. A Government servant who is undergoing a sentence of imprisonment shall also be dealt with in the same manner pending a decision on the disciplinary action to be taken against him;

(b) A Government servant against whom a proceeding has been taken on a criminal charge but who is not actually detained in custody (e.g. a person released on bail) may be placed under suspension by an order of the competent authority under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. If the charge is connected with the official position of the Government servant or involving any moral turpitude on his part, suspension shall be ordered under this rule unless there are exceptional reasons for not adopting this course;

(c) A Government servant against whom a proceeding has been taken for his arrest for debt but who is not actually detained in custody may be placed under suspension by an order under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, i.e., only if a disciplinary proceeding against him is contemplated;

(d) When a Government servant who is deemed to be under suspension in the circumstances mentioned in clause (*a*) or who is suspended in the circumstances mentioned in clause (*b*) is reinstated without taking disciplinary proceedings against him, his pay and allowance for the period of suspension will be regulated under rule 54/54-B, i.e., in the event of his being acquitted of blame or if the proceeding taken against him was for his arrest for debt or its being proved that his liability arose from circumstance beyond his control or the detention being held by any competent authority to be wholly unjustified, the case may be dealt with under rule 54(2)/54-B (3); otherwise it may be dealt with under rule 54(4) / 54-B (5).

4. The headquarters of a Government servant under suspension is his last place or duty. A Government servant under suspension may change his headquarters provided the competent authority who has placed him under suspension is satisfied that such a course will not put Government to any extra expenditure like grant of travelling allowance.

5. A permanent post vacated by the dismissal, removal or compulsory retirement of a Government servant should not be filled substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement as the case may be. Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

Explanation.—It is not necessary to keep a post vacant for a period of one year to provide for the contingency of subsequent reinstatement and confirmation in respect of officers who, at the time of dismissal, removal or compulsory retirement as the case may be, were not holding substantively permanent posts but would have been considered for confirmation but for the penalty imposed.

[G.O. Ms. No. 302, P&AR (F.R. III) department, dated 4.4.1983 — With effect from 4th April 1983.

RULINGS.

(1) The case of a Government servant reduced to a lower grade or post as a measure of punishment and subsequently restored to his former post should be dealt with in accordance with the provisions of Rules 54 and 54-A.

(2) Where a temporary Government servant is due to be discharged from service on account of the expiry of the sanction of the post held by him or otherwise becomes liable to be retrenched when he is under suspension, the question whether he should be discharged from service or whether to enable disciplinary proceedings being continued, special steps should be taken to provide a post for him, should be examined on the merits of each case and his post extended for an appropriate period. The vacancy caused by the extension should not, however, be filled.

The authority competent to dismiss or remove the officer concerned from service may, in such circumstances, extend the post without reference to the competent authority, if delay is anticipated in obtaining sanction, before the expiry of the term of the post, under the normal procedure and obtain ratification of the competent authority. Otherwise, the sanction of the competent authority should be obtained as usual.

(G.O. Ms. No.1347, Finance, dated 13th August 1956.)

(3) The competent authority in exercising the discretion vested in him under sub-rule (5) of rule 54, sub-rule (2) (ii) of rule 54-A and sub-rule (7) of rule 54-B, may divide the period of absence from duty into several parts and declare whether each such part shall count as duty for purposes of increment, leave and pension.

(4) The amount of subsistence grant, already drawn, should be adjusted against the leave salary which may be granted under the proviso to sub-rule (5) of rule 54, sub-rule(2) (ii) of rule 54-A and the proviso to sub-rule (7) of rule 54-B and the excess, if any, in each case should be waived by the authority competent to regularise the period of suspension and a copy thereof sent to audit for scrutiny.

(Memo. No. 147647/F.R./61-2, dated 25th January 1962.)

(5) (i) The decision of the competent authority under Fundamental Rules 54, 54-A or 54-B, is in respect of two separate and independent matters, namely:—

(*a*) pay and allowances for the period of absence; and

(*b*) whether or not the period of absence should be treated as duty.

It is not necessary that the decision on sub-clause (*a*) above should depend upon the decision on sub-clause (*b*) above. The competent authority has the discretion to pay the proportionate pay and allowances and treat the period as duty for any specified purpose or only to pay the proportionate pay and allowances. There is no discretion to pay full pay and allowances when the period is treated as "non-duty".

If no order is passed directing that the period of absence be treated as duty for any specified purpose, the period of absence should be treated as "non-duty". In such an event, the past service (i.e.) service rendered before dismissal, removal, compulsory retirement or suspension will not be forfeited.

(ii) As rule 54 is absolute, the law of limitation need not be invoked at the time of paying the arrears of pay and allowances for the period from the date of dismissal/removal/compulsory retirement/suspension to the date of reinstatement in respect of all cases where the pay and allowances are regulated on reinstatement in accordance with the provisions contained in rules 54, 54-A and 54-B, with the exception of those covered under sub-rule (4) of rule 54 and sub-rule (2) (i) of rule 54-A.

(6) Fundamental Rule 54 is in applicable in cases where dismissal/removal/discharge from or termination of service is held by a Court of Law or by an appellate/reviewing authority to have been made without following the procedure required under Article 311 of the Constitution. In such cases—

(i) if it is decided to hold a further inquiry and thus deem the Government servant to have been placed under suspension from the date of dismissal/removal/discharge/termination, under rules 17 (*e*)(3) or 17 (*e*) (4) of Tamil Nadu Civil Services (Discipline and Appeal) Rules or a corresponding

rule, the Government servant will be paid the subsistence allowance from the date he is deemed to have been placed under suspension.

(ii) if the Government servant is not "deemed" to have been under suspension as envisaged under (i) above, the payment of full pay and allowances for the intervening period and treatment of that period as duty for all purposes will be automatic and compulsory, provided that—

(a) the arrears should be paid subject to the law of limitation; and

(b) where the reinstated Government servant has secured employment during any period between the dismissal/removal/discharge/termination and reinstatement, the pay and allowances admissible to him after reinstatement for the intervening period shall be reduced by the emoluments earned by him during such employment, unless the emoluments earned by him exceed the pay and allowances admissible to him. If the pay and allowances admissible to him after reinstatement for the intervening period are equal to or less than the emoluments earned by him during such employment, nothing shall be paid to him:

Provided that the amount to be paid under (i) and (ii) above will be determined subject to the discretions, if any, in the decree of the court regarding arrears of salary.

(Memo. No.136549, F.R. 61-23, dated 2nd November 1963 - with effect from 27th April 1963)

(7) Uniform allowance shall not be granted during the period of suspension even if the period is subsequently treated as duty or leave as the case may be.

(Memo. No. 15813, F.R. 65-5, dated 7th September 1965.)

(8) 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.

[G.O. Ms. No. 278, Finance (F.R.), dated 24th February 1972.]

(9) Where a Government servant is,—

(a) Placed under suspension in view of the fact that a complaint against him of any criminal offence is under investigation or trial; or

(b) dismissed or removed from service or compulsorily retired on the ground of conduct which has led to his conviction on a criminal charge and the Government servant is subsequently reinstated in service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any other technical ground, *or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension, or dismissed or removed or compulsorily retired from service.

[G.O. Ms. No. 228, P&AR (Per-J) Department, dated 13.4.1989 — with effect from 19th June 1987.]

**[G.O. Ms. No. 232, P&AR (FR. IV) Dept, dated 7.6.1996—with effect from 22nd December 1995.]*

(10) When a Government servant, who was suspended, is fully exonerated of the charges on appeal, the period of suspension shall be treated as duty; and he shall be entitled to pay and allowances for the entire period of suspension, provided the period of suspension ended before the date of his superannuation.

[G.O.Ms.No.167, P&AR (FR - D.O. II) Dept, dated 10.6.1993 — we.f. 26th September 1991.]

(11) When a Government servant is placed under suspension where an enquiry into grave charges against him is pending or contemplated and a criminal proceedings are also instituted simultaneously in respect of the same charges and subsequently he is reinstated into service, the period of suspension shall be—

(i) treated as duty if there is a specific order or direction of a court of competent jurisdiction to this effect notwithstanding the fact that a penalty has been imposed in the departmental inquiry;

(ii) regulated under F.R. 54, only after the final order of the criminal court is delivered in which he is acquitted notwithstanding the fact that departmental enquiry has been finalised and a penalty has also been imposed upon him prior to the finalisation of criminal proceedings.

[G.O. Ms. No. 84,P&AR (FR. V) Dept, dated 24th March 1995—w.e.f.4th August 1992.]

55. Leave may not be granted to a Government servant under suspension.

CHAPTER IX - RETIREMENT.

56 (1) *Retirement on Superannuation*.— (*a*) Every Government servant in the superior service shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years. He shall not be retained in service after that age except with the sanction of the Government on public grounds, which must be recorded in writing but he shall not be retained after the age of sixty years except in very special circumstances:

Provided that this clause shall not apply to Government servants who are treated as in superior service for the purpose of these rules but as in the Tamil Nadu Basic Service for the purpose of pension. Such Government servants as well as all basic servants shall retire on attaining the age of sixty years :

***Provided further that on and from the 1st January 1993, a District Judge, Chief Judicial Magistrate, Sub-ordinate Judge or District Munsif-*cum*-Judicial Magistrate, who, in the opinion of the High Court, Madras, has potential for continued useful service beyond the age of fifty-eight years, shall retire from service on attaining the age of sixty years.**

**[added in G.O.Ms.No.365, P&AR (FR.IV) Dept, dt 4.10.1996 — with effect from 1st January 1993.]*

Explanation I.—When a Government servant is required to retire, revert or cease to be on leave on attaining a specific age, the day on which he attains that age is reckoned as a non-working day and the Government servant shall retire, revert or cease to be on leave, with effect on and from that day.

Explanation II.—The grant under rule 86 or corresponding other rules of leave extending beyond the date on which a Government servant must retire or beyond the date upto which a Government servant has been permitted to remain in service shall not be treated as sanctioning an extension of service for the purpose of Pensionary or Contributory Provident Fund benefits or retention of lien. The Government servant shall, for purpose of pensionary benefits, be deemed to have retired from service on the date of retirement or on the expiry of the extension of service, if any, and shall become eligible to all pensionary benefits from the date of retirement or from the day following the date of termination of extension of service, as the case may be.

(b) Omitted.

#(c) Notwithstanding anything contained in clause (a), a Government servant who is under suspension,

(i) on a charge of misconduct; or

(ii) against whom an enquiry into grave charges of criminal misconduct or allegations of criminal misconduct, is pending; or

(iii) against whom an enquiry into grave charges is contemplated or is pending; or

(iv) against whom a complaint of criminal offence is under investigation or trial.

shall not be permitted by the *appointing authority to retire on his reaching the date of retirement, but shall be retained in service until the enquiry into the charge of misconduct or criminal misconduct or the enquiry into allegations of criminal misconduct or the enquiry into contemplated charges or disciplinary proceeding taken under rule 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or rule 3(c) of the Tamil Nadu Police Sub-ordinate service (Discipline and Appeal) Rules, as the case may be, in respect of item (iv) above is concluded and a final order passed thereon by the competent authority or by any higher authority.

Explanation.—For the purpose of this clause, the expression 'criminal misconduct' shall have the same meaning as in Section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

#(substituted in G.O. Ms. No. 174, P&AR (FR.IV) Dept, dated 28.3.1996. – w.e.f. 3.2.1995)

Instruction under Rule 56 (1) (c).—Whether a Government servant referred to in clause (c) 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 and the salary during that period shall not exceed the pension which has accrued to the Government servant on that date.

$ RULINGS

$ A Government servant, who has not been permitted to retire on his reaching the date of retirement, but retained in service under clause (c), shall not be dismissed or removed or compulsorily retired from service retrospectively from the date on which he reached the date of retirement. The final order in such a case shall take effect only from the date of issue of order imposing the penalty of dismissal or removal or compulsory retirement, as the case may be.

$*(G.O. Ms. No. 70, P&AR (FR-II) Department, dated 01.06.2018—with effect from 28.04.2015.)*

(2). *Compulsory Retirement*.—Notwithstanding anything contained in this rule, the appropriate authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances *in lieu* of such notice at any time after he has attained the age of fifty years or fifty-five years in the case of Basic Servants, as the case may be, or after he has *completed thirty* years of qualifying service.

Explanation I.—"Appropriate authority" means "the authority which has the power to make substantive appointments to the post or service from which the Government servant is required to retire."

Explanation II.—Omitted.

Explanation III.—In computing the notice period of three months, the date of service of the notice shall be included.

Explanation IV.—Omitted.

Explanation V.—The powers conferred on the "appropriate authority" under this sub-rule may also be exercised by any higher authority.

Explanation VI.—The term "qualifying service" means "permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment without interruption".

(G.O. Ms. No. 39, Personnel & Administrative Reforms Department, dated 14th February 1997—with effect from 3rd January 1991.)

(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 (i).—The term "appointing authority" means the authority which has power to make substantive appointment to the post or service from which the Government servant wants to retire and includes any higher authority to such appointing authority.

Explanation (ii).—The term "qualifying service" means permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment without interruption.

[G.O. Ms. No. 39, P & A R (FR. III) Dept, dated 14.2.1997 - (with effect from 14th February 1997]

(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 servant in the Tamil Nadu Basic Service retiring voluntarily shall be given a weightage not exceeding five years, subject to the condition that the total qualifying service rendered by such Government servant, including weightage does not in any case exceed thirty years of qualifying service or it does not take**

him beyond the date of superannuation, as the case may be. The weightage shall be calculated as specified in the Table below:-

THE TABLE

<table>
<tr><td colspan="2">Weightage with reference to qualifying service.
(1)</td><td colspan="2">Weightage with reference to age.
(2)</td></tr>
<tr><td>Qualifying service
(a)</td><td>Weightage
(b)</td><td>Age
(a)</td><td>Weightage
(b)</td></tr>
<tr><td colspan="2">For all the Government servants</td><td colspan="2">For all the Government servants other than the Government servants in the Tamil Nadu Basic Service:-</td></tr>
<tr><td>25 years and below.</td><td>5years of weightage</td><td>53 years and below.</td><td>5 years of weightage.</td></tr>
<tr><td>26 years</td><td>4 years of weightage</td><td>54 years</td><td>4 years of weightage</td></tr>
<tr><td>27 years</td><td>3 years of weightage</td><td>55 years</td><td>3 years of weightage</td></tr>
<tr><td>28 years</td><td>2 years of weightage</td><td>56 years</td><td>2 years of weightage</td></tr>
<tr><td>29 years</td><td>1 year of weightage</td><td>57 years</td><td>1 year of weightage</td></tr>
<tr><td rowspan="6"></td><td rowspan="6"></td><td colspan="2">For the Government servants in the Tamil Nadu Basic Service:-</td></tr>
<tr><td>55 years</td><td>5 years of weightage</td></tr>
<tr><td>56 years</td><td>4 years of weightage</td></tr>
<tr><td>57 years</td><td>3 years of weightage</td></tr>
<tr><td>58 years</td><td>2 years of weightage</td></tr>
<tr><td>59 years</td><td>1 year of weightage</td></tr>
</table>

(ii) The weightage given shall be in addition to the actual 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 determined based on the 50% of average emoluments drawn during the last ten months of service rendered, reckoned from the date of voluntary retirement or 50% of Pay plus Dearness Pay last drawn by the Government Servant, whichever is higher".

@ (substituted vide G.O.Ms.No.197, P&AR(FR.IV) Department, dt. 24.10.2008 -w.e.f. 31.07.2006)

(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 servant concerned; and

(v) that there is no contractual obligation to serve the Government during the period in which 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 voluntary 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 with-hold the permission sought for by the Government servant, if any of the conditions specified in clause (e) are not satisfied.

@ Provided further that the appointing authority may also withhold the permission for voluntary retirement sought for by a Government servant, if the post held by him has been declared as "Scarce Category" by the administrative department concerned in Secretariat and whose continuation in Government service is absolutely essential in public interest.

@(added vide G.O.Ms.No.179, P&AR(FR.IV) Department, dated 29.09.2008 w.e.f.3.11.2006)

(*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.

[G.O. Ms. No. 350, Personnel & Administrative Reforms (FR. Special) Department, dated 7th October 1991---with effect from 18th December, 1987).

Explanation I.—When a Government servant under suspension or against whom disciplinary action is pending seeks to retire voluntarily under this sub-rule, the specific permission of the appropriate authority or appointing authority for such voluntary retirement is necessary. The appropriate authority or appointing authority may with-hold the permission sought by the Government servant.

Explanation II.—For the purpose of this sub-rule, the period of three months notice shall commence from the date of receipt of notice by the appropriate authority, or appointing authority.

Explanation III.—The three months notice referred to in clause (a) and (b) may be given before the Government servant attains the age or qualifying service specified in the said clauses provided the retirement takes place after attaining the specified age or completing the specified qualifying service, as the case may be.

[G.O. Ms. No. 829, Personnel & Administrative Reforms (FR.III) Department, dated 26.8.1985.]

(4) (*a*) A Government servant on foreign service in a foreign country or in India may retire from service voluntarily 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.

(*b*) Notice of voluntary retirement given by such Government servant shall be accepted by the appointing authority, subject to the following conditions being satisfied, namely:—

(i) that he has attained the age of 50 years or completed 20 years of qualifying service;

(ii) that no disciplinary proceedings are pending against him;

(iii) that a report from the Director of Vigilance and Anti-corruption should be obtained to the effect that no enquiry is pending against the officer;

(iv) that no Government dues are pending recovery; and

(v) that there is no contractual obligation to serve the Government during the period in which the Government servant concerned seeks to retire voluntarily.

(*c*) In respect of the other matters relating to voluntary retirement of a Government servant in a foreign service in a foreign country or in India, which are not specifically provided for in this sub-rule, the provision contained in sub-rule (3) shall, *mutatis mutandis*, apply.

[added vide G.O. Ms. No. 206, P. & A.R. (FR. III)Dept., dt. 1st August 1994.- w.e.f. 23.4.1985]

PART IV.
CHAPTER X — LEAVE.

SECTION I — EXTENT OF APPLICATION.

58. Unless in any case it be otherwise distinctly provided in Section VI of this Chapter, the rules in Sections I to V of this Chapter shall apply to all Government servants to whom the Fundamental Rules as a whole, apply.

RULING.

The leave salary of menials paid from contingencies whose services have been declared pensionable should be regulated in accordance with the Note under F.R. 87.

(G.O Ms No 520, Law General, dated 11.2.1932; Finance Memo No.8550, C.S.R.- 1, dt 8.3.1932.)

59. Except as provided in Rules 83 and 83-A, leave is earned by a Government servant under Sections I to V of this Chapter, if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

RULING.

Leave to officers whose lien on substantive post has been suspended.

A Government servant who has been detached for other duty and whose lien on his substantive post has been suspended under Rules 13 and 14 continues to earn leave under Sections I to V of Chapter X of the Fundamental Rules.

*The T.N.L.Rs. 1933 applicable to certain Government servants are embodied in Annexure III.

Leave terms for Contract Officers.

The model terms to regulate the grant of leave to officers engaged on contract are set out in Annexure VI.

60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

65. (*a*) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(*b*) A Government servant who is dismissed or removed from the public service but is reinstated on appeal or revision is entitled to count his former service for leave.

RULINGS.

Leave that may be earned by a person re-employed after retirement on superannuation or retiring pension.

(1) The re-employment of a person who has retired on superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases the service of the re-employed pensioner should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants.

Previous service of re-employed pensioners for leave.

(2) Officers, in receipt of pensions, re-employed cannot count their previous service for leave.

(A.G.'s decision, dated 6th November 1925.)

Leave to Officers whose posts are to be abolished.

(3) A Government servant, who holds no lien on any other post except that which it is proposed to abolish, may be granted leave upto the amount which was admissible to him immediately before the abolition of his post but in that case the orders abolishing the post should state explicity that the post is abolished from the date on which the leave so granted terminates.

(Comptroller and Auditor-General's letter No.641-A-194/22, dated 13th September 1922.)

Leave to Government Servants whose substantive posts are abolished and who hold temporary or officiating posts.

(4) In the case of Government servants, who are thrown out of permanent posts but continue to hold temporary posts or to officiate in other posts without a break, the leave earned by them while holding the permanent posts will not lapse and can be carried forward under Instruction 3 to Rule 103 and Rule 65 (*a*). They are not, however, eligible for the concessions admissible under Rule 81.

(G.O. Ms. No. 372, Finance, dated 17th April 1923.)

(5) Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of past service for the purpose of leave under the Fundamental Rules and should therefore, constitute an "interruption of duty". However, in cases where resignation is not deemed as resignation in view of its being covered by Article 418 (b) of the Madras Pension Code, the benefit of continuous service should be allowed in the matter of leave.

SECTION II—GENERAL CONDITIONS.

66. The authorities who are empowered to grant leave to Government servants are specified in the table below:-

TIME TABLE

S.No.	Kinds of Leave	Authority competent to grant leave
(1)	(2)	(3)
1	Earned Leave, Unearned Leave on Medical Certificate, Unearned Leave on Private affairs, Extra-ordinary Leave, Maternity Leave, Hospital Leave.	**(i)** Government / Administrative Department of Secretariat. **(ii)** Head of the Department **(iii)** Appointing Authority **(iv)** Any sub-ordinate authority to whom powers may be delegated subject to any conditions that may be specified in the order of delegation.
2.	Earned leave not exceeding 120 days other than leave preparatory to retirement.	If the Government Servant is on foreign service,- **(i)** the authority which sanctioned the transfer to foreign preparatory to service. **(ii)** foreign employer
3	Special Disability Leave	**(i)** Government / Administrative Department of Secretariat **(ii)** Heads of the Department.
4.	Study Leave	Government / Administrative Department of Secretariat

Rulings (1) and (2) under Rule 66 shall be omitted.

[G.O. Ms. No. 299, P&AR (FR. IV) Department, dated 22nd September 1995 - w.e.f. 20.9. 1988]

67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Note.—The workers in the Government Press, Madras, who came within the purview of Chapter IV-A of the Factories Act, 1934, and who have completed a period of 12 months continuous service within the meaning of the Explanation to Section 49-B of the said Act, shall be allowed leave to the extent provided in Section 49-B (1) of that Act.

RULINGS.

Powers of competent authority to decide nature of leave.

(1) A Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him. These orders must not be

interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

(Comptroller and Auditor-General's letter No.588-A-72/23, dated 26th/30th April 1923 and No.153-A70/32, dated 6th July 1932).

(2) An authority empowered to grant leave has no power to interfere with the option admissible to a Government servant to take leave on full-average pay/earned leave or on half average pay/half pay leave, as he may elect. Thus once leave is sanctioned, its nature cannot be altered by treating two separate spells of leave as a continuous one so as to obviate any unintended benefit being derived from the rules. The deliberate or intentional evasion of leave rules can, however be checked by the leave sanctioning authorities by resort to refusal of leave under Fundamental Rule 67. Action shall be taken to ensure that all cases in which a fresh spell of leave is applied for by Government servants after a short interval of duty, are carefully examined with a view to see that the spirit of the rules is observed and that the competent authorities refuse the leave by exercising the discretion vested in them under Fundamental Rule 67, if they have reasons to believe that an attempt was being made to take undue advantage of the leave rules or to evade the spirit thereof.

(Finance Memorandum No.55081/FR/59-2, dated 16th July 1959.)

(3) When Government servants who have no casual leave to their credit apply for leave for a day or two in advance, they may be granted extraordinary leave without pay and allowances only when they are not eligible for any other leave or on specific request by the employees. This ruling will not apply to cases where extraordinary leave is sanctioned to cover the unauthorised absence under F.R. 85 (*b*) read with ruling (4) thereunder.

(Finance Memorandum No.95031-A/F.R./63-4, dated 16th January 1964.)

68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. The rules defining the circumstances, in and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave are given in the instructions below:—

Instructions.

1. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before or return to it on the day following such holiday or series of holidays provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

2. On condition that the departing Government servant remains responsible for the moneys in his charge, the head of the department concerned may declare that proviso (*a*) under Instruction 1 is not applicable to any particular case.

3. Unless the authority sanctioning the leave or transfer in any case otherwise directs—

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave, the leave is treated as having terminated on, and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been affixed.

(c) holidays may be prefixed and suffixed to regular leave in case no substitute is posted in the leave vacancy.

(G.O. Ms. No. 1093, Personnel and Administrative Reforms, dated 24th October 1984.)

Explanation 1.—In deciding whether the absence of a Government servant during holidays involves the transfer of a Government servant from another station for the purpose of this Instruction, account should be taken only of the substitute who takes the place of the absent Government servant, not of all the Government servants in the chain of arrangements arising from one Government servant's absence on leave.

Explanation 2.—The term "holiday" used in Instructions 1 and 3 above should be held to mean—

(a) a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881; and

(b) with reference to any particular public office, a day on which such office is ordered, by notification of Government in the Gazette, to be closed for the transaction of public business without reserve or qualification.

The term does not include a vacation except in the cases of District and Sessions Judges and Additional Sessions Judges nor such local holidays as may be granted at the discretion of heads of offices nor holidays which are merely permissible or discretionary.

Note.—Compensatory leave may be allowed to be prefixed or affixed to regular leave or casual leave subject to the usual conditions.

(G.O. Ms. No. 1334, Finance, dated 21st November 1964.)

4. In the case of District and Sessions Judges and Additional District and Sessions Judges, the term "holidays" includes a vacation subject to the condition that the period of the vacation is treated as leave for purposes of—

(a) the maximum amount of leave on average pay admissible at any one time under Rule 81 (b) except when leave on average pay does not exceed four months and is not combined with any other leave;

(b) the maximum period of absence from duty under Rule 81 (d); and

(c) the first four months of leave on average pay under Rule 89.

Note.—The restrictions in clauses (*a*) to (*c*) apply to all cases where vacation is prefixed to leave, even though the officer may not cease to discharge the duties of the post till after the vacation.

5. The following procedure is prescribed when vacation or gazetted holidays are permitted to be prefixed or affixed to leave:—

(i) When they are prefixed to leave, the Government servant proceeding on leave will report before leaving the station or if for urgent reason the leave is granted during vacation or gazetted holidays, as soon as it is granted, that he will cease to discharge the duties of his post with effect from the end of the vacation or holidays. The relieving Government servant will then assume the duties of the post at the end of the vacation or holidays in the ordinary course.

(ii) When a vacation or holidays are affixed to leave the officiating Government servant will be relieved in the ordinary way before the vacation or holidays and the officer on leave will return at the end of the vacation or holidays but will be regarded as having assumed the duties of the post with effect from the commencement of the vacation or holidays.

(iii) Except in cases covered by (i) and (ii) above, Instruction 1 under Rule 17, which requires transfer of charge certificates to be signed by both the relieved and relieving officers on the day on which charge is transferred should be strictly followed.

RULINGS.

Treatment of holidays prefixed to vacation and leave.

(1) Holidays preceding vacation which is prefixed to leave should be excluded from calculation for purposes of reckoning—

(*a*) the maximum amount of leave on average pay admissible at any one time; and

(*b*) the period during which the maximum of average pay does not apply.

Holidays intervening between vacation and leave should, however, be treated as part of the vacation for all purposes. But when holidays intervene between two spells of leave, whether such holidays are in combination with vacation or not, they should be treated as leave. Under Instruction 4 under Rule 68, a vacation cannot be interposed between two periods of leave and when a vacation falls between two periods of leave, it should be treated as leave.

(2) Saturdays excepting the second Saturday of a month shall not be treated as gazetted holiday for the staff employed in educational institutions.

[G.O. Ms. No. 1388, Law (Education), dated 3rd August 1933.]

(3) Local holidays like "Vishu", "Onam" etc. notified in the district gazettes only cannot be permitted to be prefixed or affixed to leave as such notification cannot be regarded as "notification by Government in the gazette" contemplated in the Explanation 2 to Instruction 3 under Rule 68.

(4) In the case of District and Sessions Judges, where vacation is combined with leave, any portion of the vacation that is not covered by medical certificate should be taken into account in calculating the maximum limit of four months on average pay that may be taken at any one time without medical certificate.

[Public (Special) Department Memorandum No.13879/35-3, dated 27th June 1935.]

69 (1) A Government servant on leave may not take any service or accept any employment (including the setting up of a private professional practice as Accountant, Consultant or legal or medical practitioner) without obtaining the previous sanction of Government:

Provided that this rule shall not apply to casual literary work, or to service as an examiner or similar employment or to acceptance of foreign service, which is governed by Rule 110 or to a Government servant who has been allowed to take up a limited amount of private practice and receives fees therefor as part of his conditions of service, e.g., where a right of private practice has been granted to a medical officer.

(2) No Government servant belonging to Groups A and B whether permanent or officiating shall be permitted to accept any employment until his leave preparatory to retirement expires and he enters on pension.

(3) The leave salary of a Government servant permitted to take up employment under another Government or private employer during leave shall be subject to such restrictions as Government may by order prescribe.

RULINGS.

(1) The Inspector-General of Police or the Commissioner of Police, as the case may be, is competent to permit members of the Madras Police Subordinate Service to accept private employment outside Indian Union, while on leave preparatory to retirement.

(Memorandum No.35902-A-2, Home, dated 28th November 1938.)

(2) Although the grant of permission to take up private employment during leave on medical certificate is technically covered by the provisions of Rule 69, such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave which can be obtained on the strength of a medical certificate, should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. Rule 69 should not, therefore, be construed as permitting a Government servant who avails himself of leave on medical certificate to undertake regular employment during such leave.

Terms to be granted to officers on leave during leave preparatory to retirement.

(3) When a Government servant, whether eligible for pension or not, who is on leave under Fundamental Rule 86, is employed in any post under the State Government, he may continue to enjoy his leave concurrently with such employment but his leave salary, which may be drawn in addition to pay of the post in which he is employed, will be reduced by the amount of pension and pension equivalent of other retirement benefits.

Note.—The calculation of pension equivalent of the gratuity shall be based on the full amount of the Death-cum-Retirement Gratuity admissible under the Tamil Nadu Liberalised Pension Rules, 1960

and not on the amount of gratuity reduced with reference to rule 5 of the Tamil Nadu Government Servants Family Pension Rules, 1964 issued in G.O. Ms. No. 950, Finance (Pension) dept, dated 29th July 1964.

(G.O. Ms. No. 425, Finance, dated 12th April 1958.)

(G.O. Ms. No. 1026, Finance, dated 18th September 1965.)

No leave will be earned in respect of such period of employment during leave. During such employment he may also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary nor will the leave salary be taken into account in calculating the allowances.

(Finance Memo. No. 93731-FR 60-3, dated 31st October 1960.)

(4) When a Government servant is permitted, during leave preparatory to retirement before attaining the age of superannuation or during leave under Fundamental Rule 86, to take up employment under the Union Government or a State Government or under a private employer or local body, his leave salary will also be restricted as in ruling (3) above.

(G.O. Ms. No. 882, Finance, dated 19th July 1952.)

70. All orders re-calling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw travelling allowance under rules made in this behalf under rule 44 for the journey but to draw until he joins his post, leave salary only.

RULING.

Terms to be granted to officers on leave during leave preparatory to retirement.

When a Government servant who has proceeded on leave preparatory to retirement is required for employment during such leave in any post under the State Government and he is recalled to duty with his consent, such recall will be treated as "optional" for the purpose of Fundamental Rule 70.

(G.O. Ms. No. 882, Finance, dated 19th July 1952.)

71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the form given in Annexure 1A. Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on medical certificate.

Delegation.

The authority by whom the leave has been granted to a Government servant for reasons of health, though not on a medical certificate, has power to require the submission of a medical certificate of fitness before he returns from leave.

72. (1) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

Instructions.

1. A Government servant desiring to return to duty within the period of his leave should communicate his desire to the authority which sanctioned the leave sufficiently early to enable suitable arrangements to be made.

2. A Government servant returning to duty at a time other than that fixed for him by the authority which granted him leave has no claim to be appointed to any particular post and is liable to be kept on subsistence grant until a suitable vacancy occurs.

3. No formal cancellation of the unexpired portion of leave is necessary when a Government servant returns to duty before the expiry of his leave.

73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 15.

Delegation.

The authority by whom leave has been granted to a Government servant who remains absent after the end of his leave is authorized to extend his leave provided that the grant of leave for the total period of absence is within his powers.

74. Subject to any instructions which may be given by the Comptroller and Auditor-General of India in order to secure efficiency and uniformity in audit, Government may make rules prescribing the procedure to be followed:—

(i) in making application for leave and for permission to return from leave;

(ii) in granting leave;

(iii) in the payment of leave salary; and

(iv) in the maintenance of records of service.

***Note.*—The rules framed under this rule will be found in Annexure-II.**

SECTION III—ORDINARY LEAVE RULES.

75. All Government servants shall be subject to ordinary leave rules.

SECTION IV—GRANT OF LEAVE.

76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

*Note***. —** *See* **Annexure II, Part I.**

77. The leave account of a Government servant governed by the ordinary leave rules shall be credited with two-elevenths of the period spent on duty.

RULINGS.

Leave Account.

(1) Fractions of a day should not appear in the leave account. Fractions below half should be ignored and those of half and more should be reckoned as one day.

*Note***.**—In the case of officers subject to the Tamil Nadu Leave Rules, 1933, fractions of a day should, however, be rounded as indicated in Instruction 5 in the Form of leave account relating to earned leave.

(Finance Memorandum No.2092-C.S.R., dated 2nd February 1939.)

Calculation of 2/11th of Periods of Duty.

(2) Two-elevenths of period spent on duty shall be calculated thus:

The amount of duty in terms of years, months and days be multiplied by 2 and the product divided by 11. In this process of multiplication and division, a month shall be reckoned as equal to 30 days.

For facility of calculating 2/11th of a period, see calculator in Annexure—V.

78. The amount of leave debited against a Government servant's leave account is—

(a) the actual period of leave on average pay taken excluding special disability leave on average pay under Rule 83 (7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or of special disability leave on average pay under Rule 83 (7) (*b*).

80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:-

(a) The maximum amount of leave expressed in terms of leave on average pay which may be granted to a Government servant governed by ordinary leave rules is one-eleventh of the period spent on duty plus two and a half Years:

Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (*a*) shall not be taken into account in calculating the maximum prescribed by this clause and in the case of such leave taken on average pay under Rule 83 (7) (*b*), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay excluding special disability leave on average pay under rule 83 (7) (*a*) which may be granted to a Government servant governed by ordinary leave rules is four months at any one time, and in all, one-eleventh of the period spent on duty:

Provided that in the case of a Government servant other than a Basic Servant who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Pakistan, Ceylon, Nepal or Burma, the maximum amount of leave on average pay which may be granted is eight months at any one time and in all oneeleventh of the period spent on duty plus one year.

Explanation.—When a Government servant is granted leave on medical certificate with reference to the proviso to clause (b) of this rule, an undertaking shall be obtained from him to the effect that he will in the event of his retirement or resignation, at the end of the leave or an extension of the leave, refund by reduction from pension or in cash, the difference between the average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso not been applied. If the retirement is voluntary, refund shall be enforced but if the retirement is compulsorily thrust upon the Government servant by reason of ill-health incapacitating him from further service or for other reasons, no refund shall be taken.

(c) Save **in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions:-**

(i) on medical certificate, without limit of amount, and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

Note.— In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily, the leave not due shall, if the permission the granted, be cancelled and his retirement shall have effect from the date on which leave commenced.

Rulings under Fundamental Rule 81 (c).

(1) Leave not due is intended to be regarded as an advance of leave and its grant should, therefore, be limited to the amount that both, (*a*) can be and (*b*) will be earned by subsequent duty; further it is meant to be granted only in exceptional circumstances such as illness or urgent private affairs and finally when the exceptional step of granting such leave is taken, it should be irrevocable except at the request of the officer who should not be penalised, if reasonable anticipations fail to materialise. The Government have accordingly ruled—

(i) that leave not due may in no case be granted unless the sanctioning authority is satisfied that as far as can be reasonably foreseen, the officer will return to duty and earn it; and

(ii) that the leave when granted should in all cases (subject to the officer's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

(2) Government servants may be granted "leave not due" under the Fundamental Rules and unearned leave on medical certificate under Tamil Nadu Leave Rules for the treatment of tuberculosis subject to the following conditions:-

(i) the concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) a medical certificate, from the Government servant's authorised medical attendant or the Medical Officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognized sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority.

(iii) in the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

(Finance Memorandum No.85539, C.S.R.-3, dated 28th November 1953.)

(3) The Instructions in ruling (2) will be extended to the case of Government servants suffering from leprosy and undergoing treatment either, under a recognized medical attendant or in a leprosy institution.

(Finance Memorandum No.32405, C.S.R.-2, dated 28th April 1954.)

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. This period shall in no circumstance, be exceeded by a Government servant who is on leave preparatory to retirement.

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

RULINGS.

Calculation of leave on average pay to officers of Vacation Departments.

1. The only distinction which the Fundamental Rules make between a vacation and non-vacation officer is that the leave account and amount of leave which can be taken on average pay have to be calculated for the former in the light of Rule 82(*b*) and that the waiving of the maximum limit for leave salary is subject to the condition in Note to Rule 89. A vacation officer can be given leave on average pay provided that the leave is at his credit and that the maximum prescribed in Rule 81 (*b*) calculated with reference to Rule 82 (*b*) is not exceeded. The effect of this ruling is that an officer of the vacation department who enjoys each vacation can have leave on average pay without the production of a medical certificate to the extent of one-eleventh of duty *minus* one month for each year of duty or a proportionate fraction thereof if the period of duty is less than a year.

2. If leave on average pay is applied for while a Government servant is enjoying leave on half average pay in continuation of a period of leave on average pay, either by the production of a medical certificate or on proceeding out of India, Ceylon, Nepal, Burma or Pakistan the period of leave on average pay that may then be granted, should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India, Ceylon, Nepal, Burma or Pakistan. The grant of the leave should also be so regulated that the total period of leave on average pay i.e., (including the portion at the beginning of the leave) during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension.

3. Special disability leave on average pay granted under clause (*b*) of Rule 83 (7) should be taken into account in full, in calculating the maximum amount of leave on average pay that can be granted to a Government servant under Rule 81 (b).

(Comptroller and Auditor-General's letter No.259-A-194-32, dated 16th November 1932 and No.68-A-194/32, dated 2nd May 1933.)

4. For the purpose of determining the maximum limit of leave on average pay that may be granted at any one time of an officer who has been suspended and whose period of suspension

occurs between two periods of leave on average pay, the effect of the latter leave being the postponement of the reduction of his pay the period of suspension should be ignored and the entire period of leave on average pay treated as one continuous spell of leave.

(Letter No.T.180-A, 90-36, dated 22nd May 1936, from the Comptroller and Auditor-General to the Accountant-General, Bombay, issued with the concurrence of the Government of India.)

Extent of total leave on average pay.

5. The total leave on average pay without medical certificate spent in India, Ceylon, Nepal, Burma or Pakistan should not exceed one-eleventh of the period spent on duty.

The total leave on average pay taken with or without medical certificate and spent in or outside India, Ceylon, Nepal, Burma or Pakistan should not exceed one-eleventh of the period spent on duty *plus* one year.

In both cases, leave can be granted only if there is sufficient leave in the leave account itself.

(Comptroller and Auditor-General's letter No.1136-A-390/23, dated 14th November 1923.)

Grant of leave on average pay without medical certificate in continuation of leave on average pay on medical certificate.

6. If, under the operation of the proviso to Rule 81 (b) the maximum amount of leave on average pay admissible at a time is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon, Nepal, Burma or Pakistan-but such leave on average pay which may be taken on medical certificate or outside India, Ceylon, Nepal, Burma or Pakistan up to a maximum of twelve months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

Note.—The maximum amount of leave on average pay admissible at a time occurring in the above instruction is the leave actually at the credit of a Government servant in column 6 of the leave account or four months, whichever is less, i.e., if a Government servant, subject to ordinary leave rules, takes leave on average pay against the extra one year allowed by proviso to Rule 81 (b), he cannot have an extension of leave on average pay in India without medical certificate, unless the total period of leave on average pay is limited to the credit in column 6 of the leave account or four months, whichever is less.

(C.C.A's letter No.74-A/190-31, dated 29th March 1932.)

7. (1) The maximum amount of leave on average pay, which on any particular date may be granted to a Government servant, subject to the ordinary leave rules, on medical certificate or out of India, Ceylon, Nepal, Burma or Pakistan will be the sum total of the last entry in column 6 of the leave account and the unspent balance of one year, limited to eight months at a time, provided that this sum total is covered by the period entered in column 8.

(2) When such leave is debited to the leave account, it should be entered in column 11 till the limit of one year is reached and thereafter in column 10. If the leave at credit in column 7 is less than the leave entered in column 11 as indicated above, a minus entry in column 17 will arise in the same ways as when the leave in column 7 is less than the leave entered in column 14.

(3) It may happen that when this minus entry is carried forward to column 7, the balance in column 7 may still be minus, but this fact does not affect the question of the subsequent grant of leave on average pay on medical certificate or out of India, Ceylon, Nepal, Burma or Pakistan which will be regulated entirely by the conditions specified in paragraph (1) above.

Treatment of leave "not due" granted to officers of vacation department.

8. On the question whether a Government servant of a vacation department can get the benefit of Rule 81 (c) in addition to that conferred by Rule 82 (c), it has been ruled that, when the privilege permitted by the latter rule is exercised, the additional leave permissible under that rule becomes "leave due" and thus acquired a character different from the "leave not due" which may be granted under Rule 81 (c). Leave under Rule 81 (c) and under Rule 82 (c) may be granted in conjunction.

(Comptroller and Auditor-General's letter No.648-A/172-23, dated 16th May 1928.)

9. Rule 81 (*c*) does not prevent the grant of leave "not due" as such on the ground that the previous leave "not due" taken has not been cleared, provided that the total period of leave "not due" does not exceed the maximum of six months in terms of average pay.

The authority competent to sanction leave can, however, refuse to grant a fresh period of leave "not due" if the application for such leave is not supported by a medical certificate.

(Comptroller and Auditor-General's letter No.98-A/492-25, dated 28th January 1924.)

Date from which invaliding shall take effect in the case of officers on leave "not due"

10. Where officers are invalided when on leave "not due", the date of invaliding, shall be that following the expiry of the leave already granted

11. Under G.O.No.188, P.H., dated 26th January 1926, a Government servant showing symptoms of leprosy should not at once be invalided from service but should be granted all the leave which is to his credit to enable him to undergo the up-to-date curative treatment and he should be invalided from service only if after undergoing the treatment for the full period of leave to his credit he is still certified to be infected with the disease. "Leave not due" may also be granted to such a person if he is still undergoing treatment at the time of expiry of the leave which is to his credit.

The above orders also apply to persons suffering from secondary syphilis.

(G.O.Ms.No.111, Public, dated 30th January 1929.)

Twenty-eight months continuous absence explained.

12. The limit of 28 months of continuous absence prescribed in this rule includes the period of vacation, if any, with which study and other leave is combined.

The intention of this rule is that whatever kind of leave has been included in the first 28 months, any extension after that period on allowances, may be granted only on medical certificate.

(G.O. Ms. No. 1293, Revenue, dated 7th July 1927.)

Interpretation of the expression "continuous absence from duty on leave"

13. The expression "continuous absence from duty on leave" occurring in these rules does not include absence on extraordinary leave.

Combination of ordinary leave with "special leave" granted in connection with the award of Commonwealth Fund Service Fellowships.

14. The expression "continuous absence from duty on leave" occurring in these rules includes absence on "special leave" granted in connection with the award of Commonwealth Fund Service Fellowships, if owing to a combination of ordinary leave with such "special leave", the aggregate period of absence exceeds 28 months.

(Letter from the India Office to the Government of India in the Home Dept, No.8, and G4892 / 32, dated 19th October 1932.)

82. The following provisions apply to vacation departments only:—

(a) The rules specifying the departments or parts of departments which should be treated as vacation departments and the conditions in which a Government servant should be considered to have availed himself of a vacation are given in the Instructions below.

(b) Vacations count as duty, but the periods of total leave in Rule 81 (*a*) and 81 (*b*) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the period in Rule 81 (a) as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

(d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Note.—A Government servant will be considered to combine vacation with leave when such leave immediately precedes or follows the vacation.

Instructions under Rule 82 (a).

1. A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

2. Any period of recess which exceeds 15 days in duration shall be treated as a vacation for the purposes of Rule 82.

3. The following classes of Government servants are in vacation departments when the conditions of Instruction are fulfilled:—

(*a*) (*i*) Educational Officers other than Inspecting respecting Officers and their establishments; the staff in professional colleges and schools enumerated in the **Annexure below**, when they enjoy a vacation:—

Annexure.

1. Deleted.
2. Colleges of Education.
3. Engineering Colleges.
4. Law College, Madras.
5. Medical Colleges.
6. Polytechnics.
7. Regional School of Printing, Madras.
8. Institute of Film Technology, Madras.
9. School of Arts and Crafts, Madras.
10. Institute of Leather Technology, Madras.
11. Schools and hostels run by the Harijan Welfare Department.
12. Schools and training institutions under the control of the Fisheries Department
13. Junior Technical Schools under the control of the Director of Technical Education.

(ii) The Headmaster and one Junior Assistant working in the High Schools/Higher Secondary Schools shall be treated as the staff of non-vacation department from the academic year 1981-82.

[G.O. Ms. No. 13, P & A R (F.R.III) Dept, dated 6th January 1982 with effect from 4th July 1981.]

(iii) The watchmen working in the High Schools / Higher Secondary Schools shall be treated as the staff on non-vacation department from the academic year 2014-2015

(Added in G.O.(Ms) No.22, P &A R (FR-II) Department, dated 10 Feb 2017 – w.e.f. 14.11.2014)

(b) (i) Judicial Officers other than members of the Tamil Nadu State Higher Judicial Service and the Tamil Nadu State Judicial Service and the Tamil Nadu State Magisterial Service mentioned in sub-clause (ii) and the establishments of such officers.

(ii) The following members of the Tamil Nadu State Higher Judicial Service, the Tamil Nadu State Judicial Service and the Tamil Nadu Magisterial Service and Non-Gazetted establishments are not permitted to avail themselves of vacation, namely:—

A. GROUP A AND B SERVICE

I. ***Tamil Nadu State Higher Judicial Service—***

1. All Presiding Officers of Labour Courts.

2. Administrator-General and Official Trustee, Madras.

3. Chairman, State Transport Appellate Tribunal.

4. Chairman, Sales Tax Appellate Tribunal.

5. Tribunals for Disciplinary Proceedings.

6. Chief Metropolitan Magistrate, Madras.

II. ***Tamil Nadu State Judicial Service—***

1. All Chief Judicial Magistrates.

2. All Sub-divisional Judicial Magistrates.

3. All District Munsif-cum-Sub-Divisional Judicial Magistrates.

4. All District Munsif-cum-Judicial Magistrates of the First Class.

5. Judicial Members, Additional Sales Tax Appellate Tribunal.

6. All Metropolitan Magistrates.

7. Deputy Administrator-General and Deputy Official Trustee, Madras.

III. ***Tamil Nadu State Magisterial Service—***

1. All Judicial Magistrates of the First Class.

2. All Judicial Magistrates of the Second Class.

B. GROUP C AND D SERVICE.

1. Staff of Part-time Official Receivers.

2. Staff in the Courts and Offices of Magistrates, and other Group A and B Officers mentioned under item 'A' supra.

3. Staff of the Official Assignee, High Court, Madras.

[G.O.Ms.No.719, Finance (F.R.I.), dated 1st August 1975.]

(c) Medical and Forest Officers solely employed in teaching or undergoing a course of training in a teaching institution except Curators of Pathology Museums in Medical Colleges.

Note.—The non-medical posts of Assistant to the Lecturer in Pharmaceutics and of Assistant to the Lecturer in Pharmacognosy in the Medical College, Madras, shall also be treated as posts belonging to a vacation department.

(d) Deleted.

(e) Official Assignee and Deputy Official Assignee, Madras.

(f) Government servants in the office of the Sheriff of Madras.

(g) Deleted.

(h) Deputy Registrars posted for work connected with the teaching of the subject of Co-operation in the B.Com., (Hons.) course conducted by the University of Madras.

(i) Any other Government servant whom Government may declare to be so serving.

4. An officer holding two appointments, one in a vacation department, and the other not, will not be deemed to be employed in a vacation department.

Note.—District Munsifs, who are also Sub-divisional Judicial Magistrates within their jurisdiction will close their Courts on the Civil side for the vacation but will have to work as Sub-divisional Judicial Magistrates during the vacation. They will be denied the benefits of vacation and treated, therefore, as officers prevented from availing themselves of the whole or part of the vacation, as the case may be. They will accordingly be given the benefits of appropriate addition to their leave accounts under Instruction (6). Similar arrangements will govern the members of the staff of such Courts also

[G.O. Ms. No. 719, Finance (F.R.I.), dated 1st August 1975.]

5. In case of doubt, Government will decide whether or not a particular Government servant is serving in a vacation department.

6. A Government servant, serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation; unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation; provided that, if he enjoys not more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of it. A Government servant who has routine duties to discharge during the vacation, which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servants, shall be considered to have availed himself of a vacation or a part of it. A Government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for the performance, without any cost to Government, of such routine duties. A Government servant who leaves his place of duty during vacation is liable to be recalled thereto at his own expense.

7. When a Government servant is transferred from a vacation department to a non-vacation department, his period of service in the former will, for the purposes of rule 82 (b), be considered to have terminated with effect from the close of the last vacation enjoyed by him. When a Government servant is transferred from a non-vacation department to a vacation department, his period of service in the latter will be held to have commenced from the date of the expiry of the last vacation previous to such transfer.

RULINGS.

(1) Combination of leave and vacation is subject to the condition mentioned in rule 82 (d) and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly vacation may be prefixed or affixed to leave or both prefixed and affixed.

(G.I.F.D., Letter Nos. F.212, C.S.R., dated 7th November 1924 and No.541—R—1/28, dated 24th February 1928.)

Calculation of leave on average pay to officers of Vacation Department.

(2) For an officer of the vacation department subject to the ordinary leave rules, one month's leave on average pay accrues for every eleven months and one month is deducted for one year's (twelve months) duty, a balance of 2-8/11 days' leave on average pay remains at credit for each year of duty including vacation.

This extra leave on average pay may be claimed and granted.

[Comptroller and Auditor-General's Letter No. 1068-A-402/23, dated 29th October 1923.]

Reduction of leave in the account of Government servants of vacation departments.

(3) The term "each year of duty" should be interpreted to mean not a calendar year in which duty is performed, but twelve months of actual duty. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the date following the date on which he completed the previous year of duty, then one month should be deducted from his leave account. It does not matter whether the day, on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty including vacation, bears with a whole year. If to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of the vacation actually enjoyed plus the vacations that will fall within the remaining period of twelve months bears to the whole period of vacations which fall within the period of twelve months. Even in cases in which vacations did not intervene in the incomplete year of duty, a deduction of 1/12th should be made for the period for which 1/11th is credited. The credit so afforded, will be corrected suitably, if later on, it transpires that the officer has availed of either proportionately or has not availed of at all the vacations which fell during the full year.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as "combined into one".

(Finance Memorandum No. 67940/F.R. 60-4, dated 29th October 1960.)

Leave in vacation departments.

(4) The amount credited to the leave account under this rule as well as that added to the maximum under rule 81 (a) should be the actual amount of additional leave taken under this rule and not the total amount theoretically permissible, viz., one month for every two years of duty.

Note.—The credit of one month is for every completed two years of duty and no fractional credit for a period less than two years is permissible.

[G.I.F.D., Letter No. F-7 (37), R.I./37, dated 13th May 1937.]

(5) An officer of a vacation department may be granted the additional leave which is credited under rule 82 (*c*) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by rule 81 (*c*).

[G.I.F.D., letter No. F-7 (37), R.I./37, dated 13th May 1937, received with endorsement of the same number and date.]

(6) The additional leave permitted under rule 82(*c*) may be on full average pay provided in the case of an officer subject to the ordinary leave rules it is supported by a medical certificate or spent out of India, Ceylon, Nepal, Burma or Pakistan. Rule 82 does not, however, increase the maximum period of leave prescribed by rule 81(*b*). Even, therefore, if leave under rule 82(*c*) is taken on average pay, the sole result is to reduce the leave on average pay which can be taken on other occasions. (C.C.A's Letter No. 355-A-270/28, dated 14th December 1928 to A.G., C.P.)

Combination of leave with vacation.

(7) An officer of a vacation department can enjoy four months' leave on average pay followed by vacation only if the period of vacation is covered by medical certificate or is spent outside India, Ceylon, Nepal, Burma or Pakistan.

(Comptroller and Auditor-General's Letter No. 223-A-78/28, dated 4th July 1928.)

(8) The Provision in rule 82 (*d*) to reckon the period of vacation on leave does not apply, when vacation is combined with leave *other than leave on average pay*. There is, therefore, no objection to a Government servant taking only leave on half average pay in combination with the period of vacation exceeding four months in duration or sandwiching a period of leave on half average pay between two periods of vacation aggregating more than four months.

(Comptroller and Auditor-General's Letter No. 47-A/225-34, dated 25th February 1935.)

(9) The limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column (6) of the leave account plus the period of vacation or four months, whichever is less.

(Comptroller and Auditor-General's Letter No. T. 824-A/199-31, dated 13th July 1932.)

Police Department.

(10) The officers working in Police Recruits Schools are not allowed any recess such as the Michaelmas, the Christmas, etc., the duration of which exceeds fifteen days at the time during the school-year.

Medical Officers treated as belonging to vacation department.

(11) (i) The rule is not applicable to Medical Officers who are not solely employed in teaching. Such officers cannot, therefore, be permitted to take the school or college vacations. Any period of absence during the period should be treated as leave under the ordinary rules.

(G.O. Ms. No. 730, P.H., dated 10th May 1924.)

(ii) Lists of appointment (Medical) the holders of which are considered to be solely employed in teaching for purposes of vacation are given in Appendix-II.

(12) If a Government servant of the vacation department does duties during vacation and is separately remunerated therefor, he should not be considered as having been deprived of vacation.

(G.O. Ms. No. 343, Finance, dated 26th November 1924.)

(13) The Lecturer in Engineering, Agricultural College, shall forego his vacation when the college is closed.

(G.O. Ms. No. 901, Development, dated 27th July 1933.)

(14) The entire technical staff serving at present in the Government Textile Institute, Madras as well as those that may be added to the strength of the Institute from time to time with the exception of the Principal and the Textile Inspector, shall be treated as serving in a vacation department. The ministerial staff in the office of the Principal will as at present, continue to have no vacation.

(G.O. Ms. No. 2080, Development, dated 14th September 1937.)

(15) For purposes of leave the law officers in the City, viz., the Advocate-General, the Government Pleader, the Public Prosecutor, the State Prosecutor and the Government Solicitor and the Administrator-General and Official Trustees and their establishments shall be treated as belonging to a non-vacation department.

(G.O. Ms. No.1332, Home, dated 12th March 1938.)

(16) The office of the Sheriff of Madras shall be a vacation department.

(G.O. Ms. No. 574, Home, dated 10th May 1943.)

Transfers from vacation to non-vacation department and vice versa in the middle of vacation.

(17) When a Government servant is transferred from a vacation to a non-vacation department in the middle of a vacation, he should be treated as having been transferred to the non-vacation department from the close of the current vacation and a proportionate deduction made in his leave account in respect of that vacation by reason of his enjoying a part of it. Likewise when a Government servant is transferred from a non-vacation to a vacation department in the middle of a vacation, service in the vacation department should be held to have commenced from the close of the previous vacation but a proportionate reduction only should made in his leave account in respect of the current vacation which he should enjoy only in part due to his being on duty in the non-vacation department.

Calculation of period of vacation.

(18) In the case of a district Munsif, transferred during the recess from a court which took its vacation late to one which took it early, the deduction to be made under this rule should be based on the actual period of vacation enjoyed, excluding that part of six weeks' recess (six weeks being the period of the annual recess for district Munsif's courts) which the district Munsif was precluded from enjoying by reason of his transfer. In making the calculation the time actually spent in travelling from one station to the other and not the full joining time admissible under the rules, should be added to the period by which the recess actually enjoyed fell short of six weeks.

(G.O. Ms. No.1199, Judicial, dated 20th August 1927.)

Note.—The above calculation should not, however, be adopted when an officer is transferred to another court on the expiry of leave to which vacation has been affixed. In such cases, no concession is admissible.

Vacation in the course of leave.

(19) When vacation occurs in the course of leave and is then debited to the leave account of a Government servant in a vacation department, a reduction under rule 82(b) should not be made in respect of such a vacation.

(G.O. Ms. No.623, Finance, dated 3rd August 1926.)

(20) A vacation or part of vacation included in a period of maternity leave should be treated as vacation taken.

(G.O. Ms. No. 676, Finance, dated 18th July 1927.)

(21) During the period of foreign service with vacation departments like Universities, a Government servant shall earn leave as an officer of the vacation department although the provisions of Fundamental Rule 82(a) are generally applicable to Government departments only.

(Finance Memorandum No. 57795-F.R./59-2, dated 13th July 1959.)

83. (1) Subject to the conditions hereinafter specified, Government may grant special disability leave to a Government servant, who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with the due promptitude in bringing it to notice. But Government, if satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a Medical Board to be necessary. It shall not be extended except on the certificate of a Medical Board and shall in no case, exceed 24 months.

Note.—In the case of Group C and D Government servants of the Police including the Fire Service Branch and Excise Departments, a certificate of a Civil Surgeon shall be sufficient if the period of leave recommended does not exceed *two months*.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay:

Provided that the maxima specified in the Table in sub-rule (2) of Rule 89 shall, notwithstanding anything contained in that rule apply to the whole period of such leave and the minima specified in the Table in Rule 90 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions stated in that rule and in Note thereunder.

(8) (i) In the case of a person to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under this rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4(1)(*d*) of the said Act.

(ii) In the case of a person to whom the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948) applies, the amount of leave salary payable shall be reduced by the amount of benefit admissible under the said Act, for the corresponding period.

(G.O. Ms. No.877, Finance, dated 11th August 1965.)

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged, who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force, but, in either case, any period of leave granted to such a person under military rules in respect of his disability, shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Note.—Non-permanent Government servants governed by the Fundamental Rules may also be granted special disability leave.

RULING.

***Intention of special disability leave*.**

The intention of the rule is not that special disability leave should be given to cover any portion of an officer's military service but that it should be admissible only after the officer's discharge as unfit for further military service.

(G.I.,F.D., No. F 21-11,C.S.R. 24, dated 30th July 1924.)

83-A. Government may extend the application of the provisions of Rule 83 to a Government servant, whether permanent or non-permanent, who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

(i) that the disability, if due to disease, must be certified by a Medical Board to be directly due to the performance of the particular duty;

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be in the opinion of Government exceptional in character; and

(iii) that the period of absence recommended by the Medical Board may be covered in part by leave under this rule and in part by other leave and that the amount of special disability leave granted on average pay may be less than four months.

Delegations under Rules 83 and 83-A.

The Heads of Departments who are competent to grant ordinary leave to Government servants are empowered to grant special disability leave in cases falling under Rules 83 and 83-A.

84. Leave may be granted to Government servants, on such terms as the Government may, by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave shall not be debited against the leave account.

Note.—The rules prescribed to regulate the grant of leave to Government servants for the study of scientific, technical and similar problems or to undergo special courses of instructions are given in ***Appendix II*.**

RULINGS.

Study allowance for the period of private work during study leave.

(1) The Government of India and the State Government have agreed to the grant of study allowance to officers for the period during study leave devoted to the collating and elaborating in the form of readable report of the notes made and literature collected during their tour of inspection.

In the case of an officer granted study leave with the object of taking a definite course of study or preparing for a specific examination, attendance at an institution or supervision by a responsible authority is the normal procedure. The Study Leave Rules should be more strictly adhered to in this case and private work at home is not, therefore, accepted for purposes of study leave.

(G.O. Ms. No. 887, Finance, dated 19th December 1929.)

(2) A Government servant of a vacation department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

[Paragraph 22 (ii), Chapter X, Section 1 of Manual of Audit Instructions (Reprint).]

(3) Study leave may be granted to an officer of less than five years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), Section IV of Compilation of Audit Rulings.]

(4) Scholarship or stipend received by a Government servant from the Consolidated Fund of India or Consolidated Fund of a State is treated as honorarium under Fundamental Rule 9 (9). It is only when a Government servant is awarded scholarship or stipend from a source other than the above two sources, it will have to be treated as fees.

No portion of any scholarship or stipend, received during study leave or otherwise, by a government servant from a source other than Consolidated Fund of India or the Consolidated Fund of

State for the purpose of prosecuting a course of studies or receiving specialized training in professional or technical subjects need be credited to Government.

In cases where permission is granted by the Government, no portion of the payments received by Government servants as a result of full-time or part-time employment undertaken by them need be credited to the Government.

(Finance Memo. No. 30909/FR/60-4, dated 16th May 1960.)

(5) The Government servants, who are sponsored by the Government for training abroad under the various training schemes of the United Nations, the Colombo Plan, the Point Four Programme and the like and the schemes operated through non-official channels (Rockfeller Foundation, Ford Foundation and the like) should be brought under the orders issued in G.O. Ms. No. 798, Finance, dated 1st July 1962 and not under the Study Leave Rules.

(6) A certificate to the effect that the study allowance and/or cost of fees for study is/are claimed in accordance with rules 12 and 13 and/or rule 16 of the Study Leave Rules shall be recorded in the bills by the drawing officers.

(7) Restrictions under rules 5 and 9 of these rules limiting the grant of study leave to a maximum period of two years for a Government servant's entire service shall not apply in the case of medical officers of the Tamil Nadu Medical Service to enable them to avail themselves of study leave in excess of two years, wherever necessary to undergo postgraduate courses.

These orders take effect from 1st July 1962.

(G.O. Ms. No.1942, Health, dated 5th June 1963.)

85. (*a*) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(*b*) The authority which has the power to sanction leave may grant extraordinary leave as in clause (*a*) in combination with, or in continuation of any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

RULINGS.

(1) "Leave not due" applied for by a Government servant with or without medical certificate is "leave admissible under rule". Therefore, where "leave not due" can be granted, the grant of extraordinary leave under this rule will be irregular unless the latter kind of leave is specifically applied for in writing.

(Comptroller and Auditor-General's Letter No.169-A/164/33., dated 4th November 1933.)

Limit of Extraordinary Leave.

(2) Extraordinary leave under rule 85 may be granted either by itself or in combination with, or in continuation of other leave subject only to the provision in Rule 18. The maximum laid down in Rule 81(*d*) does not apply in the case of extraordinary leave.

(Comptroller and Auditor-General's Letter No. 1115-A/433/23, dated 7th November 1925.)

Casual Leave.

(3) The rules regarding the grant of casual leave to Government servants are printed as ***Annexure VII***.

(4) The power of commutation under the last two lines of clause (b) of this rule is an absolute one; the words "as in clause (a)" used in line (2) cannot be taken to qualify the latter part of the rule. In other words, the condition mentioned in Rule 85(*a*), viz., "when no other leave is by rule admissible" does not apply to the commutation retrospectively of absence without leave into leave without allowances either under Article 421, Civil Service Regulations or Rule 85(*b*).

(G.O. Ms. No. 255, Finance, dated 12th April 1935.)

86. (a) # (i) Leave at the credit of a Government servant in his leave account, other than earned leave and leave on private affairs shall lapse on the date of retirement or on the date of termination of the extension of service, as the case may be. The competent authority (leave sanctioning authority) shall suo motu draw and disburse the cash benefits of encashment of earned leave and leave on private affairs at the credit of the Government servants in Groups B,C and D without formal sanction orders on the date of retirement or on the date of termination of the extension of service, as the case may be, or on the next working day, following the date of retirement or the date of termination of extension of service if the date of retirement or the date of termination of extension of service happens to be a holiday. In respect of Group A officers, the Accountant General or Pay and Accounts Officer, as the case may be, shall suo motu issue the pay slips for encashment of earned leave and leave on private affairs, as aforesaid, at the credit of the Government servants without formal sanction orders, on the date of retirement or on the date of termination of the extension of service, as the case may be, or on the next working day, following the date of retirement or the date of termination of extension of services if the date of retirement or the date of termination of extension of service happens to be a holiday.

 # (ii)The benefit of encashment of earned leave at the credit of a Government servant on the date of retirement or on the date of termination of extension of service, as the case may be, shall be subject to a maximum of 240 days and shall be eligible for cash equivalent of full leave salary which shall be based on Pay, Dearness Allowance, House Rent Allowance and City Compensatory Allowance for the entire period of leave at credit.

 # (iii) The benefit of encashment of leave on private affairs on the date of retirement or on the date of termination of extension of service, as the case may be, shall be subject to 50 per cent of the leave on private affairs standing to the credit of the Government servant on such date subject to a maximum of 90 days, with full leave salary in cash which shall be based on Pay, Dearness Allowance, House Rent Allowance and City Compensatory Allowance. While calculating the leave on private affairs for the above purpose, the fraction of half-a-day shall be rounded off to one day.

 # (Substituted vide G.O.Ms.No.324 P&AR (FR.IV) Dept. *dt. 18.8..2004 - w.e.f. 1.4..2003)*

Explanation—

For the purpose of encashment of earned leave and leave on private affairs provided in this rule, the Government servants of the following categories shall also be eligible :-

(i) cases where the services of a Government servant has been extended in the interest of public service beyond the date of superannuation;

(ii) voluntary or premature retirement;

(iii) where the services of a Government servant are terminated by notice or by payment of pay and allowances *in lieu* of notice or otherwise in accordance with the terms and conditions of his appointment;

(iv) in the case of death of a Government servant while in service, to the family of the deceased;

(v) in the case of leave preparatory to retirement;

(vi) in cases where the Government servant has been compulsorily retired from service as a measure of punishment under Rule 8 of the Tamil Nadu Civil Services (D&A) Rules.

(vii) in cases where the Government servant has been retired on medical invalidation;

(viii) the Government servants who are discharged owing to the abolition of a permanent post or retrenched due to the abolition of a Government deportment or scheme.

[*vide* G.O. Ms. No. 345, P & AR (FR. SPL.)Dept., dated 31-7-1990, w.e.f. 29-5-1989.]

(*b*) A Government servant retained in service after the date of *retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which would have been granted to him under clause (a) had he retired on that day. The total period which he may take on each occasion shall not exceed

six months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, upto a maximum of six months as follows:—

(i) the balance, after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, *plus*

(ii) the amount of leave earned under this clause which is due to the Government servant and which he has in sufficient time during the period of extension—

(1) formally applied for as preparatory to final occasion of his duties and been refused, or

(2) ascertained in writing from the sanctioning authority that such leave would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.

Instruction under Rule 86.

The authority, other than the Government, competent to grant leave preparatory to retirement, shall not be competent to refuse under Rule 86, such leave shall be refused only by Government. The leave refused under Rule 86 shall be granted by Government:

Provided that the refusal of leave under Rule 86 and the grant of such refused leave to all Officers of the Judicial Department below the rank of District Judges shall be sanctioned by the High Court, Madras.

(G.O. Ms. No. 1107, Finance, dated 3rd September 1963.)

RULINGS.

Application of the Rule.

(1) This rule simply limits the *amount* of leave that may be granted to Government servants who have reached or are about to reach the date on which they are required to retire. The kind of leave and the leave salary are determined not by this rule but by the general rules in Rules 81 and 87. The proviso to Rule 81 (*b*) should, therefore, be held to apply in cases of leave granted under Rule 86.

The limit of six months laid down in Rule 86 (b) should be held to include periods of vacation prefixed or affixed to leave.

(Finance Memo. No. 29025, C.S.R.,-3, dated 13th December 1935.)

(2) Deleted.

(3) Compulsory recall of an officer from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave unenjoyed for purposes of Rule 86.

(G.O. Ms. No. 105, Finance, dated 4th April 1941.)

(4) While the amount of the leave refused under Rule 86 (*a*) is fixed, the quality of that leave (i.e., on average or half average pay) whether it is taken before or after the date of retirement or on the date of termination of extension of service or after the date of final cessation of duties may be varied within the normal leave rules to the advantage of the Government servant concerned in accordance with the leave *earned* and standing to his credit on the date on which he proceeds on leave prior to the date of retirement or on the date of termination of extension of service whenever he takes a portion of his refused leave before that date and ultimately on the date of his retirement or on the date of termination of extension of service and no second application for leave in sufficient time and its refusal are necessary, merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under Rule 86 (*a*), original or so modified, may, if the Government servant so desire, be converted within the quantum admissible into a portion on average and the balance on half average pay.

(G.O. Ms. No. 417, Finance, dated 26th April 1943.)

(5) Leave sanctioned preparatory to retirement but which could not be enjoyed due to the exigencies of public service may be treated as a constructive refusal of leave for purposes of Rule 86.

(Memo. No. 3879E 45—2, Revenue, dated 28th November 1945.)

(6) When a Government servant who has proceeded on leave preparatory to retirement is required for employment during such leave in any post under the Government, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused under Fundamental Rule 86, and it may be granted from the date of retirement or on the date of termination of extension of service of the Government servant. Such recall will be treated as "Optional" for the purposes of Fundamental Rule 70.

(G.O. Ms. No. 882, Finance, dated 19th July 1952.)

(7) Deleted.

(8) The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of retirement or on the date of termination of extension of service is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which, with the exception only of the net amount of leave refused, lapses under clause (a) of Rule 86 on the date of retirement, or on the date of termination of extension of service. The grant of any leave between the date from which the "refusal of leave" took effect and the date of superannuation should, therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (a) after superannuation in such a case is, therefore, the amount of leave originally refused minus the amount of the "post-refusal" leave enjoyed, and this difference is subject to a maximum of six months.

(9) Mr. X, who was due to retire on superannuation pension on 16th September 1947, applied for leave on average pay for four months from 10th February 1947 which was refused by Government in the exigencies of public service. He again applied for three months and six days' leave from 19th June 1947 which was again refused by Government except for fifteen days. The officer again applied for the leave from 16th September 1947. The question arose whether he should be given leave on 16th September 1947—

(i) the amount of refused leave for three months and six days less fifteen days, or

(ii) the accumulated refused leave of four months, and three months and six days subject to a maximum of six months, or

(iii) the longest of the two periods of refused leave, viz., four months.

The Comptroller and Auditor-General decided that the officer can be granted after the age of superannuation only the leave preparatory to retirement that was refused, viz., three months and six days less fifteen days availed of. The four months' leave on average pay applied for by him was not preparatory to retirement and hence its refusal by Government in the interest of public service does not entitle him to the protection of Rule 86 after of the date of superannuation.

(Comptroller and Auditor-General's U.O. No. 454/A/161/47, dated 2nd December 1947.)

(10) Permission to accept private employment concurrently with leave preparatory to retirement shall not ordinarily be granted to a Government servant with a view to enabling to take up private employment during the period of such leave. The services of such a Government servant shall be placed at the disposal of the private employer only on the usual foreign service terms till he/she attains the age of superannuation. As the permission to take up private employment is only a concession to the Government servant, the balance of the leave preparatory to retirement not availed of by him/her as a result of cancellation in order to take up private employment, shall not be deemed as constructive refusal of such leave for purposes of Fundamental Rule 86. The return to duty in such cases has to be treated as optional for purposes of Fundamental Rule 70.

(Finance Memo. No. 119194/F.R./60-3, dated 12 March 1960.)

(11) The leave salary that is payable when refused leave is availed of concurrently with reemployment, shall be reduced by the amount of pension and pension equivalent of the other retirement benefits. A Government servant shall be eligible for pension also in addition to the leave salary as so reduced.

Note.—The calculation of pension equivalent of gratuity shall be based on the full amount of the death-*cum*-retirement gratuity admissible under the Tamil Nadu Liberalised Pension Rules, 1960 and not on the amount of gratuity reduced with reference to rule 5 of the Tamil Nadu Government

Servants Family Pension Rules, 1964, issued in G.O.Ms.No.950, Finance (Pension), dated 29th July 1964.

(G.O. Ms. No. 1026, Finance, dated 16th September 1965).

(12) In the officers or cadres for which regular leave reserve posts have been sanctioned, the leave reserves need not be taken to cover vacancies caused by the grant of refused leave.

(Memo. No. 94463/FR/60-7, Finance, dt 9th May 1961 and G.O. Ms. No. 378, Finance, dt 6.04.1962)

(13) Applications for leave preparatory to retirement should be made at least three months before the date of commencement of the leave applied for. Proposals to refuse leave under Rule 16 shall be forwarded to the Government and their orders obtained on it before the commencement of the leave applied for.

The above condition shall not apply in the case of Government servants retiring under Fundamental Rule 56(*2*).

[G.O. Ms. No.716, Finance (F.R.I.), dated 7th July 1976.]

SECTION V — LEAVE SALARY.

87 Subject to the conditions in Rules 81, 88, 89, 90 and 91, a Government servant on leave shall, during leave, draw leave-salary as follows:

(a) if the leave is due, leave salary equal to average pay or to half average pay or to average pay during a portion of the leave and half average pay during the remainder as he may elect; and

(b) if the leave is not due, leave-salary equal to half average pay:

Provided that when a Group C and D Government servant takes leave and

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month, his "average pay" for the purpose of this rule may be taken to be "the pay which he would draw" in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay:

Provided further that in the case of a Government servant to whom the Employees State Insurance Act, 1948 (Central Act XXXIV of 1948) applies, leave salary admissible during leave other than leave on average pay shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

(G.O. Ms. No.887, Finance, dated 11th August 1965.)

Note.—Government servants in Basic service taking leave on medical certificate for leprosy or tuberculosis treatment will be permitted to draw leave salary equal to average pay for a period not exceeding six months subject to the conditions that the Government servant produces a certificate from the medical officer in charge of a recognised leprosy or tuberculosis treatment centre to the effect that he has undergone regular treatment during the month for which the leave salary is claimed. A Government servant in Basic Service suffering from tuberculosis, who is on the waiting list for admission to a recognised tuberculosis treatment centre, shall be eligible for leave salary under the foregoing paragraph on the production of a certificate from the official medical attendant or the Superintendent of the Government Headquarters Hospital in which he is kept, stating that he would have been treated as an in-patient in such centre if accommodation had been available therein.

RULINGS.

Election of leave salary.

(1) Rule 87 (*a*) provides that a Government servant on leave shall during leave, if the leave is due, draw leave-salary equal to average pay or to half average pay or to average pay during a portion of the leave and half pay during the remainder as he may effect.

The election given by the above rule is the election between the three different forms of leave salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the

intention is that the period of average pay should be taken first and should be succeeded by the period on half average pay.

(G.I.,F.D. No.604, C.S.R., dated the 26th April 1924, with the Comptroller and Auditor-General's Endt., No.332-A/30-24, dated 20th May 1924.)

Leave Salary of Group C and D Government Servants taking leave from Group A and B posts.

(2) The proviso to this rule applies only to Government servants proceeding on leave from Group C and D posts. The leave-salary of a Government servant holding a post in Group C and D substantively and proceeding on leave from a post in Group A and B after officiating in it for some time should be regulated by the main rule itself, i.e., the leave salary should be based on the average pay earned during the preceding twelve months.

(G.I.F.D. No.F.175, C.S.R.25, dated 11th July 1925.)

(3) Scope of the first proviso to Rule 87 in the case of non-gazetted Government servants on foreign service—

(i) For the purpose of this proviso, the status of a Government servant while on foreign service, i.e., Group A and B or Group C and D should be determined with reference to the permanent posts under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under Rule 113, with reference to the post under Government to which he is so promoted.

(ii) in the case of such a Government servant, the term "his pay" occurring in item (i) of this proviso should be construed to mean what is prescribed under rule 117(*b*) for counting his pay for the purpose of Rule 9(2) i.e., the pay drawn in foreign service at the time leave is taken *less* in the case of a Government servant paying his own contribution for leave-salary and pension, such part of the pay as may be paid as contribution.

(iii) The expression "the pay he would draw in the permanent post held substantively by him at the time of taking leave" occurring in this proviso should, in its application to a Government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended at the time of taking leave.

(Government of India, Finance Department Letter No.F.723-RI/43, dated 17th July 1943, to all Chief Commissioners.)

Pay and status for purpose of the proviso under Rule 87

(4) For the purpose of the proviso in this rule, they pay and status of Government servant should be determined with reference to the post which he was holding whether in a substantive or in an officiating capacity before going on leave.

(G.O. Ms. No. 532, Finance, dated 2nd July 1926.)

Interpretation of the term "pay" in the expression "the pay which he would draw", occurring in clause (ii) of the proviso.

(5) This term should be interpreted as including "Special Pay" whether attached to a post or personal to a particular Government servant, since in either case the Government servant would draw it in the post which he holds substantively.

(G.I., F.D., Letter No.F.374-C.S.R., 26, dated 27th November 1926.)

(6) When a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave, he must be considered as the substantive holder of that particular post at the time and if a special pay is attached to that post, he may, if the other conditions of the first proviso to Rule 87 are fulfilled, draw leave-salary equal to his substantive pay *plus* the special pay which he was drawing at the time of taking leave.

(Comptroller and Auditor-General's Letter No.T.717-A/167-38, dated 13th July 1938, to Accountant-

General, Central Revenue, received with the Comptroller and Auditor-General's Endt. No.331-A / 167-38, dated 16th July 1938.)

Note.—When the special pays for typewriting and shorthand are not attached to any particular post but are sanctioned for a particular office or offices as a whole (i.e., special pays for shorthand and typewriting in the Judicial Department) a Government servant who is in receipt of such special pay at the time of proceeding on leave, cannot draw the special pay as part of the pay of the post held substantively by him at the time of taking leave under the first proviso to Rule 87 but can draw only average pay as defined in clause (2) of Rule 9.

Similarly, special pays for unhealthy localities are treated as not attached to a post and can, therefore, be taken into account only for calculating average pay.

[Public (Services) Memo.No.25965/38-3, dated 25.10. 1938 and Finance Memo. No. 13898, C.S.R., dated 21st June 1939 and Home Dept Letter No.2978, dated 30th May 1939, to the Chief Justice.]

Interpretation of the words "permanent post" occurring in the same clause.

(7) The permanent post may be a post on which the Government servant's lien has been suspended if he holds a lien on no other permanent post.

(G.I., F.D., U.O.No.787-C.S.R., dated 2nd March 1926.)

Interpretation of the words "at the time of taking leave" occurring in the same clause.

(8) The phrase "at the time of taking leave" denotes a point in time and that point is the moment at which leave begins. If, therefore, a Government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due, this increment cannot be taken into account in the calculation of his leave-salary. His increment does not begin to accrue until the previous midnight is past and by the time he is assumed to be on leave and, therefore, incapable of drawing increment because he is no longer on duty.

(G.I.F.D.,Nos.F.454-R-I-27, dated 10th December 1927 and F.454-R-I-27, dated 23rd March 1928.)

(9) Officers who are invalidated during the currency of or at the end of a period of 'leave not due' granted with or without medical certificate should be retired from the date of termination of such 'leave not due'.

Leave salary of approved probationers.

(10) As under Instruction 2 to Rule 104, approved probationers in superior service are eligible to be granted such leave as would be admissible to them if they held their posts substantively, their leave salary should also be governed by conditions applicable to permanent Government servants. They should, however, be granted under Rule 87 average pay only during period of leave on average pay, as they have no substantive pay in respect of any permanent post held by them.

(G.O. Ms. No. 486, Finance, dated 9th August 1935.)

Definition of 'pay' occurring in the rule.

(11) The term "pay" in the expression "his pay is less than Rs.300" occurring in clause (i) of the proviso should be interpreted according to the definition in Rule 9 (21).

An increment falling due during all leave except extraordinary leave taken otherwise than on medical certificate, does not take immediate effect but only from the date of return of the Government servant to duty. This does not, however, have the effect of postponing the date of accrual of future increments.

(G.I.F.D., No.143-C.S.R., dated 24th February 1925.)

[G.O. Ms. No. 1279, Finance (F.R.), dated 22nd September 1972.]

Commutation of leave.

(12) The words "as he may elect" in Rule 87(*a*) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. Though under the Fundamental Rules the authority which granted leave can (if so disposed), commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

(Comptroller and Auditor-General's No.655-A- 345/25, dated 2nd January 1926.)

(13) Please *see* ruling (1) under Annexure II-Part I.

(14) In connection with the application of the first proviso to Rule 87(*b*), a question was raised as to whether the special pay attached to a particular post included in a cadre of a service and drawn by the incumbent of the post at the time of taking leave should be included in calculating the amount of leave salary under the proviso.

When a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave, he must be considered as the substantive holder of that particular post at the time and that, he may, if he fulfills the other conditions of the first proviso to Rule 87, draw leave-salary equal to his substantive pay *plus* any special pay which he was drawing at the time of taking leave.

(Comptroller and Auditor-General's letter No.T.717-A-167/38, dated 13th July 1938, to the A.G., C.R., New Delhi.)

88. After continuous absence from duty on leave for the period of twenty-eight months, a Government servant will draw leave-salary equal to quarter average pay, subject to maxima and minima prescribed in Rules 89 and 90.

RULINGS.

Interpretation of the rule.

(1) The expression "continuous absence from duty on leave for a period of 28 months" occurring in this rule includes the period of vacation, if any, with which leave is combined, but does not include extraordinary leave.

The reason for the exclusion of extraordinary leave is that such leave is not debited against the leave account—*vide* Rules 85(*a*) while leave on quarter average salary is debited—*vide* Rule 78(*b*).

(Comptroller and Auditor-General's No.1148-A/440/23, dated 15th November 1923 and No.237-A58 / 24, dated 17th March 1924.)

89. (1) *Omitted*.

(2) Except during the first four months of any period of leave on average pay, leave salary is subject to the monthly maxima shown in the following table:—

The Table.

	Average in Asia	*Half average in Asia*	*Quarter Average in Asia*
	Rs.	*Rs.*	*Rs.*
Government servants subject to ordinary leave rules.	*1,500*	*750-*	*600*

Note.—The maximum average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation and to proportionate fraction of a month during which he has taken a part only of the vacation; provided that in the case of a Government servant, who, if transferred with leave to his credit from a non-vacation to a vacation department, Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

RULINGS.

(1) The period of leave on average pay taken before and after deputation out of India should be treated as one spell of leave for the purpose of applying the maximum limit under this rule.

Application of maximum where vacation is combined with leave.

(2) The intention is that when vacation is combined with leave on average pay the period of vacation should be treated exactly at the equivalent of leave on average pay for the purposes of this rule.

(G.I., F.D., No. 1289-C.S.R., dated 10th January 1922.)

(3) Note to Rule 89 is not meant to give any additional advantage but is intended to be a restrictive exception to the main rule. A Government servant is not entitled to the concession mentioned in that Note in addition to the concession granted in the main rule itself but only to the drawing of full pay for a period equivalent to one month for each year since last leave taken during which vacation has not been enjoyed.

Note.—The effect of the above orders will be that officers of the vacation department will be entitled to draw full average pay without limit only for the period equivalent to one month for each year *since the last leave* taken during which vacation has not been enjoyed (subject to the limit of four months) but not for any other period of leave on average pay.

[Letter No. F-7 (54) R-I 37, dated 5th August 1937, from the Government of India, Finance Department.]

(4) For the purpose of Note to Rule 89 when vacation is combined with leave, the first four months of leave on average pay which is exempt from the maximum limit laid down in Rule 89 should be calculated after taking into account the full period of the vacation so combined, even when the vacation does not fall within the first four months of any period of combined leave and vacation, in other words, the concession of drawing full average pay during leave combined with vacation should be restricted to such period of leave on average pay earned by detention on duty during vacation since last return from leave as is equal to residual period, if any, which remains after deducting the period of vacation from the period of four months. If, however an officer so elects, he may in the alternative, be allowed to have the full amount of leave on average pay at his credit earned by detention on duty during vacation since his last return from leave subject to the limit of four months and to combine with it as much of vacation (on full pay) as would make up the total of four months, the rest of the vacation being sanctioned as leave on average pay or half-average pay, as the case may be.

(Comptroller and Auditor-General's Letter No.408-A-187/39, dated 21st September 1939.)

(5) The provisions in Rules 89 and 90 apply to full-time temporary and officiating Government servants who have completed the periods of their probation and are awaiting admission to a service and part-time Government servants who held permanent appointments substantively as their leave terms depend upon those admissible to full-time permanent Government servants. Rules 89 and 90 will not, however, apply to other Government servants falling within the scope of Rules 103 and 104 for whom specific leave terms have been laid down in the Instructions thereunder.

(G.O. Ms. No. 486, Finance, dated 9th August 1935.)

90. Subject to the condition that the leave salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minimum shown in the following table:—

The Table

	Half average in Asia	*Quarter average in Asia*
	Rs.	*Rs.*
Government servants subject to ordinary leave rules	*250*	*125*

Note.—The minima specified above for Government servants apply only when leave is taken or extended out of India elsewhere than in Pakistan, Ceylon, Nepal or Burma.

RULINGS

Interpretation of the term "average pay" occurring in Rule 90 in respect of Group C and D Government Servants.

The words "average pay " used in Rule 90 should be interpreted in terms of Rule 9 (2) and not be taken as the pay which the non-gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay.

(G.I.,F.D., No.124/R-1/30 dated 10th May, 1933)

91. Unless Government by general or special order otherwise direct, leave-salary shall be drawn in rupees in India.

93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty but Government may make rules specifying the condition under which a Government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

Note: See Instructions under Fundamental Rule 44.

RULING.

Treatment of vacation as "leave" for the purpose of Rule 93.

When vacation is combined with leave, the entire period of vacation and the leave should be taken as one spell of leave.

SECTION VI - EXCEPTION AND SPECIAL CONCESSIONS.

99. The following Law Officers are entitled to leave under the rules applicable to members of the Indian Civil Service; provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of the Government:-

An Advocate General

A Standing Counsel

An Official Trustee or Assignee

A Receiver of a High Court

A Remembrancer

A Government Advocate.

101. Rules regulating the grant of -----

(a) maternity leave to female Government servants,

@ (ab) Special adoption leave to female Government Servants, and

(b) leave on account of ill-health to members of subordinate services whose duties expose them to special risk of accident or illness are given in the following instructions.

Such leave is not debited against the leave account.

@ (Inserted vide G.O.(Ms)No.124, P&AR(FR-IV) department, dated18.10.2013 - w.e.f 31.03.2006)

Instructions under Rule 101 (a) -- Maternity leave.

1. A competent authority may grant maternity leave on full pay to permanent married women Government servants for a period not exceeding $ #**270 days** which may spread over from the preconfinement rest to post confinement recuperation at the option of the Government servant . The maternity leave will not be admissible to married women Government servants with more than three children. Non-permanent, married women Government servants, whether appointed in a regular capacity or under the emergency provisions of the relevant service rules should take for maternity purposes, the earned leave for which they may be eligible. If however, such a Government servant is not eligible for earned leave or if the leave to her credit is less than $ # **270 days**, maternity leave may

be granted for a period not exceeding $ # **270 days** or for the period that falls short of $ #**270 days**, as the case may be. Non-permanent married women Government servants employed under the emergency provisions should have completed one year of continuous service including leave periods, if any, to become eligible for the grant of maternity leave:

*($*180 days – *Substituted vide G.O.Ms No. 138, P & A R (FR-IV) Dept, dated 19.11.2013. with effect from 16.05.2011 to 6.11.2016)*

[# Substituted vide G.O. Ms. No. 154, P & A R (FR-II) Dept, dated 05.12.2017-w.e.f. 07.11.2016.]

Provided that on and from the 29th June 1993, maternity leave shall be granted to a woman Government servant with less than two surviving children.

(G.O. Ms. No. 173, P & A R Dept, dated 27th June 1997. with effect from 29th June 1993)

@ Provided further that, in the case of a woman government servant with two surviving children born as twins in the first delivery, maternity leave shall be granted for one more delivery.

@ (Added vide G.O.(Ms)No. 149, *P & A R* (FR-II) Department, dated 31.10.2018 - w.e.f. 20.06.2018.)

Explanation 1.—Approved probationers in superior service governed by the Tamil Nadu Leave Rules, 1933, shall be eligible for maternity leave as for permanent Government servants.

Explanation 2.—In the case of married women Government servants who are confined during the period of their leave, including extraordinary leave, the $ # **270 days** period referred to above shall be reckoned only from the date of confinement.

(G.O. Ms. No. 138, P & A R Dept., dated 26th February 1983—With effect from1st April 1980.)

($180 days – Substituted vide G.O.(Ms)No. 138, *P & A R* (FR-IV) Department, dated 19.11.2013. w.e.f 16.05.2011)

[#Substituted vide G.O. Ms. No. 154, P & A R (FR.II), dated 05.12.2017-with effect from 07.11.2016.]

Explanation 3.—for the purpose of this instruction, the expression “three living children” shall not include adopted children.

[G.O. Ms. No. 192, P & AR (FR III) Dept. *dt. 25-2-1985.]*

**Explanation 4*— The Women Government Servant who proceeded on maternity leave prior to the 16th May 2011 and continued to be on that leave on or after that date shall also be eligible for maternity leave for a period not exceeding 180 days.

(*Inserted vide G.O (Ms) No. 154, *P & A R* (FR-II) Department, dated 05.12.2017 – with effect from 16.05.2011 to 06.11.2016)

$ Explanation 4.— The Women Government Servant who proceeded on maternity leave prior to the 7th November 2016 and continued to be on that leave on or after that date shall also be eligible for maternity leave for a period not exceeding 270 days.

$ (Substituted vide G.O (Ms) No. 154, P&AR (FR-II) Dept, dated 05.12.2017.- w.e.f 07.11.2016)

1-A. A competent authority may grant maternity leave on average pay to permanent married women Government servants in cases of abortion also for a period which may extend to six weeks. A non-permanent married woman Government servant whether appointed in a regular capacity or under the emergency provisions of the relevant service rules, should take in such cases, ordinary leave on average pay for which she may be eligible. If, however, such a Government servant is not eligible for any leave on average pay, or if the leave to her credit is less than six weeks, maternity leave may be granted for a period not exceeding six weeks or for the period that falls short of six weeks as the case may be. Non-permanent married women Government servants employed under the emergency provisions should have completed one year of continuous service, including leave periods, if any, to become eligible for the grant of maternity leave.

The grant of maternity leave is subject to the following further conditions:—

Unless, an abortion takes place in a Government hospital or Local fund or Municipal hospital or in a recognised Nursing Home and the respective medical officer-in-charge of the institutions certifies that the abortion took place after 12 weeks of pregnancy, the leave should not be granted. Where there are no hospital facilities, women Government servants should appear before the authorised

medical attendant when the sign of abortion still exists or go to him for antenatal examination after 12 weeks of pregnancy, so that the authorised medical attendant may be in a position to issue the necessary certificate.

*Provided that notwithstanding anything contained in this instruction and in instructions I-B and I-C, in the case of married woman Police personnel, maternity leave may be granted for spontaneous abortion from the seventh week of pregnancy.

*(Added vide G.O.Ms.No.73, P&AR (FR-IV) Dept., dt: 17.06.2005. w.e.f.23.12.2004)

Explanation-1:—In the case of maternity leave for miscarriage or abortion, the certificate from a Registered Medical Practitioner authorised under the Medical Termination of Pregnancy Act, 1971 (C.A. 34 of 1971) may be accepted.

[G.O. Ms. No. 768, P&AR (F.R.-1), dated 3rd July 1978.—With effect from 21st July 1977.]

@*Explanation - 2*:- The term "Spontaneous abortion" refers to the loss of a non-viable foetus during pregnancy in naturally occurring events, not elective or due to therapeutic abortion procedures.

@ (Added vide G.*O.Ms.No.73, P&AR (FR-IV) Department dated 17.6.2005*.w.e.f.23.12.2004)

1B. A competent authority may grant maternity leave to permanent married women Government servants, who undergo medical termination of pregnancy of 12 weeks or more but not exceeding 20 weeks under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971).

1-C. A non-permanent married woman Government servant whether appointed in a regular capacity or under the emergency provisions of the relevant service rules, who undergoes medical termination of pregnancy of 12 weeks or more but not exceeding 20 weeks under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971) should take earned leave for which she is eligible. If, however, such a Government servant is not eligible for any earned leave or if the leave to her credit is less than six weeks, then the competent authority may grant maternity leave for a period of not exceeding six weeks or for the period which falls short of six weeks, as the case may be. Non-permanent married women Government servants employed under the emergency provisions should have completed one year of continuous service including leave periods, if any, to become eligible for the grant of maternity leave:

Provided that the grant of maternity leave under Instructions 1-B and 1-C is subject to the conditions that the termination of pregnancy shall be performed at Government Hospitals or other institutions approved under the Medical Termination of Pregnancy Act, 1971 (Central Act 34 of 1971.)

[G.O. Ms. No. 1190, P&AR (F.R.I.) Dept.*, dated 25th October 1978 – w.e.f. 10th August 1976.)*

Explanation 1.—Approved probationers in superior service governed by the Tamil Nadu Leave Rules, 1933, shall be eligible for the leave specified in Instructions 1-A, 1-B and 1-C as for permanent Government servants.

Explanation 2.—Maternity leave of six weeks for natural abortion/medical termination of pregnancy under the medical Termination of pregnancy Act, 1971, (Central Act 30 of 1971) under Instructions IA, IB and IC, shall be granted only for two times to married women Government Servants who have no living child, or for three times to those who have one living child with a condition to undergo sterilisation permanently for the grant of this leave for the third time, or for two times to those who have two living children with a condition to undergo sterilisation permanently for grant of this leave for the second time.

[G.O. Ms. No. 513, P&AR (Personnel-J) Dept. *dated 3rd October 1988.- w.e.f. 10th February 1987]*

@Provided that on and from the 29th June 1993, maternity leave not exceeding six weeks for miscarriage, including natural abortion or medical termination of Pregnancy under the Medical Termination of Pregnancy Act, 1971 (Central Act 30 of 1971) shall be granted to a woman Government servant irrespective of number of surviving children, on production of medical certificate.

[@ added in G.O. Ms. No. 173, P&AR (FR-IV) Dept. *dated 27.6.1997.- w.e.f.29.6.1993]*

2. Leave on any other kind may be granted in continuation of maternity leave, if the request for its grant be supported by a medical certificate.

$Provided that on and from the 29th June 1993, leave of any kind due and admissible under the rules may be granted upto a maximum period of one year in continuation of maternity leave, if leave is applied for supported by a medical certificate.

[$ added in G.O. Ms. No. 173, P&AR (FR-IV) dated 27.6.1997.- w.e.f.29.6.1993]

Explanation.—Leave of any other kind in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female Government servant producing a medical certificate from the authorised medical attendant to the effect that the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

(G.O. Ms. No. 1204, Finance, dated 31st October 1960.)

3. All Heads of Departments and other competent authorities may grant maternity leave to women Government servants under their control subject to the restriction laid down in Rule 66.

**** Instruction under Rule 101(ab) – Special Adoption Leave**

1. The competent authority may grant special adoption leave for a period of (**) ($) #270 days to a Women Government servant who adopts a child below the age of one year.

2. For the grant of such leave, the adoption must be a legal one.

3. The leave shall be granted from the date of legal adoption and without medical certificate.

(**135 days – Inserted vide G.O.(Ms) No.124, *P&AR* (FR-IV) department, dated 18.10.2013 - with effect from 31.03.2006.)

($180 days – Substituted vide G.O.(Ms) No.124*P&AR* (FR-IV) department, dated 18.10.2013 - with effect from 10.04.2012)

(# Substituted vide G.O.(Ms) No.150, *P&AR* (FR-II) dept, dated 31.10.2018 - w.e.f 05.01.2018)

Instruction under Rule 101 (b)—Hospital leave.

1. The grant of hospital leave is subject to the condition that the leave-salary is not in addition to the benefits to which the employee may be entitled to under section 4 (1) (d) of the Workmen's Compensation Act but is inclusive of them.

2. All Basic servants and such subordinate Government servants whose duties involve handling of dangerous machinery, explosive materials, poisonous drugs, etc., or the performance of hazardous tasks, while under medical treatment for illness of injury, if such illness or injury is directly due to risks incurred in the course of their official duties, are eligible for hospital leave. The grant of hospital leave is subject to the following further conditions:—

(a) Hospital leave should be granted on the production by the Government servant concerned, of a medical certificate from an authorised medical attendant or a certificate of a superior officer not below the rank of a Group A and B officer to the effect that the illness or injury was directly due to risks incurred in the course of official duties and also that the leave recommended is necessary to effect a cure.

(b) The period of the leave shall be such as may be certified by the authorised medical attendant to be necessary and shall not exceed the maximum laid down in Instruction 3 below.

(G.O. Ms. No. 141, Finance, dated 31st January 1961.)

2-A. A Government servant, who holds only a temporary or officiating post and has no lien on a permanent post is not entitled to hospital leave. This provision shall not apply to a Police Constable or Head Constable or Band Head Constable or Reserve Head Constable or Armourer or Signaller or Motor Transport Driver or Band Police Constable or Reserve Police Constable, Bugler, Bellows Boy, Daffadar, Lancer Daffadar or Sower in the Tamil Nadu Police Subordinate Service or a Forest Reserve Watcher or a Leading Fireman Driver, Driver Mechanic, Fireman Mechanic, Welder, Fireman Labourer or Fireman in the Tamil Nadu Fire Service or any of the employee of the Government Press including men paid from Day-extra establishment and menials paid from contingencies but excluding those classified under Ministerial Service.

(G.O. Ms. No. 851, Finance, dated 8th July 1964.)

3. Hospital Leave on full pay may be granted to a Government servant of one of the classes mentioned in Instruction 2, for the entire period during which the Government servant is treated as inpatient in the hospital and for the period during which he is treated as out-patient, leave on half-pay to the extent recommended by the medical authority may be granted. It is inadmissible when such treatment is necessitated by intemperance or irregular habits. Hospital leave may be combined with other leave which may be admissible. The total period of leave so combined shall not exceed 28 months.

(G.O. Ms. No. 44, P & A R, dated 18th January 1983—With effect from 19th December 1968.)

4. If the detention in hospital was due to an injury received or a disease contracted in the course of duty, and it is also certified not to have been due to imprudence, full pay may be allowed for a period not exceeding three months. If the medical officer certifies that the injury or disease necessitates detention in hospital, that there is no hospital within convenient distance to which the patient may be sent and that home treatment is possible, treatment as an out-patient may be considered to be detention in hospital for the purpose of this sub-rule.

Rulings.

Hospital leave to temporary or officiating Government servants.

(1) A Government servant who holds only a temporary of officiating post and has no lien on a permanent post is not entitled to hospital leave, but only to leave under Rule 103.

(G.O. Ms. No. 346, Finance, dated 1st May 1934.)

(2) Maternity leave may be granted in continuation of other kinds of leave.

(G.O. No. 980, Finance, dated 21st December 1925.)

Leave salary of basic servants on maternity leave.

(3) The restriction on the amount of leave salary admissible to basic servants under the proviso to Rule 87 (*b*) (ii) should be applied in respect of the leave salary payable under instruction 1 below Rule 101 (a)

(Memorandum No. 6757-2-2-P.H., dated the 4th March 1911.)

Calculation of hospital leave.

(4) The Three months leave on full pay referred to in Instruction 4 should be reckoned as part of the leave referred to in Instruction 3.

Press employees.

(5) The Instruction under Rule 101 (b) are applicable to all “press employees” including piece workers, permanent and temporary, the men paid from contingencies and to those on daily wages. Their leave salary should, however, be calculated on the basis of average pay as defined in Rule 9 (2).

(G.O. Ms. No. 625, Finance, dated 3rd September 1927.)

(6) The limit of eight months is not applicable when hospital leave is taken in combination with ordinary leave on average pay on medical certificate.

(Memo. No. 30896-1-C.S.R., dated 3rd October 1927.)

Explanation of detention in hospital.

(7) Attendance by a police-man unfit for duty at a hospital as an out patient is not “detention in hospital” for the purposes of the above rule.

[G.O. Ms. No. 415, Judicial (Police), dated 4th July 1923.]

(8) There shall be no limit for combining earned leave or vacation with maternity leave provided that in cases where a Government servant is required to attend office during vacation immediately following maternity leave but is unable to attend, a medical certificate may be insisted at the discretion of the sanctioning authority.

(Memo. No. 39529/C.S.R.,2, dated 27th May 1955.)

(9) A female Group A and B Government servant applying for leave under Instruction 2 to Rule 101 (a) should follow the procedure laid down in Part I (Section III) in Annexure II to the Fundamental Rules.

(G.O. Ms. No. 953, Finance, dated 27th July 1957.)

(10) The leave salary for the period of maternity leave availed by a female Government servant while on foreign service should be borne by the foreign employer.

(G.O. Ms. No. 865, Finance, dated 4th August 1965.)

102. Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

103. Rules regulating the leave which may be earned by—

(*a*) temporary or officiating service; and

(*b*) part-time service or service which is remunerated wholly or partly by the payment of honoraria or daily wages, are given in the Instructions below:

These Instructions are subject to the condition that they shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

Instruction under Rule 103 (a).

1. *Deleted*.

2. Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a temporary post, provided that the grant of the leave involves no extra expense to the Government. On this condition, such a Government servant may be granted—

(a) leave on leave-salary equivalent to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or

(b) on medical certificate, leave on leave-salary equivalent to half-average pay for three months at any one time, or

(c) extraordinary leave under Rule 85 for three months at any one time.

Note 1.—The Government reserve the power to waive the proviso that there should be no extra expense, in special cases.

Note 2.—When a Groups C and D Government servant takes leave and

(i) his pay is less than Rs.300, or

(ii) the leave taken does not exceed one month.

his average pay for the purpose of this rule may be taken to be his pay at the time of taking leave,

if this pay be more than the average pay.

Note 3.—Health Inspectors have been permitted to count their previous pensionable service under local bodies for leave in combination with subsequent Government service subject to the following conditions:—

(i) such service should be allowed to count for leave in combination with the subsequent Government service, provided the Health Inspector has completed his period of probation, and is not likely to revert from Government service; and

(ii) the leave salary is debited to the local bodies concerned until the amount of leave at the credit of such Health Inspector at the time of transfer to Government service is entirely exhausted.

In the case of local body and Municipal servants who are merely acting as probationary Health Inspectors, their leave should continue to be regulated by Instruction 2 to Rule 103 (a).

Note 4.—Non-permanent Government servants may also be granted special disability leave under the terms and conditions applicable to permanent Government servants (*See* Note under Fundamental Rule 83.)

Exception.—In the case of a Government servant officiating in a permanent post or holding a temporary post in a vacation department, leave granted under clause (a) of this rule shall be on leave salary equivalent to half-average pay, provided that such a Government servant may be granted under that clause leave on leave-salary equivalent to average pay to the extent of one month for each year of duty in which he has availed himself of not more than 15 days of the vacation.

(Government of India, Finance Department, Resolution, No.783/C.S.R., dated the 8th July 1922.)

3. If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under Instruction 2. Leave taken under Instruction 2 is not an interruption of duty for the purpose of this Instruction. This Instruction has retrospective effect in the case of Government servants in permanent service at the time, these rules come into force.

Temporary and officiating service rendered under the Government of India or any State Government and followed by confirmation under the Government of Tamil Nadu without interruption of duty will, up to the extent mentioned above, be taken into account for the purpose of the leave account, provided that under the rules laid down by the other Government, such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation.

Instruction under Rule 103 (b).

1. Subject to the condition that the grant does not involve extra cost to Government, Law Officers and other part-time Government servants may be granted leave as follows:-

If they hold permanent appointments, leave not exceeding that admissible to a full-time permanent Government servant; and

If they hold temporary or officiating appointments, leave not exceeding that admissible to a fulltime temporary or officiating Government servant.

Note (i).—This rule does not apply to part-time service in posts held as collateral charges by officers who have another main appointment under Government. In such a case, no leave is earned in respect of service in the collateral posts.

Note (ii).—The condition that the grant should not involve extra cost does not apply to the part-time services of Port Officer.

2. Instruction 1 of the Maternity Leave Rules issued under Rule 101 (*a*) applies to women employed under Government at piece-rates or daily rates in permanent or quasi-permanent concerns.

RULINGS.

Leave of re-employed pensioner.

(1) The service of a person who is re-employed after having retired on superannuation or retiring pension should be regarded as temporary and his leave regulated by Rule 104 [*Vide* also ruling (1) under Rule 65 (a).]

(G.O. Ms. No. 641, Finance, dated 13th September 1938.)

(2) A question having been raised whether it is necessary to extend the period of a temporary post so as to cover the period of leave granted to its holder after he has ceased to perform the duties of the post, it has been decided that an extension is expedient only in cases where the grant of leave is subject to the condition of “no expense to Government” but improper in the absence of this condition.

(G.O. Ms. No. 242, Finance, dated 24th April 1933.)

Extra expenses.

(3) (*a*) The term "extra expense" occurring in Instruction 2 under Rule 103 (*a*) should be interpreted to mean the net extra cost to Government involved in the chain of officiating arrangements made in the vacancy of the absentee.

(*b*) The net extra cost to Government for the purpose of calculating the sum available for payment to the absentee should then be worked out as shown below:—

(i) *Leave reserve establishments*.—Sum total of enhanced officiating pay (acting allowances) granted to the Government servants in the chain of arrangements made in the vacancy of the absentee.

(ii) *Non-leave reserve establishments*.—Sum total of enhanced officiating pay (acting allowances) granted to the Government servants in the chain of arrangements made in the vacancy of the absentee as in (i) above, *plus* entire pay of the substitute, that is, the pay of the outsider without a substantive post, appointed in the last place in the chain.

(G.O. Ms. No. 550, Finance, dated 3rd September 1934.)

(4) The different kinds of leave referred to in clauses (*a*), (*b*) and (*c*) of Instruction 2 to Rule 103 (*a*) are cumulative and not alternative.

(5) The interruption of duty referred to in Article 420 (f) of the Civil Service Regulations does not constitute an interruption of duty within the meaning of this rule.

(6) For purpose of Instruction 3 under Rule 103 (*a*), suspension should be treated as an interruption of duty and will involve the forfeiture of past service.

(G.O. Ms. No. 253, Finance, dated 26th March 1925.)

Note.—The Commissioner of Land Administration has been empowered to declare that interruption of duty due to suspension will not involve the forfeiture of past service for purposes of leave in individual cases of the temporary subordinates of the Survey and Settlement Department, provided that the whole record of the individual member is such as to justify exceptional treatment.

(G.O. Ms. No. 2022, Finance, dated 24th November 1926.)

(7) Leave earned by an officiating Government servant without substantive appointment in one department may be carried forward on appointment to another department of Government, provided there is no break in the continuity of the Government servant's service.

(Finance U.O.Note No.10740-2-C.S.R., dated 20th April 1937.)

(8) In the case of a Government servant without substantive appointment, who has been continuously in Government employ, service in a post borne on a work-charged establishment should not be regarded as an interruption of duty for the purpose of Instruction 3 under Rule 103 (*a*). The service in the work-charged establishment will not, however, count as duty for purposes of leave and leave salary.

(G.O. Ms. No. 328, Finance, dated 10.9.1937 and P.W.D., Memo. No. 64, dated 17th June 1946.)

(9) Vacation may be combined with leave granted under Instruction 2 (*a*) under Rule 103 (*a*) or under Rule 3 of the leave terms for Contract Officers issued in G.O. No.423, Finance, dated 5th July 1935, and vacation when so combined should be treated as leave for the purpose of the limit prescribed in the above rules.

104. During the period of probation or apprenticeship, Probationers and Apprentices are entitled to leave as admissible under the Instructions given below:

Instructions under Rule 104.

1. In these rules,—

(a) ***Probationer*** means a Government servant recruited with a view to substantive appointment to the cadre of a department on completion of his period of probation.

(b) ***Apprentice*** means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from

Government during such training, but is not employed in or against substantive vacancy in the cadre of a department.

2. Leave may be granted to a probationer, who has not completed his period of probation, in accordance with the provisions of Instruction 2 under Rule 103 (*a*). If, however, the probationer has completed the period of his probation and is awaiting appointment as a full member of the service, he may be granted such leave as would be admissible to him if he held his post substantively otherwise than on probation. This rule does not apply to a probationer in the Basic Service.

3. Leave of the following kinds may be granted to an apprentice:—

(a) On medical certificate, leave on leave-salary equivalent to half average pay for a period not exceeding one month in any year of apprenticeship.

(b) Extraordinary leave under Rule 85.

RULINGS.

Leave to an apprentice.

(1) Under the Instructions under Rule 104, an apprentice will be eligible in each year of apprenticeship for leave on half-pay on medical certificate up to a maximum of one month but no accumulation of such leave is admissible.

(G.O. Ms. No. 1318, Development, dated 9th September 1926.)

(2) Apprentices on confirmation cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post. They are governed by Instruction 3 under Rule 104 which provides only for leave during the apprentice period.

(C.C.A's Letter No. 42-A-248/31, dated 3rd February 1932, to the A.G., Central Revenues communicated with his Endt. No. 42-218/31, dated 4th February 1932.)

(3) The leave at the credit of a Government servant on the date of his appointment as an apprentice should not lapse but may be allowed to be carried forward on his appointment to a post on the expiry of the period of apprenticeship.

(Finance Memo. No. 85862/F.R./59-2, dated 6th October 1959.)

Leave to an approved probationer.

(4) An approved probationer can be granted leave, only if he would have otherwise continued on duty.

Note.—There is, however, no objection to more than one approved probationer being reckoned against the same vacancy if they are granted leave concurrently.

(G.O. Ms. No. 2677, Home, dated 13th May 1939.)

CHAPTER XI—JOINING TIME.

105. Joining time may be granted to a Government servant to enable him—

(a) to join a new post either at the same or a new station without availing himself of any leave on relinquishing charge of his old post;

(b) to join a new post in a new station on return from—

(i) leave of any kind including surrender leave not exceeding six months whether combined with vacation or not;

[G.O. Ms. No. 400, Finance (F.R.I.), dated 23rd March 1974.]

(ii) leave other than those specified in sub-clause (i) when he has not had sufficient notice of his appointment to new post;

(c) (i) to proceed on transfer or on the expiry of leave from a specified station to join a post in a place in a remote locality which is not easy of access;

(ii) to proceed on relinquishing charge of a post, on transfer or leave, in a place in a remote locality which is not easy of access to a specified station.

Explanation 1.—Probationer holding training posts which they may be considered as taking with them on transfer are entitled to joining time on transfer under this rule. A Government servant deputed to undergo a course of training if the training is at a fixed centre and the course of training exceeds 180 days, may be allowed joining time as on transfer for the journeys to and from the place of training. If the course of training does not exceed 180 days or is not confined to a particular station, he may be allowed only the time actually required for the journey to and from the place of training. In the case of Civil Officer granted Commissions in the Army in India Reserve of Officers and of persons deputed for training in the Indian Territorial Force, the period of training will not, however, include the time spent in journeying to and from the station at which training is carried out.

Exception.—However in cases where the period of training exceeds 180 days and the Government allow at their discretion stipend or deputation allowance or training allowance for the period of training, only the time actually required for the journeys to and from the training centre shall be permissible.

Explanation 2.—Probationers and approved probationers in one service when appointed to the same or another service by direct recruitment shall be allowed joining time and transit pay, but not travelling allowance.

Such of the Junior Engineers/Supervisors, working under the emergency provisions under the Government on their joining duty in the Public Works Department or Highways and Rural Works Department or Industries Department (Construction Branches) consequent on their selection by the Tamil Nadu Public Service Commission for regular appointments in Public Works Department or Highways and Rural Works Department or Construction Branch of Industries Department, be allowed the minimum joining time admissible under the rules. They will not, however, be entitled for transit pay and travelling allowance for joining the post to which they are regularly appointed consequent on their selection by the Tamil Nadu Public Service Commission. Joining time in such cases will not count for increment.

[G.O. Ms. No. 74, Finance (F.R.I) dept., dated 31st January 1976.]

Explanation 3.—Medical Officers, Nurses, Pharmacists and Laboratory Technicians who are temporarily transferred and posted to other stations in the same district for short durations not exceeding three months at a time as the administrative reasons may warrant and who will return to their original stations on the termination of such temporary duty shall be allowed only journey time as on tour.

The amendment hereby made shall be deemed to have come into force on the 30th May 1974.

[G.O. Ms. No. 963, Finance (F.R.I)dept., dated 2nd September 1976.]

Explanation 4.—The Indian Police Service probationers are not eligible for joining time after their training in the National Police Academy to join the Army Unit. They shall be allowed full joining time after their training in the Army Unit to join the Police Training College.

[G.O. Ms. No. 12, P&AR (F.R.III) Dept, dated 6th January 1982—With effect from 19th Dec 1980.]

RULINGS.

Admissibility of joining time to Government servants sent for training.

(1) If, in addition to the time actually required for the journey to and from the place of training, the need of a few days' relief from work to prepare for departure exists, there is no objection to the grant of casual leave for the purpose, provided the grant of the leave does not cause any evasion of the rules regarding date of reckoning allowances and change of office.

[G.O. Ms. No. 165, Finance, dated 18.3.1926 and Memo. No. 40527, C.S.R., dated 17.12.1929.]

(2) A Government servant, on return from leave of any kind not exceeding six months' duration and transferred to a post of which he was in additional charge at the time of his proceeding on leave, may be granted joining time as under Fundamental Rule 105(*b*)(i) provided there is a change of headquarters.

(Finance Memorandum No.115086-A C.S.R.-2, dated 17th December 1952.)

(3) A Government servant who is deputed for training should be deemed to be on duty, while on training, in the post he was holding immediately before proceeding on training and if he is posted at the end of the training to a different place he should be allowed joining time under Fundamental Rule 105 (*a*).

(Finance Memorandum No. 57173/C.S.R.-2, dated 26th August 1955.)

(4) When Civil Government servants are called for training in the Territorial Army/Defence Reserves/Auxiliary Air Force, the period spent by them in transit from the date of their relief from civil posts to the date on which they report to military authorities and *vice versa* should be treated as special casual leave. During such period which should be restricted to the minimum required for the purpose, they would be paid pay and allowances at civil rates by their parent department office.

(Memorandum No. 124589/F.R./65-6, dated 17th June 1966.)

(5) The joining time admissible to a Government servant returning from leave, who had compulsorily to wait for orders of posting, should follow the period of such compulsory wait and will be reckoned from the date of receipt of orders of posting by him—*Vide* ruling (3) under F.R. 9(6)

[G.O. Ms. No. 895, Finance, dated 18th July 1970.)

(6) In the case of revocation of suspension of a Government servant, the period from the date of serving the posting order to the date of joining of the Government servant in duty shall be treated as joining time for which the Government servant is eligible and that any excess period over and above the joining time admissible availed of by the Government servant shall be treated as leave to which he is eligible.

[G.O. Ms. No. 182, P&AR (FR. III) Department, dated 22.2.1985.- with effect from 10th August 1984]

(7) In the case of a Government servant who has been dismissed or removed or compulsorily retired from service as a measure of penalty and subsequently reinstated into service, the period from the date of serving the posting order to the date on which the Government servant joins duty shall be treated as joining time for which the Government servant is eligible and any excess period over and above the joining time admissible availed of by the Government servant shall be treated as leave to which he is eligible.

[G.O. Ms. No. 117, Personnel and Administrative Reforms (FR.V) Department, dated 17th April 1995.]

Admissibility of joining time to Government Servants sent for training.

106. Rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (*c*) of that rule shall apply with due regard to the time required for actual transit and for the organisation of domestic establishment are given in the Instructions below:

Instructions under Rule 106.

1. "Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. If a holiday or a series of holidays including Saturday and Sunday follows the date of relief, it

may be excluded for the purpose of calculation of one day joining time. No joining time is admissible in cases where the change of post does not involve an actual change of office.''.

[G.O. Ms. No. 118, P&AR (FR.IV) Department, dated 3rd July 2000, w.e.f. 12th February 1990]

2. In cases involving a change of station, the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:-

(*a*) For that portion of the journey which he travels or might travel—

One day for each

	Kilometres.	
By railway	400	
By ocean steamer	320	or any longer time actually occupied in the journey
By river steamer or by motor or steam launch..	130	
By motor vehicle or horse drawn conveyance.	130	
In any other way	25	

[*aa*] For that portion of journey which he travels by aircraft, only actual time occupied in the journey.

(b) For any fractional portion of any distance prescribed in clause (*a*), an extra day is allowed.

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(d) Travel by road not exceeding 8 kilometres to or from a railway station at the beginning or end of a journey does not count for joining time.

(e) All holidays including Saturdays and Sundays will count as days for the purpose of calculation in this rule.

Provided that when the days on which a Government servant's joining time begins or immediately following the day on which his joining time expires is a holiday or one of series of holidays including Saturdays and Sundays, then those holidays may be prefixed or affixed or suffixed to joining time and those holidays do not count as days for purpose of calculation in this rule but they are to be included in the maximum period of 30 days;

Provided further that-

(i) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

(ii) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(iii) the delay on his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(f) Unless the authority sanctioning the transfer in any case otherwise directs—

(i) if holidays including Saturdays and Sundays are prefixed to joining time, the joining time and any consequent re-arrangement of pay and allowances takes effect from the first day after those holidays.

(ii) if holidays including Saturdays and Sundays are affixed or suffixed to joining time, the joining time is treated as having terminated on, and any consequent re-arrangement of

pay and allowances takes effect from the day on which the joining time would have ended, if holidays including Saturdays and Sundays had not been affixed or suffixed.

Explanation: The term 'holidays' used in Instruction 2(e) and (f) shall mean-

(a) holidays prescribed or notified by or under Section 25 of the Negotiable Instruments Act,1881 (Central Act XXVI of 1881); and

(b) with reference to any particular public office, a day on which such office is ordered by notification of the Government in the Tamil Nadu Government Gazette to be closed for the transaction of public business, without reserve or qualification. The term does not include a vacation Except in the cases of District and Sessions Judges and Additional Sessions Judges or such local holidays as may be granted at the discretion of Heads of Office or holidays which are merely permissible or discretionary.

[G.O. Ms. No. 207, P&AR (FR.IV) Dept., dated 14th August 1997 with effect from 21st March 1986)

3. By whatever route a Government servant actually travels, his joining time shall, unless the head of the department for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

4. If a Government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he makes over charge.

5. (i) Within the maximum of 30 days, the head of the department may extend the joining time admissible by rule—

(a) When the Government servant has been unable to use the ordinary mode of travelling or not withstanding due diligence on his part, has spent more time on the journey than is allowed by the rules-to the extent of the time actually taken; or

(b) When such extension is considered necessary for the public convenience or for the saving such public expenditure as is caused by unnecessary or purely formal transfer—to the extent necessary; or

(c) When the rules have in any particular case operated harshly; as for example, when a Government servant though no fault on his part missed a steamer or fallen ill on the journey-to the extent necessary, on such condition as to allowances or otherwise as the head of the department may think fit.

Note. —The Superintendent of Police in the case of subordinates of and below the rank of Sub Inspectors and Deputy Inspector-General of Police in the case of Inspectors, Reserve Inspectors and Reserve Sub-Inspectors are authorised to extend the joining time under this Instruction.

(ii) All other cases require the sanction of the State Government.

Explanations 1.—Heads of departments are empowered to regularize the excess joining time availed of by the Group A and B Officers under them due to late receipt of posting orders within the maximum of 30 days.

The Commissioner for Revenue Administration is, however, empowered to regularize the excess joining time availed of by Deputy Collectors under his administrative control due to other factors as well within the maximum of 30 days. The Director of Survey and Settlement is also empowered to regularize the excess joining time availed of by Assistant Directors of Survey and Land Records and Photographic and Printing Expert, Central Survey Officer, Madras, due to other factors within the maximum of 30 days.

Explanation 2.—*The Commissioner for Revenue Administration/Land Administration/Land Reforms including Urban land Ceiling, Urban Land Tax and Agricultural Income Tax the Director of Survey and Settlement or the Director, Tamil Nadu Motor Vehicle Department as the case may be, is authorised to regularise in all cases the excess joining time availed of by the non-gazetted officers of the Revenue Department, under this instruction within the maximum of 30 days authorised to regularise in all cases the excess joining time availed of by the non-gazetted Officers of the Revenue Department, under this instruction within the maximum of 30 days.

[G.O. Ms. 678, Finance (FR) Department, dated 31st May 1973 - with effect from 1.12.1980]

**[G.O. Ms. No. 485, Personnel and Administrative Reforms Department, dated 29th November 1990.]*

[G.O. Ms. No. 105, Personnel and Administrative Reforms (FR. IV) Department, dated 5th May 1998.]

Explanation 3.—The Commissioner for Commercial Taxes is authorised to regularise in all cases the excess joining time availed of by the Group C and D officers of the Commercial Taxes Department under this Instruction within the maximum of thirty days.

[G.O. Ms. No. 629, Personnel and Administrative Reforms (FR.I) Department, dated 29th May 1978.]

6. Omitted.

7. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment but no second period of six days for preparation is admissible.

If a Government servant while in transit from one post to another is reposted to the original post, such posting shall be construed as appointment to a new post for the purpose of this Instruction.

8. If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case, he may be allowed the joining time calculated for the journey from his old station to the place to which he has proceeded on his route to the new station.

9. If a Government servant is appointed to a new post while on leave of any kind not exceeding six months duration, his joining time shall be calculated from his old station or from the place at which he received the order of appointment, whichever calculation will entitle him to the less joining time. If, however, such a Government servant actually performs the journeys to his old head-quarters for winding up his personal affairs and the like, his joining time shall be calculated from the old headquarters to the new headquarters, irrespective of the place where he spends leave or receives posting orders. If the leave is being spent out of India, and the order of appointment to the new post reaches him before he arrives at the port of debarkation the port of debarkation is the place in which he received the order for the purpose of this Instruction.

In cases falling under this Instruction in which a Government servant joins his post before the expiry of his leave *plus* full joining time admissible, the period short taken shall be considered as leave not enjoyed and a corresponding portion of the leave sanctioned shall be cancelled without any reference to the authority which granted the leave.

Note.—A certificate to the effect that the Government servant had actually performed the journey from the station where he was spending leave, to the old headquarters for winding up personal affairs should be furnished by the officer concerned with his charge-report for assumption of the post at the new headquarters. The responsibility for obtaining the certificate from a Group A and B Officer would rest with the Audit Officer concerned and for Group C and D staff, with the Head of Office.

(G.O. Ms. No. 837, Finance, dated 27th July 1962.)

10. The authority which granted the leave will decide whether the notice referred to in Rule 105 (b) (ii) was insufficient.

11. When vacation begins or holidays immediately preceding vacation begin, during or immediately after the expiry of the joining time admissible to a Government servant or when a Government servant is transferred during a vacation, he may be permitted to join at the end of the vacation although the usual joining time is thereby exceeded.

12. When a Government servant is transferred to the control of another Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

13. A Government servant transferred at his request shall be allowed joining time under this rule.

14. The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under the above Instructions.

15. When a Government servant has not availed himself of the joining time in full at the time of transfer, the number of days of joining time which have not been so availed of, subject to a maximum of 15 days shall be credited to his earned leave account, subject also to the condition that he should apply within six months from the date of his transfer, and the number of days of joining time so credited and the earned leave already at his credit together shall not exceed 180 days upto the 29th September 1987 and on and from the 30th September 1987 shall not exceed 240 days. For calculation of the unavailed joining time excluding Saturdays, Sundays and holidays, the due date of joining shall be arrived at first excluding Saturday, Sunday and holidays with reference to the provisions under Clause (e) of Instruction 2 and then the days short availed of by the Government servant shall be deducted, with reference to the actual date of joining duty from the due date of joining already arrived at.

[G.O. Ms. No. 207, P&AR (FR. IV) Department, dated 14.8.1997 - with effect from 21st March 1986]

RULINGS

(1) The rules regarding joining time contained in Chapter XI of the Fundamental Rules are applicable to Basic servants.

(Finance Memorandum No.35364-1 C.S.R., dated 26th October 1925.)

Admissibility of joining time and transit pay to copyists.

(2) As the transfer of permanent copyists from one Court to another is in the interest of public service, they are eligible to transit pay and joining time.

Temporary Section Writers of the Registration Department may be granted transit pay, joining time and travelling allowance for journeys on transfer between two temporary appointments provided that the transfer is in public interests.

(G.O. No. 2025, Revenue, dated 26th July 1954 and Finance Memorandum No. 74635, C.S.R.-2, dated 24th August 1954.)

(3) Permanent piece-work Compositors in the Government Presses will, on transfer, be eligible for joining time.

(G.O.Ms.No.730, Finance, dated 4th October 1929.)

(4) Transfers which do not involve change of building should not be treated as involving change of office for the purpose of Instruction 1 and no joining time is admissible in such cases.

Note.—It is reasonable to allow joining time of one day in cases where the transfer of charge of the post and taking over by the relieved officer of another post cannot be done in the same morning even though no change of building is involved. They accordingly authorize the heads of departments to sanction one day's joining time in such cases with reference to the facts of each case.

(G.O. Ms. No. 129, Finance, dated 4th March 1936 and Finance Memorandum No.27287-C.S.R-1, dated 4th July 1945.)

Applications for extension of joining time.

(5) Applications from Group A and B Government servants for extension of joining time should be forwarded through the Accountant-General.

(G.O. No. 918, Public, dated 10th July 1897.)

(6) The route which travellers ordinarily use, for rail journeys from any station on the Madras-Calcutta line other than Gudur to any station on the Madras-Mangalore line other than Katpadi and vice versa, is via. Madras.

(7) The period of joining time admissible to a Government servant who proceeds on leave of any kind not exceeding six months from his old post and is at the end of it transferred to a new post at another station where he is spending his leave and receives the order of posting is only one day under Instruction 1 to Rule 106.

(G.O. Ms. No. 153, Finance, dated 9th June 1941.)

(8) For the purpose of Instruction 9, "the period short-taken" should be calculated with reference to the officer's actual date of joining his new post and the assumed date of joining, i.e., the date on which he would have joined his new post had he availed himself of the full period of joining time admissible to him under the rules.

(Letter No.2162-GHE/516/38, dated 20th October 1939, from the Comptroller and Auditor-General to the Accountant-General, Central Revenues.)

(9) The principle underlying Instruction 9 is applicable also to the balance of joining time admissible on return from leave in the case of a Government servant who proceeds on leave of any kind not exceeding six months on medical certificate while in transit from one post to another. The balance of joining time to which the Government servant will be entitled is the full joining time admissible under Fundamental Rule 105(b) (i) reduced by the period of joining time actually availed of with reference to Instruction 8 under Fundamental Rule 106 prior to the commencement of the leave on medical certificate. Should the Government servant join his new appointment before the expiry of such leave *plus* the balance of joining time admissible, the leave should be readjusted in the manner indicated in Instruction 9 under Fundamental Rule 106.

(G.O. Ms. No. 1348, Finance, dated 13th August 1956.)

(10) The road journeys exceeding 8 kilometres performed by a Government servant at either end of a rail journey should be taken together for the purpose of calculating joining time.

(Finance Memorandum No.10967-C.S.R./57-1, dated 19th February 1957.)

(11) The joining time pay for the first spell of joining time granted under Instruction 8 under Fundamental Rule 106 shall be regulated under Fundamental Rule 107 (a), while joining time pay for the second spell of joining time should be regulated under Fundamental Rule 107 (b).

(G.O. Ms. No. 1531, Finance, dated 2nd December 1957.)

(12) The Director of Harijan Welfare will allow special joining time upto a maximum of three days to the Accountant of Aziznagar Settlement for the transfer of charges to his successor.

(Finance Memorandum No.61487/F.R./58-3, dated Ist July 1958.)

107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows:—

(a) where joining time is granted under clause (a) of rule 105, the pay which he would have drawn if he had continued in the old post or the pay which he will draw on taking charge of the new post, whichever is less;

(b) Officers of the Educational Department with or without substantive appointments, who are deputed to undergo a recognized course of training in a Training Institution may be allowed pay for the period spent in transit to and from the Training Institution at rates not exceeding half of the pay they last drew prior to their deputation;

(c) where joining time is granted under clause (b) of Rule 105—

(i) if it is in continuation of leave on average pay or in continuation of leave which included a period of leave on average pay, the pay equal to the leave salary which he last drew during such leave on average pay at the rate prescribed for payment of leave salary in India; and

(ii) if it is in continuation of leave which did not include a period of leave on average pay, the pay equal to the leave salary which he would have drawn under the leave rules applicable to him as if he has been on leave on average pay in India for the period of joining time.

(G.O.Ms.No.650, Finance, dated 30th July 1968.)

(d) where joining time is granted under clause (c) of Rule 105, the pay which he would draw in his post in the remote locality.

RULINGS.

(1) No extra pay (when the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which charge to be transferred (whether division or sub-division or other charge) consists of several scattered works which the relieving and relieved Government servants are required by the orders of a superior officer to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty, if the period taken in carrying out these inspections is not considered by the head of the department or the Superintending Engineer or any other officer of equivalent rank, in so far as they relate to officers subordinate to him to be excessive. While so taking over charge, the relieving officer will draw—

(a) (i) if he is transferred from a post which he held substantively, his presumptive pay in that post; or

(ii) if he is transferred from a post which he held in an officiating capacity, the officiating pay admissible in that post or the pay he would draw after the transfer is complete, whichever is less; and

(b) City Compensatory Allowance/House Rent Allowance as admissible at the new station on the basis of the pay drawn as at (i) or (ii) above, as the case may be.

(c) if he returns from leave, the presumptive pay of the post from which he went on leave while working in the post held by him substantively or the officiating pay of that post or the pay which will be admissible to him in the new post, after taking over charge, whichever is less, if he went on leave while working in a post in an officiating capacity.

(Finance Memorandum No.79188-C.S.R.-1, dated 15th October 1953 and No.58725-F.R. 59-2, dated 28th July 1959 and No. 85001-F.R. 59-2, dated 19th October 1959.)

The period of taking over charge will count for probation in the post which he takes charge.

(Finance Memorandum No.79740-1. C.S.R., dated 3rd November 1956.)

Note.—In each case, where the head of the department or the Superintending Engineer or any other officer of equivalent rank to whom the powers are delegated decides to treat the period of taking over charge of a relieving officer as "duty" under the provisions of the above ruling, a declaration in the following form should be invariably issued.

Declaration.

....(Name), (Designation).declare that Thiru. .... (Name and designation of the officer to be relieved) and Thiru ....(Name of the relieving officer) (Designation) were engaged in joint inspection of several scattered works and/or stores during the period from..... to..... in connection with handing over and taking over charge and I do not consider the above period as excessive during which Thiru..... shall be treated as on duty. (Name of the relieving officer).

Station: Name:

Dated: Designation:

(G.O. Ms. No. 14, Finance, dated 5th January 1960.)

(2) A question arose whether, during the period occupied in handing over and taking over charge of scattered works referred to in ruling (1) above, both the relieved and relieving officers are entitled to free quarters or house-rent allowance *in lieu* thereof. The concession of house-rent allowance or free quarters ordinarily admissible to an officer should be treated as "ordinary pay and

allowances" within the meaning of the first sentence of ruling (1) above and is admissible to both the relieved and the relieving officers in the circumstances explained above.

(Comptroller and Auditor-General's Letter No.T-128-A/11/35, dated 9th May 1935.)

(3) Office Assistant should be considered to come within the scope of Proviso to Rule 107

(G.O. Ms. No. 633, Finance, dated 5th August 1926.)

(4) Permanent Piece Work Compositors in the Government Presses, will, during joining time, be eligible for the transit pay calculated on the average monthly earning during the twelve complete months preceding the month in which the transfers take place.

(G.O. Ms. No. 730, Finance, dated 4th October 1929.)

(5) For a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty, while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period

(6) For the purposes of Rule 107 (a), "pay" should be taken to be as defined in Rule 9 (21).

(7) Whenever a Government servant officiating in a higher post is in transit consequent on reversion to his substantive post but is subsequently reappointed to the same officiating post, before taking charge of the substantive post, the claim for "transit pay" should be based only on his substantive pay and such period of joining time will not count for increment in the officiating post.

(8) The period spent by the members of the Tamil Nadu Electrical Subordinate Service, appointed by direct recruitment, in taking over charge on their first appointments, should be treated as duty and they should be paid the pay and allowances admissible to such posts.

(Finance Memorandum No.86068/C.S.R.-2., dated 26th November 1953.)

(9) The period spent by newly appointed Engineer Officers from the day they report for duty to the day they complete taking over charge of posts involving verification and inspection of the stores, etc., shall be treated as duty. It is not necessary to create new posts to accommodate the direct recruit since treating the period as duty is itself a sufficient sanction in this regard.

(Finance Memorandum No.137274/F.R./65-4, dated 12th March 1966.)

(10) A Government servant will be allowed during the period of taking over charge on return from leave of a post carrying Madras House Allowance, the same rate of Madras House Allowance which he was drawing while proceeding on leave and during the period of leave.

(Finance Memorandum No.94566-A/C.S.R.-1, dated 10th December 1953.)

(11) Superintendent of Police may allow the Reserve Inspectors and Accountants in charge of District Police Stores, additional joining time to cover the actual period of transfer of charge subject to a maximum of three working days and record a certificate to that effect in the Last Pay Certificate. The transit pay of the Reserve Inspectors and Accountants whose transfer of charge is prolonged will be regulated with reference to the principles enunciated in Ruling (1) above.

(Finance Memorandum No.88321-C.S.R., dated 9th October 1956, and No.90107-F.R.-58-1, dated 22nd September 1958.)

(12) The Inspector-General of Police may allow the Reserve Inspectors in charge of the Central Stores of the Office of the Inspector-General of Police, additional joining time to cover the actual period of transfer of charge, subject to a maximum of 10 days and record a certificate to that effect in the Last Pay Certificate. The transit pay of Reserve Inspector whose transfer of charge is prolonged will be regulated with reference to the principles enunciated in Ruling (1) above.

(Finance Memorandum No.90107 F.R.,58-2., dated 22nd September 1958.)

(13) Deleted.

(14) The Superintendent of Jails may allow the Jailers, Deputy Jailers/Steward Clerks, Assistant Jailors (Clothing) and Store-keepers in charge of Civil Stores and Prisoners' Warrants, Ration Stores, Clothing Stores and Manufactory Stores respectively of the Jail Department additional joining time to

cover the actual period of transfer of charge, subject to a maximum of three working days and record a certificate to that effect in the Last Pay Certificate. The transit pay of the Jailors, Deputy Jailors/Steward Clerks, Assistant Jailors (Clothing) and Store keepers, whose transfer of charge is prolonged will be regulated with reference to the principles enunciated in Ruling (1) above.

(Memorandum No.135020/F.R./65-10, dated 27th April 1966.)

(15) The Director of Animal Husbandry may allow the Veterinary Assistant Surgeons in charge of stocks and stores and the Store-keepers in the Animal Husbandry Department, additional joining time to cover the actual period of transfer of charge, subject to a maximum of five days and record certificate to that effect in the Last Pay Certificate. The transit pay of the said Veterinary Assistant Surgeons and Store-keepers whose transfer of charge is prolonged will be regulated with reference to the principle enunciated in ruling (1) above.

(G.O. Ms. No. 1040, Finance, dated 25th November 1968.)

108. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of Rule 15.

108-A. A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under Government, may, at the discretion of Government, be treated as on joining time while he prepares for and makes the journey to join the post under the Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original appointment. During such joining time he shall receive pay equal to the pay or in the case of joining time immediately following leave granted from the private employment, to the leave-salary paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

RULING.

Members of the Local Fund Service who are appointed as Municipal Commissioners for the first time by direct recruitment shall be allowed the usual joining time admissible for Government servants on transfer under Fundamental Rule 108-A. The transit pay of such members should be met by the Municipalities to which they have been appointed as Municipal Commissioners.

(Finance Memorandum No.115804/F.R./59-3, dated 23rd March 1960.)

PART – V.

CHAPTER XII—FOREIGN SERVICE.

110. (*a*) No Government servant may be transferred to foreign service against his will:

Provided that this sub-rule shall not apply to the transfer of a Government servant to the service of a body incorporated or not, which is wholly or substantially owned or controlled by the Government or Co-operative Institutions or Local Bodies:

Provided that this sub-rule shall not apply to the transfer of a Government servant to the service of the Corporation of Madras for appointment to the post of Commissioner, Assistant Commissioner, Personal Assistant to the Commissioner of Class I-A, I-B or Class II Officers under the provisions of the Madras City Municipal Corporations Act, 1919 and the rules made thereunder.

(G.O. Ms. No. 389, Finance, dated 22nd April 1969.)

(*b*) A transfer to foreign service shall be sanctioned by Government in consultation with the Personnel and Administrative Reforms Department, provided that—

(i) all head of departments shall be competent to sanction the transfer of all group C and D Government servants under their control, to foreign service within the State and,

(ii) the Joint Registrar of Co-operative Societies and the Personal Assistant to the Registrar of Co-operative Societies shall be competent to sanction the transfer of Junior and Senior Inspectors of Co-operative Societies to foreign service in the Co-operative Institutions within the State.

(iii) the Chief Engineer, Public Works (General and P.A.P.) shall be competent to sanction the transfer of Assistant Engineers under his control to the Madras State Electricity Board Foreign Service terms.

(G.O. Ms. No. 1254, Finance, dated 2nd November 1966.)

(iv) the Director of Medical Education and the Director of Health Services and Family Planning shall be competent to sanction the loan of service of officers of Tamil Nadu Medical Service below the rank of Civil Surgeons on foreign service terms, within the State.

[G.O. Ms. No. 699, Finance (F.R.-I.), dated 1st July 1976.]

(v) the Deputy Milk Commissioner (Co-operation) shall be competent to transfer the Junior and Senior Inspectors of Co-operative Societies working in the Dairy Development Department under the control of the Commissioner for Milk Production and Dairy Development, on foreign service to any Co-operative institutions within the State under the control of the Commissioner for Milk Production and Dairy Development as Registrar of Milk Co-operatives.

[G.O. Ms. No. 1148, P&AR (F.R.III)dept., dt 17.11.1981 - With effect from 24th October 1979.]

(vi) the Director of Evaluation and Applied Research Department shall be competent to sanction the transfer of Research Officers under his control to outside bodies on foreign service terms within the State."

[G.O. Ms. No.390, P&AR (Per.J) Department, dated 5-7-1989,With effect from 26th May 1988.]

(vii) *the Registrar of Co-operative Societies shall be competent to sanction deputation of the Deputy Registrars of Co-operative Societies on foreign service terms to Co-operative Institutions and Corporate bodies within the State, subject to the norms prescribed by the Government.*

[G.O. Ms. No.408, P&AR (FR.SPL) Department, dated 20.9.90.With effect from 23.5.88]

(viii) The *Industries* Commissioner and Director of Industries and Commerce shall be competent to sanction the deputation of the officers of category 2 and 3 of the Tamil Nadu Industries Service in the Industrial Co-operative wing to various Industrial Co-operative Societies within the State, subject to the norms laid down by the Government.

(G.O.Ms.No.65 P&AR (FR.III) dept., dt. 26.2.1992 w.e.f. 26.9.1990).

(ix) The Chief Engineer (Agricultural Engineering) is empowered to sanction the deputation of Assistant Executive Engineers (Agricultural Engineering) to other Government departments and organisations within the State of Tamil Nadu for period of three years, subject to the norms prescribed by the Government from time to time in this regard.

(G.O.Ms.No. 42 P&AR (FR..III)dept., dated 2.2.1993, w.e. f.17.3.1988).

(x) The Chief Engineer (Agricultural Engineering) in empowered to sanction on the deputation of Executive Engineers (Agricultural Engineering) to other Government departments and organisations within the State of Tamil Nadu for a maximum period of three years subject to the norms prescribed by the Government from time to time in this regard.

(G.O.Ms.No.42 P&AR (FR.III) dept., dated 2.2.1993, w.e.f. 9.12.1988)

(xi) The Chief Engineer (Agricultural Engineering) is empowered to sanction the deputation of Assistant Director (Geology) (Formerly Assistant Geologist) to other Government departments and Organisations of Tamil Nadu Government within the State of Tamil Nadu for a maximum period of three years subject to the norms prescribed by the Government from time to time in this regard.

[G.O. Ms. No. 42, P & A.R. (FR. III) Department, dated 2-2-1993, w.e.f. 6.5.1991]

(xii) The Director of Statistics, Madras shall be competent to sanction the transfer of Officers in category 3, namely, the Assistant Director of Statistics belonging to the Tamil Nadu Statistics Service to foreign service in the District Rural Development Agencies and other organisations, if any, within the State subject to the norms prescribed by the Government.

(G.O.Ms.No. 242, P&AR (FR.V) Department, dated 18.7.1995, w.e.f. 20.2.1992)

(xiii) The Chief Engineer, Public Works Department (General), Madras, shall be competent to sanction the deputation of the Assistant Executive Engineers, Public Works Department to the Boards and Corporations under the control of the Tamil Nadu State Government on Foreign Service terms, subject to the norms laid down by the Government.

(G.O.Ms.No. 242, P&AR (FR.V) Department, dated 18.7.1995, w.e.f. 3.10.1986)

(xiv) The Chief Engineer, Public Works Department (Ground Water), Madras, shall be competent to sanction the deputation of Assistant Directors of Ground Water Wing to the Boards and Corporations, under the control of Tamil Nadu State Government of Foreign Service terms subject to the norms laid down by the Government.

(G.O.Ms.No. 242, P&AR (FR.V) Department, dated 18.7.1995, w.e.f.14.12.1987)

(xv) The Director of Co-operative Audit shall be competent to sanction the deputation in respect of Assistant Director of Co-operative Audit and Co-operative Audit officers on foreign service to various Co-operative Institutions within the State subject to the fulfilment of the conditions laid down by the Government in this regard from time to time.

(G.O.Ms.No. 344, P&AR (FR.IV) Department, dated 11.11.1995, w.e.f.2.9.1993)

(xvi) The Principal Chief Conservator of Forests shall be competent to sanction deputation of the Rangers on foreign service terms within the State to the Tamil Nadu Tea Plantation Corporation Limited, Coonoor, Arasu Rubber Corporation Limited, Nagercoil and Tamil nadu Forest Plantation Corporation Limited, Trichy. The selection of the candidates to the deputation and continuance in the deputation post shall be as per the norms or guidelines laid down by the Government from time to time.

(G.O. Ms. No. 309, dt. 5-10-1995 Amendment No. 14/15.)

(xvii) The Collectors of the concerned District shall be competent to sanction the deputation of the Personnel of Panchayat Development Department upto the Cadre of Block Development Officer, on foreign service terms to foreign bodies coming under the purview of the State Government subject to the norms or guidelines laid down by the Government from time to time.

[G.O. Ms. No. 90, P&AR (FR.IV) Department*, dated 24th May 2000 – W.e.f.29th July 1999.]*

(xviii) #The Commissioner of Labour shall be competent to sanction the deputation of Labour Officers and Assistant Commissioners of Labour under his control on foreign service terms within the State subject to the norms laid down by the Government from time to time.

(Added vide G.O.Ms. No. 210, P&AR (FR.IV) Department, dated 28.11.2001- w.e.f. 10.1.2001)

(xix) @The Regional Joint Registrar of Co-operative Societies shall be competent to sanction the deputation of Co-operative Sub-Registrars under his control, on Foreign Service terms to all the Co-operative Institutions within his respective region, subject to the norms laid down by the Government from time to time."

@ (Added vide G.O.Ms.No.51, P&AR (FR.IV) Department, dated 10.3.2004- w.e.f. 13.11.2002)

(xx) **The Commissioner, Hindu Religious and Charitable Endowments (Administration) Department shall be competent to sanction the deputation of Executive Officers Grade-I belonging to the Hindu Religious and Charitable Endowments Subordinate Service @ and the Superintendents (including Inspectors, Manager and Head Clerks) belonging to the Tamil Nadu Ministerial Service working under the control of the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department, on foreign service to any religious institutions, within the State, subject to the norms laid down by the Government from time to time.

(**Added vide G.O.Ms.No.152, P&AR(FR.IV) Department, dated 28.10.2009 - Shall be deemed to come into effect on12th July 1995)

[@ Inserted in G.O.Ms.No.152, P&AR(FR-IV) department, dated 28.10.2009 w.e.f.01.01.1996.]

(xxi) #The *Additional Director General of Police (Administration) shall be competent to sanction the deputation of officers in the rank of Deputy Superintendents of Police, to the various State owned Corporations or Undertakings on Foreign Service terms subject to the norms or guidelines laid down by the Government in this regard, from time to time.

(Incorporated vide G.O.Ms.No.150, P&AR(FR.IV) Department, dated 26.10.2009, w.e.f 11.08.2008)

* (Substituted vide G.O.(Ms) No.153, P&AR(FR-IV) department, dated 31.12.2013, w.e.f 30.10.2012)

RULINGS.

Foreign service in Nepal is foreign service outside India.

(1) For the purpose of the "Foreign Service" rules, Nepal should be treated as outside India.

(G.I., F.M., U.O. Memorandum No. F.I.XI-R, 1-28, dated 20th June 1928.)

Authority competent to sanction the transfer to foreign service of Divisional Accountants.

(2) The Government which would be entitled to recover the pension contribution on behalf of a Government servant lent to foreign service should be regarded as the State Government competent to sanction his transfer to foreign service for the purpose of Rule 110 (b).

(Controller of Civil Accounts, Letter No. 2369 NGE-521-29, dated 11th November 1929.)

(3) (*a*) The Departments of the Secretariat are empowered to sanction the deputation of all Government servants (both Group A and B and Group C and D) working under their administrative control to the Government of India, other State Governments and Union territories in cases where standard terms and conditions already exist, or where such terms are specified by the Government of India such as for example, the cases of State Police Personnel deputed to Government of India;

(*b*) Continuance of deputation of the officers may be sanctioned subject to the following conditions, namely:—

(a) In the Government orders sanctioning the further continuance of the deputation of individual officers, the Government Order in which the original terms of deputation have been approved should be indicated;

(b) Before approving proposals for further continuance of deputation, it should be ensured that the terms of deputation originally agreed to remain unaltered.

(c) If there are changes in any of the terms of deputation, the concurrence of the Finance Department should be obtained before sanctioning the proposals for further continuance of deputation.

[G.O. Ms. No. 806, Finance (F.R.I.)dept., dated 24th July 1976.]

(4) (i) The initial deputation of a Government servant shall be sanctioned for a block period of three years at a stretch. The period of the said deputation shall lapse on the expiry of the said period of three years or on the date of his retirement from service on superannuation or on the date when he is transferred from the services of the foreign employer by the competent authority, whichever is earlier.

(4) (ii) No extension of deputation of any Government servant shall be sanctioned for the fourth year. However, the Government may, in exceptional and special circumstances in public interest, sanction the extension of deputation for the fourth year in respect of any Government servant.

(4) (iii) In case the Government require the services of Government servants in the middle of three years period for administrative reason the competent authority may revert them to their parent department.

[G.O. Ms. No. 309, P & AR (FR.IV) Dept, dated 5-10-1995. Amendment No. 14/95. - With effect from 25th April 1988.]

111. A transfer to foreign service shall not be admissible unless—

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

(b) the Government servant transferred holds, at the time of transfer, a post paid from the Consolidated Fund of the State.

Explanation.—The loan of a Government servant to a private undertaking shall be regarded as a very exceptional measures requiring special justification on a rigorous application of the principle enunciated in clause (a) of this rule.

RULINGS.

Government Servants on Probation.

1. The transfer to foreign service from the date on which an individual is appointed to a post under Government on probation is permissible.

(The Comptroller and Auditor-General No.T.1191-A-204/26, dated 22nd August 1924.)

2. No Government servant shall ordinarily be permitted to take up private employment concurrently with leave preparatory to retirement. If such a Government servant is keen on taking up private employment before he attains the age of superannuation his services shall ordinarily be placed at the disposal of the private employer on the usual foreign service terms after cancelling the unexpired portion of the leave preparatory to retirement. The balance of leave preparatory to retirement not availed of in order to take up private employment shall not be treated as constructive refusal of leave for purposes of Fundamental Rule 86 (or rule 7 of the Tamil Nadu Leave Rules, 1933). The terms of foreign service shall not be extended beyond the age of superannuation.

(Finance Memo. No.119194, F.R.60-3, dated 12th March 1960.)

112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

RULINGS.

Acceptance of employment under private employers.

(1) The sanction of the Government of India will be required only in the case of officers of All-India Service desiring to accept private employment and no reference need be made to them in the case of officers appointed by the State Government or any lower authority.

(G.O. Ms. No. 814, Public, dated 23rd October 1923.)

Acceptance of State Employment by Officers on Leave Preparatory to Retirement.

(2) Officers on leave preparatory to retirement desiring to take up State employment, shall have the option of retiring forthwith or of remaining on leave, until the leave admissible is exhausted, on condition that during such employment their leave salary will be restricted to the amount of leave salary admissible in respect of leave on half average pay.

[India Office, Home Department No. S and G. 4082/39, dated 21st August 1939, communicated in G.I., Finance Department No.F.7 (58) R.1/39, dated 21st September 1939.]

113. A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given subject to the conditions prescribed under the second proviso to Fundamental Rule 22(i) (b) (ii) such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall also take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

113-A. (*a*) If the service of a Government servant in a particular cadre is required by a foreign employer, and if no Government servant in that cadre is readily available, the senior most person in the approved list for promotion to such cadre shall be promoted and deputed to the foreign service giving him the benefit of promotion with effect from the date of his assuming charge in the foreign service.

(b) When a Government servant is already on deputation and his name included in the approved list for promotion and if his junior gets promotion in the regular line, the foreign employer concerned shall be asked to examine whether they would like to upgrade the post held by such Government servant and give him the benefit of promotion or revert him from the foreign service to Government Service and get the service of someone else from the lower category, if the foreign employer still wants to have the service of a Government servant from such lower category. Upgrading of the posts held by the Government servants in the foreign service shall be subject to the following conditions, namely:—

(i) The Government servant in foreign service shall be one among those awaiting promotion on regular basis in the parent department.

(ii) The post held by the Government servant in foreign service may be upgraded to the higher post only when his junior is given promotion in the regular line in the parent department. The upgrading of the post shall be done only once.

(c) If the promotion of a Government servant in foreign service is to an intermediate grade lower than the next promotion post in the regular line in the parent department, it shall be done with the concurrence of the parent department.

[G.O. Ms. No. 414, P&AR (F.R.III)dept., dated 4th May 1983—With effect from 1st August 1979.]

114. A Government servant in foreign service shall draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. The amount of his pay, the amount of joining time admissible to him and his pay during such joining time shall be fixed in consultation with the foreign employer.

Delegations under Rule 114.

1. All head of departments, the Joint Registrar of Co-operative Societies and the Personal Assistant to the Registrar of Co-operative Societies have power to fix the pay in foreign service of Government servants whose transfer to such service they are empowered to sanction, subject to the following conditions:—

(a) The deputation shall be regulated as in the table below:—

<table>
<tr><td colspan="5">THE TABLE</td></tr>
<tr><td>Deputation on foreign service to State Government Undertakings</td><td>Deputation on foreign service to Institutions such as Local Bodies, Universities, State Co-operative Institutions etc., in which the State Government has interest.</td><td colspan="2">Deputation on Foreign Service to Central Government / other State Governments and Central other State Government undertakings.</td><td>Deputation on Foreign service to Private Institutions.</td></tr>
<tr><td>(1)</td><td>(2)</td><td colspan="2">(3)</td><td>(4)</td></tr>
<tr><td rowspan="3">i) Pay —
*Cadre Pay</td><td rowspan="3">*Cadre Pay</td><td colspan="2">Option to draw pay either in the time scale of pay attached to the deputation post, in which case there shall be no deputation allowance / or his *Cadre Pay plus the deputation allowance. If the Government Servant opts to draw pay in the time scale of pay attached to the deputation posts, the authority ordering the deputation will ensure that the minimum pay in the time scale of pay attached to the deputation post, is not substantially in excess of his *Cadre Pay
Where such minimum pay in the time scale of pay attached to the deputation post substantially exceeds the emoluments admissible under the alternative of drawing deputation allowance at prescribed rates. Such minimum pay in the time scale of pay attached to the deputation post shall be reduced under Fundamental Rule 35 so as not to exceed the *cadre pay of deputationist by than the amounts shown below :-</td><td>*Cadre Pay
G.O.420 / 27.9.90 w.e.f.16.4.90].</td></tr>
<tr><td>#(a) For employees in receipt of *cadre pay</td><td>12½ per cent of *cadre pay or Rs.300</td><td rowspan="2"></td></tr>
<tr><td colspan="2"></td></tr>
</table>

		above Rs.2,200.	whichever is more	
		#(b) For employees in receipt *cadre pay above Rs. 1,000 upto Rs.2,200	15 per cent of *cadre pay or Rs.200 whichever is more [G.O. 375, 11.12.95]	
		#(c) For employees in receipt of basic pay of and below Rs.1,000.	20 per cent of basic pay	
(ii) Deputation Allowance: - No deputation allowance.	No Deputation Allowance. [But Govt. servants deputed on foreign service to Universities are eligible for deputation allowance at the rates indicated in Columns (3) and (4) with effect on and from the 9th February, 1984.] (withdrawn *vide* G.O. No. 254 / 25.5-90}.	#In addition to ***cadre pay**, deputation allowance at 5 per cent of basic pay subject to a ceiling of Rs.250 for transfer within the same station and 10 per cent basic pay subject to a ceiling of Rs.500/- in other cases. [#G.O.Ms.No.375 dt.11.12.95]		In addition to ***cadre pay** deputation allowance at 20 per cent of ***cadre pay** subject to a maximum of Rs.250 if the transfer involves change of station and at 10 per cent of ***cadre pay** subject to a maximum of Rs.100 if the transfer does not involve change of station for a maximum period of four years and subject to the condition that the total of ***cadre pay** plus personal pay and the deputation allowance shall not exceed the maximum of the time scale of pay attached to the deputation post.
(iii) **City Compensatory Allowance and House Rent Allowance.—** As per the Rules relating to City Compensatory Allowance and House Rent allowance to	As per the rules relating to City Compensatory Allowance and House Rent Allowance to Govt. Servants stationed the same locality within the State.	(a) (i) Within the State:— If the deputationist opts to remain in the scale of pay attached to him under the Govt. of Tamil Nadu, House Rent Allowance and City Compensatory Allowance shall be allowed at the local State Government rates applicable to such scale		(a)(i) Within the State:— If the deputationist opts to remain in the scale of pay attached to him under the Govt. of Tamil Nadu, House Rent Allowance and City Compensatory allowance shall be allowed at the Local

Govt. servants stationed the same locality within the State.		of pay rates admissible to him under this Government.	State Govt. rates applicable to such scale of pay rates admissible to him under this Govt.
		(ii) If the deputationist opts for the scale of pay attached to the deputation post, the City Compensatory Allowance and House Rent Allowance shall be at the rates authorised by the borrowing Institutions / Government.	(ii) If the deputationist opts for the scale of pay attached to the deputation post, the City Compensatory Allowance and House Rent Allowance shall be at the rates authorised by the borrowing Institutions / Government.
		(b) (i) Outside the State:- If the deputationist opts to remain in the scale of pay attached to him under the Government of Tamilnadu the City Compensatory Allowance and House Rent Allowance shall at the rates applicable to such scale of pay in that State where the deputationist is working	(b) (i) Outside the State:- If the deputationist opts to remain in the scale of pay attached to him under the Government of Tamilnadu the City Compensatory Allowance and House Rent Allowance shall at the rates applicable to such Scale of pay in that State where the deputationist is working
		(ii) If a deputationist opts for the scale of pay attached to the deputation post the House Rent Allowance and City Compensatory Allowance may be allowed at the rates authorised by the borrowing Institutions / Government.	(ii) If a deputationist opts for the scale of pay attached to the deputation post the House Rent Allowance and City Compensatory Allowance may be allowed at the rates authorised by the borrowing Institutions / Government.
(iv) **Dearness Allowance** As per the Rules relating to Dearness Allowance	As per the rules relating to Dearness Allowance	(a) at the rate admissible to the scale of pay of the employee if he opts for the scale of pay under the State Government; or (b) at the rate admissible to the scale of pay attached to the deputationist opts for the	(a) at the rate admissible to the scale of pay of the employee if he opts for the scale of pay under the State Government; or (b) at the rate admissible to the scale of pay attached

		scale of pay of the foreign employer.	to the deputation opts if the deputationist opts for the scale of pay of the foreign employer.
(V) Leave Travel Concession — Allowed to avail himself of the Leave Travel Concession available to him in Govt. Service.	Allowed to avail himself of the Leave Travel Concession available to him in Govt. service or as available in the foreign service whichever is advantageous to him.	Allowed to avail himself of the Leave Travel Concession available to him in Govt. service or as available in the foreign service whichever is advantageous to him	Allowed to avail himself of the Leave Travel Concession available to him in Govt. service or as available in the foreign service whichever is advantageous to him
(vi) Leave Salary Contribution- Leave Salary Contribution need not be recovered.	As per Fundamental Rule, 116.	As per Fundamental Rule,116.	As per Fundamental Rule,116
(vii) Pension Contribution – 10% of the maximum of the scale of pay applicable in Govt., Post.	As per Fundamental Rule, 116.	As per Fundamental Rule, 116.	As per Fundamental Rule, 116.
$(viii) Educational Allowance - No allowance.	No allowance	(a) Children's Educational allowance.	For Primary, Secondary and Higher Secondary Classes I to XII Rs. 50 per month per child.
		(b) Re-imbursement of tuition fee	(i) For Class X and below *Rs.20/- per month per child (ii) For Classes XI and XII Rs.25/- per month per child. (iii) For Physically handicapped and mentally retarded children Rs. 50/- per month per child. *Substituted vide *G.O. Ms. No. 405, P&AR. (FR. IV) Dept., dt. 20.11.1996*
		(c) Hostel subsidy	Rs.150/- per month per child.

[$G.O. Ms. No. 375, P. & A.R. (FR. IV) Dept., dt. 11-12-1995—w.e.f. 17th July 1993.]

** (Substituted vide G.O. MS. NO. 5, P&AR (FR-II) Dept., dated 12.1.2017 - w.e.f. 1.1.2006)*

(b) ***Travelling Allowance and Daily Allowance****:*

Travelling Allowance and Daily Allowance both for the journey to join the post under the foreign employer and on reversion there from and also for the tours under the foreign employer shall be regulated at the rates applicable under the foreign employer or at the Government rates whichever is advantageous.

(c) ***Cash Allowance***:

The deputationists are permitted to receive cash allowance in lieu of residential peon if there is a residential peon attached to the post under the foreign employer and the foreign employer has a scheme of cash allowance in lieu of a residential peon.

(d) ***Conveyance Allowance***:

The deputationists are permitted to receive conveyance allowance with reference to the needs of job, at the rates applicable to a similar class of employee under the foreign employer.

(e) ***Project Allowance***:

If the deputationist works in a project and a project allowance is paid to the other employees in that area, such project allowance shall be paid to the deputationist also.

(f) ***Medical Concession***:

The deputationists are allowed to avail themselves of the Medical Concessions prevalent under the foreign employer. If the medical concessions prevalent under the foreign employer are less attractive than the concession available in the State Government, they shall have option to avail themselves of the benefits available under the State Government.

(g) ***Period of Deputation and reversion***:

The period of deputation on Foreign Service is normally 3 years and extension for another one year in exceptional circumstances shall continue. The foreign employer shall revert a Government servant on deputation with such employer at any time before the expiry of the sanction period of deputation to Government service if so required by the Government.

[G.O. Ms. No. 106, Personnel and Administrative Reforms (Per.J) Department, dated 23rd February 1989. Except item V. in Clause (a) deemed to have came into force on the 16th April, 1980.] (Item V in clause (a) - With effect from 15th June, 1981.)

(h) ***Bonus****:*

Every person while on deputation, shall be paid the bonus as declared by the foreign employer under the Payment of Bonus Act, 1965 (Central Act 21 of 1965)".

*[*Vide *G.O. Ms. No.420,P&AR (FR.SPL.) dated 27th September 1990 with effect from 16th April 1980.]*

(i) ***Transportation of dead body***:

The foreign employer shall bear the cost of transportation of dead body of the Government Servant who dies in harness while on deputation to his place of residence or place of cremation or to his native place, as may be desired by the members the family of the deceased by arranging departmental vehicle or hired vehicle in the case of such death occurs within the State of Tamil Nadu and by air in the case of such death occurs outside the State of Tamil Nadu, so as to perform the cremation and the religious rites, without any loss of time, by the family of the deceased, considering the time lag involved.

*[*Vide *G.O. Ms. No. 420, P&AR (FR.SPL)dept., dt. 27th September 1990, with effect from 17-4-86.]*

(j) ***Festival Advance:***

Festival advance shall be paid to a person in foreign service as admissible to the Govt. Servants or as admissible in the foreign service, whichever is advantageous to him. The standing advance, if any, shall, on reversion to parent department, be recovered and paid to the foreign employer in the balance number of instalments in the parent department.

*[*Vide *G.O. Ms. No. 420, P&AR (FR.SPL.)dept., dated 27th September 1990 with effect from 23-5-86.]*

(k) ***Salary for the period of compulsory wait:***

In the case of a person who is relieved from foreign service but is on compulsory wait, the salary of such person for the period of such compulsory wait shall be paid by the foreign employer initially and then got it reimbursed from the Government department to which such person is subsequently posted. If such person is posted again on foreign service to any other foreign body after compulsory wait, then the Government department from which he was first deputed to foreign service shall reimburse to such foreign employer who paid the salary for such compulsory wait.

*[*Vide *G.O. Ms. No. 420, P & AR (FR.SPL.)dept., dated 27-9-90, with effect from 19-3-87.]*

(l) The *foreign* employer shall not bear the charges towards electricity, water and cooking gas in the *residence* of the person on deputation.

*[*Vide *G.O. Ms. No. 420, P & AR (FR.SPL.)dept., dated 27-9-90, with effect from 24-2-89.]*

(m) (i) For all remittances of recoveries towards the long term advances, (i.e.) House Building Advance, Motor Conveyance Advance and Marriage Advance and subscriptions towards Special Family Benefit Fund. House Building Advance and Group Insurance Scheme of the members of the All India Service separate demand drafts drawn on the Reserve bank of India, Madras or the State Bank of India, Thousand Lights Branch, Madras-6 for each transaction or recovery shall be made out by the foreign employer and sent in a single covering letter addressed to the Accounts Officer Treasury Miscellaneous, Office of the Accountant General (Accounts and Entitlements), Madras-18 by registered post. For effective accounting, the Schedules for each Advance or subscriptions accompanying the demand drafts shall be prepared in Form 41D prescribed in Service Rules 2(1) under Treasury Rule 16 of the Tamil Nadu Treasury Code.

(ii) The covering letter with Demand Draft drawn on Reserve Bank of India, Madras or State Bank of India, Thousand Lights Branch in respect of General Provident Fund shall be addressed to the Accounts Officer or Funds Miscellaneous II Office of the Accountant General, (Accounts and Entitlements), Madras-18.

(iii) The covering letter with Demand Draft drawn on Reserve Bank of India, Madras or State Bank of India, Thousand Lights Branch in respect of Inspectors State Civil/Pension Contribution shall be addressed to the Accounts Officer/Pension Contribution III (PC.III), Office of the Accountant General (Accounts and Entitlements), Madras-18.

G.O. Ms. No. 41, P & AR (FR.III) Department, dated 2-2-1993.- with effect from 29-8-1991.]

(*b*) No concessions are sanctioned in addition to pay, except—

(i) payment of leave and pension contributions by the foreign employer.

(ii) grant of travelling allowance under the Tamil Nadu Travelling Allowance Rules.

(iii) grant of Madras house allowance, house-rent allowance, unhealthy localities special pay, hill allowance and other compensatory allowances by the Registrar of Cooperative Societies and the Joint Registrar of Co-operative Societies at the appropriate rates provided that-

(1) such allowances are specifically admissible under the rules to Government servants stationed in the same localities, and

(2) the foreign employer meets the cost of such allowances.

(*c*) In the case of medical officers and subordinates lent to local bodies the pay shall be that admissible in the cadres in which they held posts prior to their transfer, but such compensatory allowances as are attached to posts in foreign service may be permitted to be drawn.

2. The powers of the Director of Public Health to transfer Second-class Health Officers to foreign service under local bodies shall be subject to the condition that no concession is sanctioned in addition to the grade pay of the officers except—

(i) payment of leave and pension contribution by the local body, and

(ii) grant of travelling allowance under the Tamil Nadu Travelling Allowance Rules.

Note 1.—The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion there from to Government service will be borne by the foreign employer.

N.B.— the above note applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government.

Note 2.—The following orders regulate the amount of remuneration which may be sanctioned for a Government servant transferred to foreign service in India.

(1) The pay which he shall receive in foreign service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession, which is not so specified and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) Deleted.

(3) The following two general principles must be observed in sanctioning the conditions of transfer:-

(a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the foreign employer who employs him.

(b) The terms granted must not be so greatly in excess of the remuneration, which the Government servant would receive in Government service, as to render foreign service appreciably more attractive than Government service:

(4) Provided that the two principles laid down in paragraph (3) above are observed the following concession may be sanctioned by the foreign employer. These concessions must not be sanctioned as a matter of course but in those cases only in which their grant is justified by the circumstances. The value of the concession must be taken into account in determining the appropriate rate of pay for the Government servant in foreign service.

(a) The payment of contributions towards leave salary and pension under the ordinary rules regulating such contributions.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of Government and of permanent travelling allowance, conveyance allowance and house allowance.

(c) The use of State Transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(d) The grant of free residential accommodation which may be furnished in cases in which Government considers this to be desirable on such scales as may seem proper to Government.

(e) The use of State motors and carriages.

(G.O. Ms. No. 65, Finance, dated 11th January 1955.)

Exception 1.—Government servants deputed on Foreign Service to the Neyveli Lignite Corporation Limited and the Hindustan Photo Film Manufacturing Company Limited, may be appointed by the said Corporation or Company as the case may be to posts higher than those for which their services were initially obtained, without prior concurrence of the Government. However, copies of all orders relating to such appointments shall be communicated to the Concerned Department of the Government.

Exception - 2.— Government servants deputed on Foreign Service to the Corporations / Boards / Undertakings owned or controlled by the State Government shall be promoted by such Corporations / Boards / Undertakings only at one stage above the post for which their services were initially obtained, with the concurrence of the parent departments upto the 31st July 1979 and that no further promotion shall be given.

[G.O. Ms. No. 993, Finance, dated 15.10.1959 and G.O.Ms.No 505, Finance (F.R.) dated 17.4.1964.]

(G.O. Ms. No. 832, P&AR dept., dated 3rd September 1983—With effect from 8th May 1975.)

Note 3.—When a Government servant is transferred to foreign service under a private employer, the authority sanctioning the transfer should require the employer to deposit security equivalent to three months pay of the Government servant in foreign service.

For this purpose, the term "private employer" will not include the Reserve Bank of India, Committees and Research Institutions constituted by the Government of India, Municipalities, Universities, the Court of Wards and Corporations which are wholly or substantially owned or controlled by the State or Central Government and which were Registered under various Statutes, Institutions, under the control of the Central or State Government, Local Bodies and Co-operative Institutions.

[G.O. Ms. No. 329, Finance (F.R.), dated 15th March 1973.]

Note 4.— The whole expenditure in respect of any compensatory allowance, for periods of leave in or at the end of foreign service, shall be borne by the foreign employer.

Note 5.—The transit pay and allowances and the transfer travelling allowance in respect of a Government servant who proceeds on transfer from one foreign employer to another without reverting to Government service, shall be borne by the foreign employer to whom the employee proceeds on transfer.

(G.O. Ms. No. 1259, Finance, dated 27th December 1967.)

Note 6.—When a Government servant is transferred to foreign service under these rules, the authority sanctioning the transfer shall include the following clause in the terms and conditions of the order sanctioning the transfer, namely:-

The foreign employer shall strictly adhere to the terms and conditions in this order and not allow any higher scale of pay or concede any concession of pecuniary value other than those specified in the terms and conditions without the prior concurrence of the lending department.

[G.O. Ms. No. 224, Personnel and Administrative Reforms (F.R.III)dept., dated 29th March 1981]

RULINGS.

Procedure on Retirement of Government Servants of Foreign Service.

When any Government servant lent on foreign service conditions retires from Government service, without at the same time retiring from the service of the foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from Government, so as to give the foreign employer the opportunity, if he be so inclined, of revising the excising terms of employment.

115. (*a*) While a Government servant is in foreign service, contributions towards the cost of his pension must be paid to Consolidated Fund on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the Government servant himself, unless foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 123 (b) contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

Explanation 1.—Pensions throughout this chapter, include Government contributions, if any, payable to Government servant's credit in a provident fund.

Explanation 2.—The rate of contribution payable on account of pension in respect of all Government servants deputed on foreign service shall be on the basis of the prescribed percentage of the maximum of the scale of pay of the officiating post which the Government servant would have held in the parent department from the date of promotion to the higher post including special pay or deputation allowance which would count for pension drawn from the foreign employer.

(With effect from 2nd October 1970.)

Explanation 3.—Leave salary contribution in respect of Government servants deputed on Foreign Service to the Corporations/Boards/Undertakings owned or controlled by the State Government is not recoverable. The leave salary of such Government Servant, for any period of leave taken while on his foreign service shall be entirely met by the foreign employer and for any period of leave taken on his re-joining the parent department shall be met by the Government. But on and from the 28th September 1977 if such Government servant deputed on foreign service avails himself of leave for a period of more than one month during the first year of his foreign service, the leave salary for a period of one month shall be met by the foreign employer and for the remaining period shall be met by the Government and if he avails himself of leave for a period of more than two months during the second year of his foreign service, the leave salary for a period of two months shall be met by the foreign employer and for the remaining period shall be met by the Government and so on.

(G.O. Ms. No. 832, P&ARdept., dated 3rd September 1983-With effect from 8th May 1975.)

Explanation 4.—When a Government servant on reservation from foreign service proceeds on leave before joining the parent Government Department the foreign employer shall pay the leave salary to the Government servant for the period up to which he is competent to sanction earned leave and subsequently get it reimbursed from the parent Government Department to the extend to be borne by the Government.

[G.O. Ms. No 359, P. & A.R. (FR. IV) Dept., dated 27-9-1996, with effect from 25.8.1993.]

116. The rate of contributions payable on account of pension and leave salary shall be as given in the table below:-

TABLE.

Rates of monthly contribution for pension payable during active foreign service in respect of-

Length of service years (1)	Group "A" Officers (2)	Group "B" Officers (3)	Group "C" Officers (4)	Group "D" Officers (5)
0-1 year	7% of the maximum monthly pay of the post in the officiating / substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service.	6% of the maximum monthly pay of the post in the officiating / substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service.	5% of the maximum monthly pay of the post in the officiating / substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service.	4% of the maximum monthly pay of the post in the officiating / substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service.
1-2 years	7% Do	6% Do	6% Do	4% Do
2-3 years	8% Do	7% Do	6% Do	5% Do
3-4 years	8% Do	7% Do	7% Do	5% Do
4-5 years	9% Do	8% Do	7% Do	5% Do
5-6 years	10% Do	8% Do	7% Do	6% Do
6-7 years	10% Do	9% Do	8% Do	6% Do
7-8 years	11% Do	9% Do	8% Do	7% Do
8-9 years	11% Do	10% Do	9% Do	7% Do
9-10 years	12% Do	10% Do	9% Do	7% Do

10-11 years	12% Do	11% Do	10% Do	7% Do
11-12 years	13% Do	11% Do	10% Do	8% Do
12-13 years	14% Do	12% Do	10% Do	8% Do
13-14 years	14% Do	12% Do	11% Do	8% Do
14-15 years	15% Do	13% Do	11% Do	9% Do
15-16 years	15% Do	13% Do	12% Do	9% Do
16-17 years	16% Do	14% Do	12% Do	9% Do
17-18 years	16% Do	14% Do	13% Do	10% Do
18-19 years	17% Do	15% Do	13% Do	10% Do
19-20 years	17% Do	15% Do	13% Do	10% Do
20-21 years	18% Do	16% Do	14% Do	11% Do
21-22 years	19% Do	16% Do	14% Do	11% Do
22-23 years	19% Do	17% Do	15% Do	11% Do
23-24 years	20% Do	17% Do	15% Do	12% Do
24-25 years	20% Do	17% Do	16% Do	12% Do
25-26 years	21% Do	18% Do	16% Do	12% Do
26-27 years	21% Do	18% Do	16% Do	13% Do
27-28 years	22% Do	19% Do	17% Do	13% Do
28-29 years	23% Do	19% Do	17% Do	13% Do
29-30 years	23% Do	20% Do	18% Do	13% Do
Over-30 years	23% Do	20% Do	18% Do	14% Do

(G.O. Ms. No. 161, P&AR dept., dated 25th February 1984-With effect from 1st July 1982.)

Explanation 1.—In the case of officers to whom * *rule 27 of the Tamil Nadu Pension Rules,1978*, applies, the period which they may be entitled to add under that **rule* to their service qualifying for superannuation pension, should be taken into account in reckoning "length of service" for determining the rates of foreign service contribution on account of pension.

	Rates of monthly contribution for leave salary payable during active foreign service in respect of	* Percentage of pay drawn in foreign service with appropriate Dearness Allowance.
1	Member specified in the schedule below .	*15*
2	Members of State and Subordinate Services	*12 ½*
3	Members of services subject to the Tamil Nadu Leave Rules, 1933	*11*

Explanation 2.—*The rate of contribution payable on account of pension in respect of Government servants deputed on foreign service to the Corporations / Boards / Undertakings owned or controlled by the State Government shall be at 10 per cent of the total emoluments other than compensatory allowances. But on and from the 1st April 1979, the rate of such contribution shall be 10 per cent of the maximum of the scale of pay including the special pay and personal pay, if any.*

*****On and from the 1st April 1999, the rate of such contribution shall be ten percent of the maximum of the scale of pay including special pay and personal pay, if any, plus the appropriate Dearness Allowance thereon.*

[G.O. Ms. No. 832, P&AR (F.R.III)dept., dated 3rd September 1983—with effect from 8th May 1975.]

* (Substituted *Vide G.O.Ms.No.103, P&AR (FR.IV)dept., dt. 2.9.2002 - w.e.f. 1.4.1999)*

SCHEDULE

Post

Tamil Nadu Agricultural Service—

Dean, Agricultural College and Research Institute, Coimbatore and *Ex-officio* Additional Director of Agriculture.

Tamil Nadu Boiler Service—

Chief Inspector of Steam Boilers.

Tamil Nadu Co-operative Service—

Registrar of Co-operative Societies.

Joint Registrar of Co-operative Societies.

Tamil Nadu Educational Service—

Director of Collegiate Education.

Joint Director of Collegiate Education.

Deputy Director of Collegiate Education.

Director of School Education.

Joint Director of School Education.

Deputy Director of School Education.

Chief Educational Officers.

Principal and Senior Professor, Presidency College.

Principal and Senior Lecturer, Teacher's College.

Principal of the College of Engineering, Guindy.

Director of Legal Studies.

Professor of Mechanical Engineering.

Professor of Electrical Engineering. } In the College of Engineering, Guindy

Additional Professor of Civil Engineering. }

Professor of Civil Engineering. }

Tamil Nadu Engineering Service—

Chief Engineers.

Superintending Engineers.

Executive Engineers.

General Superintendent, Public Works (Workshops and Stores).

Sanitary Engineer.

Tamil Nadu Excise Service—

Commissioner of Excise

Deputy Commissioner of Excise.

Tamil Nadu Fisheries Service—

Director of Fisheries.

Tamil Nadu General Service—

Consulting Architects to Government.

Director, Cinchona Department.

Examiner of Local Fund Accounts.

Assistant Secretary, Finance Department (Permanent).

Secretary to Government, Law Department and Remembrancer of Legal Affairs.

Tamil Nadu Industries Service—

Joint Director of Industries and Commerce.

[G.O .Ms. No. 324, Finance (F.R.I.)dept., dated 2nd April 1975.]

Deputy Director of Industries and Commerce.

Tamil Nadu Jail Service—

Superintendents of Central Jails.

Tamil Nadu Medical Service—

Director of Medical Services.

Chemical Examiner.

Non-Clinical Professor.

Director, Barnard Institute of Radiology.

Government Analyst.

Tamil Nadu Panchayat Development Service—

Joint Director of Rural Development

Deputy Director of Rural Development.

Divisional Development officer.

Personal Assistant (Panchayat Development).

[G.O. Ms. No. 1016, P & A.R. (FR. III)dept., dated 17th October 1985 [w.e.f. 18th December 1975]

Tamil Nadu Port Service—

Port Officer.

Tamil Nadu Public Health Service—

Director of Public Health.

Tamil Nadu Registration Service—

Inspector-General of Registration.

Tamil Nadu State Legislature Secretariat—

Secretary, Legislative Assembly.

Deputy Secretary, Legislative Assembly.

Tamil Nadu Stationery and Printing Service—

Works Manager, Government Press.

Tamil Nadu Statistics Service—

Director of Statistics.

Tamil Nadu State Higher Judicial Service—

Chief Judge, Court of Small Causes, Madras.

Administrator-General and Official Trustee, Madras.

Chief Metropolitan Magistrate, Madras.
Judge, City Civil Court, Madras.

Tamil Nadu Survey and Land Records Service—

Deputy Director of Survey and Land Records.

Tamil Nadu Animal Husbandry Service—

Director of Animal Husbandry.

Dean, Madras Veterinary College.

Note-1.—(i) The term "active foreign service" used in the table is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to and reverting from foreign service and accordingly contributions are leviable in respect of such period.

(ii) In the case of a temporary Government servant who is transferred to foreign service, pension contribution shall be calculated with reference to his length of service in the following manner:—

(*a*) If he is on a time-scale of pay on the maximum of time-scale; and

(*b*) If he is on fixed rate of pay, on that pay.

Note 2.—(i) The length of service of a Government servant shall, for the purpose of calculation of pension contribution, be reckoned from the actual or probable date of commencement of service counting for pension. All leave including leave on loss of pay, period of overstayal and of suspension shall be taken into account in calculating the length of service.

(ii) In cases where certain periods of war service have been allowed to count for pension, such periods of war service shall be added to the normal length of service.

(iii) Under Article 358 (*a*) of Civil Service Regulations an Officer's service does not qualify for pension until he has completed 18 years of age. All services rendered before completing 18 years of age shall be excluded in reckoning length of service for the assessment of contribution for pension.

(iv) In the case of Government servants who are promoted from a lower to a higher service, the length of service shall in all cases be taken as the total service, reckoning from the date of commencement of pensionable service under Government and contribution shall be levied in accordance with the table appropriate to the service to which the particular Government servant on foreign service at the time belongs.

RULINGS.

(1) In the case of members of the State and Subordinate Services pension contribution on the amount of special pay should be levied in accordance with the procedure prescribed in connection with establishment falling under Rule 127 (i.e.) the average of the percentage rates of these services should be levied on the amount of special pay.

The procedure indicated below should be adopted for recovering pension contribution on the special pay granted to members of superior service. Suppose the officer holding a post belongs to the 21st to 25th year of service, take the rates of pay for those years and add the amount of special pay to the rate of pay for each year. Then take the average of the amount thus arrived at Let it be "x".

Next take the rates of contribution prescribed for the 21st to 25th year of service and find out the average of those rates. Let it be "y".

The contribution to be levied on the special pay will be y/x amount of special pay.

(2) In the case of contract Officers who are governed by leave terms contained in Government Order (Finance) No.423, dated 5th July 1935, as amended from time to time and who are transferred to foreign service the leave-salary contribution should be recovered at the rate prescribed for Government servants who are subject to the Tamil Nadu Leave Rules, 1933.

[G.O.Ms.No.412 (M), Finance, dated 16th April 1943.]

Note.— In classifying contract officers, the authorities competent to sanction transfer to foreign service should determine for the contract officer concerned after taking into consideration the terms of the contract or if these are not conclusive the pay and status in Government service, the rate of leave salary contribution appropriate to the officer from among the three rates prescribed under F.R.116. The rate of leave-salary contribution should also be specified in the orders transferring such a contract officer to foreign service.

(3) Contribution towards leave and pensionary charges for service rendered by the staff of the Port Department to the other departments of Government may be paid from State Fund to the Minor Port Fund at the rates mentioned in Rule 116.

(G.O. No. 2339, P.W., dated 18th August 1944.)

General Principles regarding recovery of contributions for leave-salary and pension.

(4) In the case of transfer of Government servant to foreign service it should be stipulated that the contribution for pension/Contributory Provident Fund and leave-salary or for pension. Contributory Provident Fund alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with orders issued in rule 116.

(5) A Government servant who is a subscriber to the Contributory Provident Fund, Tamil Nadu, and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the officer himself, according to the arrangement made under clause (c) of Rule 115, shall pay in addition for the period of active foreign service at such times as Government may prescribe in each case, contribution determined by the formula x + xy, where x equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him in foreign service being regarded as his "emoluments" for this purpose, and y equals the fraction which the amount recoverable as leave-salary contribution, bears to pay drawn in foreign service.

[G.I., F.D., Resolution No.F.33 (5)R-II/41, dated 8th January 1941.]

(6) In all cases of transfer to foreign service in which the liability for making contributions on account of Pension/Contributory Provident Fund and leave-salary rests on the transferee, it shall be necessary to secure a letter from the transferee addressed to the foreign employer to pay to the State Government from his salary a specific monthly sum which would be based on the foreign service contributions which the employee himself has to pay. The issue of such a letter would enable the foreign employer lawfully to effect the necessary deductions from the Government servant's salary and remit it to the State Government. A provision to this effect should be incorporated in all cases of foreign service where the transferee is himself liable for payment of foreign service contributions.

In order to avoid procedural difficulties and to enable the Accounts Officer to report lapses to Government promptly, the contributions shall be remitted to the concerned Accounts Officer by means of Demand Drafts. However, where it is not possible to issue demand drafts, the, contributions may be remitted by means of cheque.

(Memo. No. 89486 F.R.63-2, dated 6th November 1963.)

(7) Contributions towards the leave-salary and pensionary contributions of the subordinates of the Co-operative Department and the Department of Handlooms and Textiles lent to foreign service under co-operative societies and other institutions such as Tamil Nadu Khadi and Village Industries Board should be recovered in accordance with Fundamental Rule 127. If the person lent is allowed any additional pay during foreign service, the rate of leave-salary contribution arrived at under

Fundamental Rule 127 should be increased *pro-rata* by the rate of percentage addition on pay sanctioned during foreign service.

(Memorandum No.20464-A-C.S.R.2, Finance, dated 20th March 1953.)

(8) In respect of temporary Government servants in foreign service, pension contribution should be recovered from the foreign employer at the rates prescribed in Fundamental Rule 116.

(G.O. No. 494, Finance, dt. 24.3.1953 and Memorandum No. 3346 C.S.R.1, Finance, dt 7.5.1963.)

Note.—In the case of a non-permanent Government servant officiating in more than one post at the time of proceeding on foreign service recovery of pension contribution shall be based on the prescribed percentage of the maximum of the grade of the lower of the officiating posts.

(Finance Memorandum No.71403/F.R./59-1, dated 21st July 1959.)

(9) Pension contribution shall be recovered from the foreign employer on special pay also, which the Government servant would have drawn in his parent department but for his deputation on foreign service, in addition to the contribution on the maximum of the substantive pay when such special pay counts for pension.

Explanation 1.—Deleted.

Explanation 2.—For computing the length of continuous service in the higher post, all the periods taken into account under Article 486-B (ii) of the Civil Service Regulations shall be taken into account.

Explanation 3.—Consequent on the introduction of Article 486-C of the Civil Service Regulations "Pay" as defined in Rule 9 (21) of the Fundamental Rules, which an Officer received immediately before his retirement, has to be taken into account for the purpose of calculating average emoluments. Therefore pension contributions shall be based on the maximum of the "Pay" as defined in rule 9 (21) of the Fundamental Rules of the post held by a Government servant at the time of his proceeding on foreign service or to which he may receive proforma promotion while on foreign service.

In respect of past cases, where any further extension of Foreign Service is granted, the orders issued in this order shall apply from the date of commencement of such extension. In respect of past cases in which deputation is for an unspecified period, the orders issued in this order will be applicable, after one year from the date of issue of this order.

[G.O. Ms. No. 456, Finance, dated 10th April (1970).]

As the portion of dearness allowance reckoned as pay in G.O.Ms.No.317, Finance, dated 11th March 1970 will count under Article 486-C of the Civil Service Regulations, the pension contributions recoverable during active foreign service should be calculated on the maximum of the scale of pay of the post plus the portion of dearness allowance appropriate to such maximum reckoned as pay.

[G.O. Ms. No. 308, Finance (F.R.), dated 1st March 1972.]

(10) In the case of members of the State and Subordinate Services sent on foreign service or deputation, the Dearness Pay appropriate to the maximum monthly pay of the sanctioned time scale of the post of the Government servant shall be taken into account for the recovery of pension contribution".

[G.O. Ms. No. 287, P & R(FR.SPL)dept., dt.7-8-1991, w.e.f. 1-2-1975.]

117. (*a*) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(*b*) The rates of contribution for leave salary will be designed to secure to the Government servant leave salary on the scale and under the conditions applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental rule 9 (21).

The rate of contribution for leave salary in respect of Basic service subject to the leave rules in Fundamental Rules shall be 12½ per cent of the pay drawn in foreign service and in

respect of those subject to the Tamil Nadu leave Rules, shall be the rate prescribed for subordinate service under Rule 116.

The rate of contribution for pension shall be the average of the rates prescribed for subordinate services, that is, 9½ per cent of the maximum monthly pay of the grade substantively held.

118. ***Deleted.***

119. ***Government*** **may—**

(a) remit the contribution due in any specified case or class of cases; and

(b) prescribe the rate of interest if any to be levied on the overdue contribution.

Rules prescribing the rate of interest are given in the instructions below:—

Instructions under Rule 119 (b)

1. Contribution for leave salary or pension due in respect of a Government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically exempted, at the rate of two paise per day per Rs.100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

2. The leave salary and pension contributions should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government on any account should be set off against these contributions.

The amendment hereby made shall be deemed to have come into force on the 1st April 1976.

[G.O. Ms. No. 1005, Finance (F.R.II)dept., dated 17th September 1976.]

3. If any amount due, including interest, is not paid within twelve months of its accrual, the Accounts Officer shall intimate to the Government servant the amount due up to date and inform him that in consequence of the default he has forfeited his claim to pension or pension and leave salary, as the case may be. In order to revive his claim the Government servant must at once pay the amount due and represent his case to Government who will deal finally with it.

4. Interest on overdue contributions will not be remitted by Government save in very exceptional circumstances.

5. Interest on overdue contributions from foreign employers who have been exempted from payment of security deposit will be levied as laid down in Instructions 1 and 2.

RULING.

Leave and pensionary contributions should be paid by the Indian Research Fund Association on account of the subordinate personnel, such as Assistant Surgeon, etc., whose services have been lent to the Association.

(Government of India, Education, Health and Lands, No. 1492, Health, dated 28th October 1925, with Government of India, Finance Department No. D.5951, C.S.R., dated 11th November 1925.)

120. A Government servant in foreign service may not elect to withhold contribution and to forfeit the right to count as duty in Government service the time spent in foreign employ. *The pension contribution paid on his behalf maintains his claim to pension, in accordance with the rules of the service of which he is a member. @The amount paid by way of pension contribution by the Public Sector Undertakings/boards in respect of the absorbed Government servants, during the period from the date of absorption to the date of issue of orders of absorption shall be refunded to the concerned Public Sector Undertakings/Boards. **In cases where the pension contribution, are remitted in excess of the demand by the foreign employer, the Heads of Department concerned should draw a bill for excess amount and pay it to the foreign employer. *In respect of all cases where the absorption is made as per the terms and conditions prescribed by Government by issuing separate specific orders whereby the

persons who are on deputation are allowed to be absorbed with retrospective effect in the Public Sector Undertakings or Boards, the refund of leave salary and pension contribution to the foreign employer for the period construed as deputation earlier shall be given effect to.

***[G.O. Ms. No. 1100, P & AR (FR. III) Dept., dt. 15-12-1987, w.e.f. 19-1-1987.]*

[@G.O. Ms. No. 312, P & AR (FR. SPL) Dept., dt. 30-8-9,1 w.e.f. 5th January 1983.]

**[G.O. Ms. No. 327, P & AR (FR. Special)Dept., dt. 16-9-91, w.e.f. 21-3-1980.]*

121. A Government servant transferred to foreign service other than the United Nations Organisations and the developing countries in Asia, Africa and Latin America may not, without the sanction of Government accept a pension or gratuity from his foreign employer in respect of such service.

121A. A Government servant transferred to foreign service in the United Nations Organisations and the developing countries in Asia. Africa and Latin America may accept the retirement benefit from his foreign employer in respect of such service subject to the following conditions:-

(1) (i) A Government servant transferred to foreign service in the United Nations Organisations for a period of five years or more shall be allowed option either to avail himself of the retirement benefits as admissible under the rules of such Organisations and to exclude such service from the qualifying service for calculation of pension under the rules of Government applicable to him or to pay the pension contribution to Government for the period of his foreign service and to count such service as qualifying service for calculation of pension under the rules of Government applicable to him.

(ii) If the Government servant opts to avail himself of the retirement benefits under the rules of the United Nations Organisations as in sub-clause (i), such retirement benefits shall be received by him in Indian Rupee.

(iii) A Government servant, who is transferred to foreign service in the United Nations Organisations for a period of one year or more but less than five years and who is not entitled to the retirement benefits under the rules of the said organisations, shall pay pension contribution to Government at the rates prescribed under rule 116. On the conclusion of foreign service he shall be allowed to receive from his foreign employer the withdrawal benefits as admissible under rules of the said Organisations.

(iv)The retirement benefits shall not be paid concurrently with the salary from the Government to a Government servant who rejoins duty in Government service on the conclusion of foreign service but it shall be credited to the revenues of Government under intimation to the Pay and Accounts Officer/Accountant-General in the case of Group A and Group B government servants and to the heads of Departments in the case of others, so that a note could be kept in the Service records/Service books of the Government servant concerned of the amount received from the United Nations Organisations. The amount so credited shall be paid to the Government servant concerned, along with other pensionary benefits when he finally retires from Government service.

(2) A Government servant transferred to foreign service in the developing countries in Asia, Africa and Latin America shall be allowed to receive from his foreign employer concerned the gratuity payable to him on the conclusion of foreign service. The above gratuity shall not however be paid to the Government servant on the conclusion of foreign service but it shall be credited to the General Provident Fund/Contributory Provident Fund of the Government Servant concerned. The gratuity payable by the foreign employer concerned is not a pensionary benefit. The Government servant transferred to foreign service in the developing countries in Asia, Africa and Latin America shall be required to pay the pension contribution to Government for the period of his foreign service and to count such service as qualifying service for calculation of pension under the rules of Government applicable to him.

[G.O. Ms. No. 545, P & AR (FR.III) Department, dated 27th May 1985, w.e.f. 12th November 1983.]

122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member

and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

123. (*a*) A Government servant in foreign service out of India may be granted leave by his employer on such conditions at the empolyer, may determine. In any individual case, the Government may determine before hand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(*b*) In special circumstances, the Government may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to Consolidated Fund, leave contributions at the rate prescribed under Fundamental Rule 116.

RULING.

For the purpose of pension the period of leave granted by foreign employer out of India to Government servants lent to them under Rule 123 (*a*) should be treated as "Leave" and not as 'Duty'.

124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service, on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service, Provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as Government on whose establishment he is borne may decide.

Delegation under Rule 125.

The authority which granted the leave is empowered to decide the date of reversion of the Government servant returning after leave from foreign service.

If joining time or travelling allowance or both will be admissible to the officer, the date of reversion from foreign service should not be earlier than the date on which he will take charge of the post in Government service, unless the foreign employer agrees to pay the transit pay (including leave and pensionary contribution) and the travelling allowances.

RULING.

The period of employment of a Government servant placed at the disposal of the private employer under ruling (10) below Fundamental Rule 86 will be counted as service for purposes of pension because the contributions paid on his/her behalf either by the foreign employer or by the Government servant himself /herself maintains his/her claim to pension in accordance with the rules of the service of which he/she is a member. The entire expenditure in respect of any compensatory allowance for the period of leave or at the end of foreign service shall be borne by the foreign employer. Such leave availed of by a Government servant during foreign service is not leave preparatory to retirement unless he/she quits duty under the foreign employer before he/she reaches the age of superannuation.

(Finance Memorandum No. 119194/F.R./60-3, dated 12th March 1960.)

126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued, with effect from the date of reversion.

127. When an addition is made to a regular establishment on the condition that its cost or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:—

(a) The amount to be recovered shall be the gross sanctioned cost of the service; or of the portion of the service, as the case may be and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under Rule 116 and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) Government may reduce the amount of recoveries or may entirely forego them.

*Explanation 1:- This rule is applicable to temporary as well as permanent establishments.

*Explanation 2:- In the case of members of the State or Subordinate Service, a fraction of the total maximum monthly pay of all sanctioned posts equal to the average of the percentage laid down in column (3) or (4) of the Table below Fundamental rule 116, shall be levied as contribution for pension. As regards contribution for leave salary, recoveries shall be made by levying the percentages prescribed in the Table below Fundamental rule 116 on the total sanctioned cost or in the case of time-scales of pay, on the average cost of all the posts concerned. If in any case it is certain that pensionary claims will not arise, application may be made for the waiver under clause (c) of this rule of the recovery of the contribution for pension.

*Explanation 3:- Pension contribution shall be recovered at an uniform flat rate of ten percent of the maximum of the scale of pay (including special pay and personal pay, if any) plus the appropriate Dearness Allowance thereon, in respect of the deputation of the Co-operative Departmental Staff and officers of Co-operative Institutions on foreign service terms and conditions as under Fundamental Rule 110 to Fundamental rule 114 and under this rule, against the existing rates.

*(Substituted vide G.O.Ms.No.103, P&AR(FR.IV) Department, dated 2.9.2002, w.e.f. 1.4.1999)

Instructions under Rule 127.

1. No contribution need be recovered from local bodies and municipal councils on account of—

   (a) Panchayat and town surveyors for the periods during which they are on leave without a substitute;

   (b) Chairmen employed under the panchayat and town surveyors for the periods during which they are granted leave without pay and without a substitute;

2. In recovering the sanctioned cost of the establishment in the office of the Court of Wards Madras, from estates under its supervision, no recovery need be made in respect of posts which are kept permanently vacant, but in the case of posts the permanent incumbents of which are on other duty and which are kept unfilled without substitutes being appointed the recovery to be made should be limited to the pensionary contribution.

3. No contribution need be recovered from local bodies on account of the Government Medical Officers attached to local fund and Municipal Medical Institutions for the periods during which the posts of Medical Officers in the institution are kept vacant at the instance of or with the approval of the Director of Medical Services provided that these periods shall not include periods of the absence of the officers on casual leave or on other duty to which they are deputed by local bodies.

4. Omitted.

5. No contribution need be recovered from a Municipal Council towards pay, leave allowance and pension of its Health Officer, if the Assistant Health Officer has held additional charge of the post of Municipal Health Officer for a period of not less than one month.

Delegation under Rule 127.

The Registrar of Co-operative Societies is empowered to sanction the following allowances in the case of the Group C and D Officers of his department holding posts sanctioned under this rule:—

Grant of Madras house allowance, house rent allowance, unhealthy locality special pay, hill allowance and other compensatory allowances at the appropriate rates, provided that—

   (i) such allowances are specifically admissible under the rules to Government servants stationed in the same localities; and

   (ii) the entire cost of such allowances is recovered from the institution for whose benefit the Government servant is employed.

RULINGS.

(1) No contribution for leave and pension need be recovered in the case of menials paid from contingencies employed under the rule.

(G.O. Ms. No. 612, Finance, dated 4th September 1928.)

(2) The whole expenditure on account of cost of living, dearness allowance, compensatory and house-rent allowance drawn during the periods of leave should be included for purposes of recovery under Rule 127 (*b*) and that no addition need be made in respect of pension contribution as such allowances do not count for pension.

Deputation of Reserve Health Officers under the local bodies in connection with epidemic or festival duties.

(3) Reserve Health Officers deputed to festival or epidemic duties under the local bodies should be dealt with under Rule 127 and recoveries effected from the local bodies concerned in accordance with clauses (a) and (b) of that rule.

(G.O. Ms. No. 1786, dated 17th July 1929.)

(4) It is not necessary to issue any general orders fixing a time limit and a rate of penal interest in respect of recoveries made in the case of additional establishments falling under Rule 127.

[Government of India, Finance Department, No. F. 1 (24)-R.1.34, dated 1st July 1935.]

Recovery of pensionary contribution on the special pay drawn by members of establishments falling under Rule 127.

(5) In the case of members of State and Subordinate Services, the term "pay" occurring in Note 2 under Clause (c) under Rule 127 should be taken to include also special pay. Special pays drawn by members of superior services do not, however, count for the purpose of recovery of pensionary contribution as the contribution to be recovered in their cases is the average of the rates prescribed under Rule 116.

(G.O. Ms. No. 545, Finance, dated 31st August 1935.)

(6) In calculating the pensionary contribution leviable under Rule 127 on account of a post in the clerical grade on the new scale of pay in the offices of the Civil Accountants-General, the maximum of Grade I should be taken into account as the maximum monthly pay of the clerical grade.

(Comptroller and Auditor-General's Endorsement No. 229-A/235-35, dated 29th November 1935, to the Accountant-General, Madras.)

(7) Unless recovery of contribution is waived by Government the average cost of the posts sanctioned under Rule 127 should include that of vacant posts.

In the case of a sanction for more than one post, the cost including the cost of vacant post should be recovered for the period of sanction from the date on which the sanction is first operated on.

(Finance Memorandum No. 46177-C.S.R.2, dated 6th January 1939 and Memorandum No. 51486-E-40-2, P.H., dated 22nd January 1941.)

Establishments sanctioned under Rule 127—Recovery of Transit Pay and Travelling Allowance.

(8) In the case of establishments created under Rule 127, the transit pay and travelling allowance both ways also should be recovered from person or body for whose benefit the additional establishment is created. No recovery need, however, be made when a change is effected in the personnel of the establishment for reasons for which the person or body is not responsible, e.g., in case of change of officers made for the convenience of Government service (*see* also ruling 4 under Tamil Nadu Travelling Allowance Rule 69.)

The recoveries made towards transit pay should be based on the gross sanctioned cost of the service and should include contributions for leave salary and pension.

Note:—The orders in the above paragraph do not apply to Government Medical Officers lent to local bodies (vide Finance Memorandum No. 19242/C.S.R.-2, dated 27th July 1927.)

(G.O. No. 667, Finance, dated 31st October 1937, G.O. Ms. No. 328, Finance, dated 27th September 1938, and G.O. Ms. No. 245, Finance, dated 18th July 1939.)

(9) The usual proportion of one-third of the pay of chairman employed under a town surveyor may be debited to State Fund when the town surveyor is absent on leave and no substitute is appointed; provided that—

(1) the period of absence of the town surveyor does not exceed one month, and

(2) another town surveyor is placed in additional charge.

(G.O. Ms. No. 692, Revenue, dated 17th March 1939.)

(10) The pay of all Assistant District Health Officers will be met in the first instance from State Funds and 50 per cent of the average cost of the posts of the offices including proportionate leave and pensionary contribution will be recovered from the local bodies concerned. The travelling allowance of the officers for tours within the district for the discharge of their duties shall be met from the funds of the local bodies concerned. The transit pay and travelling allowance of the officers when transferred from one local body to another or from the Government (Public Health) Department to a local body will be met from the State Funds.

The recovery of contribution may be waived for the periods during which the posts of the Assistant District Health Officer under a local body is vacant, provided that the period of vacancy exceeds 14 days in each case.

(G.O. Ms. No.2112, P.H. ,dated 1.9.1934 and G.O.Ms. No.1880, P.H. ,dated 4th July 1944.)

(11) No pension contribution need be recovered in respect of establishment manned by personnel who have retired from Government on pension and have been re-employed on Union Government work as Government will be incurring no pensionary liability in respect of such persons.

(Finance Memorandum No. 40306-C.S.R., dated 9th August 1944 and No. 88127-F.R./60-5, dated 16th August 1960.)

(12) In respect of all additional establishments sanctioned from time to time on account of the requirements of the military or other authorities, an addition on account of dearness and war allowances, house rent and Madras House Allowance should be made to the “pay” element of the gross sanctioned cost for the purpose of the recovery to be made under Rule 127 (*a*). House-rent allowance should be calculated at the maximum rate on the average cost of the establishment and Madras House Allowance based on the actuals drawn (including amounts, if any drawn during periods of leave) for purpose of Fundamental Rules 127 (*a*) and 127 (*b*).

(13) In the case of former employees of the Co-operative Department of the Pudukkottai State who have elected to be governed by the Pudukkottai State Leave Rules, leave-salary and pension contributions should be recovered at the rates fixed in Fundamental Rule 116 for Government servants governed by the leave rules in the Fundamental Rules, when they are deputed to cooperative societies under Fundamental Rule 127.

(Finance Memorandum No. 83502-C.S.R., dated 20th November 1952.)

(14) In the case of Health Officers who have retired on superannuation pension and re-employed as Health Officers in Municipalities, no pension contribution need be recovered from the Municipalities in which they are serving.

(Finance Memorandum No. 30974/F.R./57-3, dated 29th April 1957.)

(15) In the absence of a specific order to the contrary, the entire cost on account of the medical and educational concessions should be recovered from the institutions concerned irrespective of the fact whether the entire or proportionate cost of the staff sanctioned under Fundamental Rule 127 is waived.

Note 1.—Foreign employers should in the case of Government servants transferred to foreign service, accept liability for leave salary in respect of disability leave granted on account of a disability incurred in and through foreign service, even though such disability manifests itself after the termination of

foreign service. The leave salary charges for such leave should be recovered direct from foreign employers, a condition to this effect being insisted in the terms of transfer to foreign service. No additional pension contribution shall be recovered in respect of period of disability leave.

In the case of permanent Government servants lent to the Union Defence services, the Defence services estimates will bear the leave salary charges in respect of disability leave granted to them while in such services on account of disabilities incurred in and through such services, in addition to the ordinary leave contributions at foreign service rates payable during such services excluding periods of leave. As regards pensionary liability in respect of periods of disability leave in such case no extra contributions will be recovered in view of the very small amounts involved.

Note 2.—In the case of a Government servant in foreign service in India contribution on account of leave salary is recoverable from the foreign employer and in return for the contribution, Government accept the charges for leave salary. As the rates prescribed for such contribution have been calculated on the basis of the leave on full and half average pay normally taken by a Government servant during the total period of his services and do not take into account any compensatory allowance which may form part of leave salary as defined in Rule 9 (21), the whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign service shall be borne by the foreign employer. In order to avoid any misunderstanding, it is desirable that a condition to this effect shall be inserted in terms of transfer to foreign service.

Note 3.—Date of reversion from foreign service.—In the case of a Deputy Collector whose services are lent to a local body and who proceeds on leave on the conclusion of his foreign service, the date on which he actually joins duty in a post under the Government shall be fixed as the date of his reversion from foreign service.

(16) Whenever the post of a Health Officer under a Municipal Council is held in additional charge by a Health Officer under another Municipal Council for a period not less than a month, the recovery of contributions due from the First Municipal Council towards pay, leave salary and pension of its Health Officer shall be waived.

(Finance Memorandum No. 41643/F.R./63-5, dated 19th August 1963.)

(17) No recovery of cost and contributions towards leave salary, pension and provident fund need be made for the periods during which the post of Municipal Commissioner under a local body is vacant. The additional pay, if any, payable to persons who are appointed to be in additional charge of the post of Municipal Commissioner which is vacant shall, however, be met from the funds of the local body.

(18) The cost of leave Travel Concession shall be included while calculating the average cost.

[G.O. Ms. No. 185, Personnel and Administrative Reforms (FR.II) Department, dated 22nd February 1985, with effect from 3rd August 1985.]

(19) In respect of the staff of the Co-operation Department deputed to the Co-operative Institutions, 80 per cent of the average cost of service of such staff shall be recovered from the Cooperative Institutions:

Provided that on and from *1-7-78, 86 per cent of the average cost of service of the staff of Cooperative Institutions.

[G.O. Ms. No. 769, Personnel and Administrative Reforms (FR. III)dept., Dated 1st August 1985-with effect from 15th October 1973.]

*[G.O. Ms. No. 155, P & AR (D.O. II) Department, dated 24-6-1994.]

(20) In the case of establishments created under this rule, the Dearness Pay appropriate to the maximum monthly pay of the sanctioned time scale of the post of the Government servant shall be taken into account for the recovery of pension contribution.

[G.O. Ms. No. 287, Personnel and Administrative Reforms (FR.SPL)dept., dated 7th August 1991—with effect from 1st February 1975.]

(21) The actual costs on leave travel concession availed of by the deputationists created under Fundamental Rule 127 shall be borne by the borrowing authority for whose benefits such

establishment is created and the deputationists shall collect the amount directly from the borrowing authority.

[G.O. Ms. No. 155, P & AR (D.O.II) Department, dated 24-6-1995— with effect from 3rd July 1992.]

(22) While calculating the average cost, Medical allowance shall be included and recovered from the organisation or body for whose benefit the additional establishment was created.

[G.O. Ms. No. 233, P & AR (FR.IV)dept., dated 10th June 199,. w.e.f .2.6.1992]

CHAPTER XIII—SERVICE UNDER LOCAL FUNDS.

128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

RULING.

Employees of local funds administered by Government who are not paid from Consolidated Funds of the State and are therefore not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

129. The transfer of Government servants to service under local funds which are not administered by Government, will be regulated by rules in Chapter XII.

130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government and their previous service will not count as duty performed, Government may, however allow previous service in such cases to count as duty performed on such terms as it thinks fit.

Instructions under Rule 130.

In the case of Local Fund Servants (other than those for whom Government have undertaken to bear the leave salary in respect of previous Local Fund Services, e.g., in the case of District Board Engineers and District Health Officers, who are transferred to Government service after 26th August 1932), the local body concerned should decide at the time of the transfer of the servant whether it will bear the entire leave salary for the period of leave earned in its service, calculated on the average pay of the servant at the time of proceeding on leave. If it does not agree the servant will forfeit the leave earned under the local body. The leave account opened for the servant on admission to Government service should clearly specify whether his prior local fund service counts for leave and whether the local body has agreed to bear the leave salary.

RULINGS.

Establishment of the Provincialized District Medical Officer's Offices.

(1) Except in cases in which the local bodies concerned have paid contribution towards leave and pension under Articles 802 and 805, Civil Service Regulations, the staff of the provincialized District Medical Officer's offices cannot count their previous Local Fund Service for purposes of leave and pension.

(Memorandum No. 30080-I-D-2 P.H., dated 26th September 1940 and Director of Medical Services, letter R.No.2735-H, dated 12th June 1940.)

Provincialized Medical Institutions — Allocation of leave salary under the Rule of Proportions under Articles 45 and 900, Civil Service Regulations.

(2) The first four months of leave on average pay under the Fundamental Rules with or without medical certificate may be treated as equivalent to privilege leave under the Civil Service Regulations for working out the recovery under the rule of proportions.

(U.O. Note No. 11968/44-3/D-2, P.H., dated 20th April 1944.)

APPENDIX I.

ANNEXURE 1.

Instruction 1 under Fundamental Rule 9 (6) (b).

AUTHORISED COURSES OF INSTRUCTION OR TRAINING.

Government are pleased to declare that, Government servants attending any of the courses of instruction or training shown in the following table shall be treated as on duty:—

Note.—The powers delegated to the subordinate authorities under this rule can be exercised only if there is sufficient budget provision to meet the pay and allowances of Government servants deputed for training under Fundamental Rule 20 and the pay and allowances of any substitute necessary under rule 36.

TABLE.

	Course of instruction or training	Government Servants who can be deputed to undergo the course	Authority empowered to sanction the deputation	Remarks
	(1)	(2)	(3)	(4)
Land Revenue				
1	Survey and Settlement	(i)Assistant Collectors (ii) Deputy Collectors	Collectors	-
		(iii)Other Government Servants	Commissioner for Revenue Administration	
2	Survey Training	(i) Government Servants who are candidates for the posts of Revenue Inspectors	Collectors	-
		(ii) Clerks in the Secretariat who have satisfactory completed their probation in the upper division.	Secretaries to Government	
		(iii) Approved probationers who were directly recruited to the category of upper division clerks and approved probationers in the category of lower division clerks in the office of the	Board of Revenue Commissioner of Civil Supplies.	

		Commissioner of Revenue Administration and in the Office of the Director of Settlements, Madras and in the office of the Commissioner of Civil Supplies.		
		Assistants working in the office of the Commissioner for Revenue Administration.		
		(iv) Approved Probationers in the category of Assistants and Superintendents working in the office of the Director of Harijan Welfare, Madras who have passed the Revenue Tests Parts I,II and III.	Director of Harijan Welfare, Madras.	
Assistants working in the office of the Commissioner for Land Reforms.				
3(a)	Training in Angular Survey with a Survey party.	Officers designated for the post of Inspecting Tahsildars.	Commissioner of Revenue Administration	
3(b)	Revenue Inspector's Training – cont.	(i)Clerks in the Secretariat who have satisfactorily completed their probation in the upper division.	Secretaries to Government	
		(ii)Approved probationers who were directly recruited to the category of upper division clerks and approved probationers in the category of lower division clerks in the Office of the Commissioners of Revenue Administration Land Administration, Land Reforms including urban	Commissioner of Revenue Administration	

		land ceiling, Urban Land Tax and Agricultural Income Tax, Prohibition and Excise, the Director of Adi-Dravidar and Tribal welfare, the Director of Backward Classes and the Director of Most Backward Classes and Denotified Communities Welfare and in the office of the Director of Settlements, Madras and in the office of the Commissioner of Civil Supplies.		
		(iii) Clerks in the office of the Collector of Madras who either hold Substantive posts or have completed their probation and are not likely to be discharged from service for want of vacancies.	Collector of Madras.	
		(iv)Approved Probationers in the category of Assistants and Superintendents working in the office of the Director of Harijan Welfare, Madras who have successfully undergone survey training.	Director of Harijan Welfare Madras.	
	(c) (i) Magisterial Training	Deputy Tahsildar	Collectors	
	(ii) Police Training	Deputy Tahsildar	Collectors	
		(G.O.(Ms)No.659,Finance(FR-I), dt 21.06.1976)		
	(iii) Excise Training	Tahsildar / Deputy Tahsildar	Collectors	
(G.O.(Ms)No.321,P&AR, dt 08.04.1982)				

4	(a) Treasury Training	Assistant Collectors and Deputy Collectors.	Government*..	”
	(b) Treasury Training	Group C and D Government servants	Collectors..	”
*If the training can be arranged for without the appointment of substitutes, the Collector is authorised to sanction the training				
5	Karnam’s and Revenue Inspector’s Training.	Assistant Collectors	Do.	-
	(a)Training in the working of other department	Do.	Do.	-
	(b)Training in Estates Land Act.	(i) Do. (ii)Probationary Deputy Collectors	Government Commissioner for Revenue Administration	-
6	Training in the use of theodolite and circumferenter	Land Records Deputy and Town Surveyors.	Commissioner for Revenue Administration.	
	Training in the work of a Taluk Accountant and of an Accountant in a Deputy Tahsildar’s Office.	Group C and D Government servants	Collectors.	
7	General training prior to confirmation	(i) Probationary Deputy Collectors.	Government	-
		(ii) Probationary Revenue Inspectors.	Collectors	
		(iii) Probationary Upper Subordinates of the Survey Department.	Director of Survey	
8	(deleted)			
9	Training in the use of circumferenter and in traverse computation	Government servants required for appointment as Revenue Inspectors in the Nilgiris and the Shevaroys.	Collectors	-
10	Training in Madras Revenue Subordinate	(i) Superintendents of the Secretariat.	Secretaries to Government	-

	Service sanctioned in G.O.(Ms) No.276, Revenue, dated 31.01.1950.	(ii) Superintendents of the Commissioner for Revenue Administration and in the Office of the Director of Settlements, Madras and in the Office of the Commissioner of Civil Supplies.	Commissioner for Revenue Administration, Commissioner of Civil Supplies.	
		(G.O.Ms.No.545, P&AR(FR-III) dept., dated 19.06.1987.)		
11	(deleted)			
12	Training in District Revenue Administration	Government servants who are candidates for the post of Clerks.	Collectors	
13	Training in the Office of the Assistant Commissioners (Land Reforms) in the districts	Superintendents in the Office of the Commissioner for Land Reforms	Director and Ex-Officio Joint Commissioner of Land Reforms	The Training shall be for a period of two years.
(G.O.(Ms) No.170, P&AR(FR-III)department, dt 26.02.1982 w.e.f 01.01.1976.)				

Forest				
1	Preliminary training in the Forest College, Coimbatore.	Subordinates of the Forest Department	Chief Conservator of Forests	-
2	Deleted			
3	Preliminary training in the Forest College, Dehra Dun,	Forest Apprentice	Do	-
4	Training in the Madras State Forestry Training School, Coimbatore.	Subordinates of the Forest Department	”	-

Commercial Tax				
1	Training as Assistant Commercial Tax Officer on assessment work before appointment as Deputy Commercial Tax Officer.	(1) Superintendents of the Commercial Taxes section in the Revenue Secretariat.	Commissioner of Commercial Taxes	-
		(2) Superintendents in the Office of the Commissioner for Commercial Taxes.	Do.	-

2	Training as Assistant Commercial Tax Officer before appointment	(i)Clerks in the Commercial Taxes Department (ii)Deputy Tahsildars in the Revenue Department. (iii)Clerks and Superintendent in the Office of the Commissioner for Commercial Taxes. (iv)Upper Division Clerks in the Revenue Secretariat. (v) Persons selected as Assistant Commercial Tax Officers from other departments.	Deputy Commissioner of Commercial Taxes concerned	-

General Administration.				
1	Training in the Accountant General's Office.	Superintendent in the Finance Department.	Government.	

Administration of Justice.				
1	Training in Survey Schools.	Members of the Process Service Establishments.	District and Sessions Judges	-

Police				
1	Training in the Police Training College, Vellore and Practical Training in districts.	(a) Probationary Assistant Superintendent of Police. (b) Deputy Superintendent of Police.	Inspector-General of Police	

		(c) Reserve Sub Inspectors	Commissioner of Police in Madras City and the Inspector General of Police elsewhere	
		(d) Directly required Sub-Inspectors and Government Servants already in service.	Commissioner of Police in Madras City and Deputy Inspector General of Police elsewhere	
2	Training in the Police Recruits School at Vellore and Coimbatore	Recruited Constables	Superintendent of Police	
3	Training in legal practice under a Public Prosecutor.	Inspector and Sub-Inspectors	Deputy Inspectors-General of Police	
4	(a) Training in rebrowning. (b) Training as Inspectors in drill, physical training, weapon training and signalling.	Reserve Inspectors (1) Reserve Sub Inspectors (2) Head Constables (3) Constables	Commissioner in the case of City Police Officers, Inspector General in the case of Mofussil, Inspectors and Superintendents of Police in the case of other ranks.	
	(c) Training in armory work, taking finger- prints and rebrowning.	(1) Head Constables (2) Constables		
	(d) Training in the repair of web equipment	Constables	Superintendents of Police	
5	Course of army training	(1) Indian Officers (2) Non-Commissioned Officers (3) Men (Constables) of the Malabar and the Special Armed Police forces	Inspector-General of Police	
6	Training in motor lorry driving and in the mechanism and maintenance	1) Non-Commissioned	Inspector-General of Police	

	of motor vehicles	Officers. 2) Men (Constables). 3) Head Constables 4) Constables of the Dist. Armed Reserves		
7	Training in Traffic Regulation	Constables or Head Constables of Reserve Sub-Inspectors	Superintendents of Police acting in consultation with the Commissioners of Police	The period of deputation should not exceed two weeks excluding the time taken to go and return and the number of men whom the Inspector-General of Police has been authorized to depute from any one district to the city for training in the traffic regulation should not exceed six
[G.O. Ms. No. 703, P. & A.R. (FR. III) Dept., dated 8th July 1985 - with effect from 9.10.1984.]				
8	Training in the use of teargas	Reserve Sub-Inspectors, Head Constables and Police Constables of the District Armed Reserves and Non-Commissioned Officers and men of the Malabar Special Police and Special Armed Police.	Inspector General of Police	
9	Training in the record section of the Criminal Branch of the Madras City Police in the finger and foot print work in the C.I.D., Madras in the Forensic Department and in the Madras Finger Print Bureau at Vellore.	Deputy Superintendents of Police, Inspectors of Police, Sub-Inspectors of Police and Head Constables from any district.	Inspector-General Police (Law and Order.)	The Training shall be for a period not exceeding six weeks and the number of Government servants deputed shall not exceed six in each year.

10	Training in Radio Branch	(i) Inspectors of Police, Reserve Inspectors selected for appointment by transfer in the Police Radio Branch.	Deputy Inspector General of Police, C.I.D., Madras	The training shall be under the police radio Officer for a period of not less than six months and not more than one year.
		(ii) Sub-Inspectors and Reserve Sub-Inspectors selected for appointment by transfer in the Police Radio Branch. (iii) Head Constables selected for appointment by transfer in the Police Radio Branch.	Police Radio Officer, Madras	...
		(iv) Naiks selected for appointment by transfer in the Police Radio branch. (v) Lance Naiks selected for appointment by transfer in the Police Radio Branch. (vi) Constables selected for appointment by transfer in the Police Radio Branch.	Do	The training shall be in the Radio Signal School at Madras and in the Police Radio Stations in the State for a period of not less than six months and not more than nine months
		(vii) Radio Operators of the Government Malabar Special Police I and II Companies and Special Armed Police	Government	The training shall be in the Police Radio Signal School, Madras for a period of 45 days
$10A	Basic Training in Radio Telegraphy	Grade II Police Constables in General line	Director-General Police.	The training shall be in the Signal School, Regimental Centre at Avadi for a period of six months.
11	$ Deleted			
$G.O. Ms. No. 842, P. & A.R. (FR. III), Dept., dated 2.9.1985 - with effect from 23.8.1984.				
12	Training as motor	Reserve Sub-	Government	The training shall

	cycle outriders in the Traffic Training School at Calcutta.	Inspectors and Sub-Inspectors		be for a period not exceeding ten days
13	Instruction in medico-legal work.	Police officers of the rank of Inspector of Police and above	Superintendents of Police	The instruction shall be for a period of not more than two days
13A	Instruction in medico-legal work	Sub-Inspectors of Police in or near the District Head quarters	Superintendent of Police	The course shall not exceed two days. No Sub-Inspector should be permitted to attend the course more than once
14	Refresher course in fingerprint detection in Finger Print Bureau, Vellore	Head Constables of the District Intelligence Bureau	Superintendent of Police	The refresher course shall be for a period of one week.
15	Training in the Central Emergency Relief Training Institute, Nagpur	Superintendent of Police	Government	..
	Training in Law and Order and investigation and refresher course in Law, procedure aspects of Police and other work	(i) All directly recruited Assistant Superintendents of police who have put in about four years of service. (ii) All directly recruited and promoted Sub Inspectors who have completed 4 to 6 years of service in that rank (iii) Sub-Inspectors selected for promotion as Inspectors of Police	Inspector-General of Police	The training shall be in the Police Training College, Vellore, for a period of six weeks
16	Dog Handlers course at National Training Centre for Dogs, Border Security Force Academy, Tenkanpur, Madhya Pradesh	Head Constables and Police Constables	Director-General of Police	The Training shall be for a period of nine months
[G.O. Ms. No. 277, P. & A.R. (FR.V) Dept., dated 28.8.1995—with effect from 26.10. 1994.]				

Education				
1	Training in a school, College or other institution	(i) Teachers (ii) Deputy Inspectors of Schools. (iii) Other Government servants of the Education Department	Director of School Education	
2	Scout Master's Training	Teachers and Inspecting Officers	Director of School Education	
3	Training as Drawing Masters at the Teachers' College, Saidapet	Teachers and Inspecting Officers	Director of School Education.	
4	Girl Guide Training	Women officers	Director of School Education	
5	Courses of Physical Education in a college or other institution	Women teachers employed in Government institutions, women inspecting officers, Physical Training Instructors and Secondary Grade Teachers.	Director of School Education	
6	Courses of Instruction at the Junior Red Cross Conference.	Officers and subordinates of the Education Department	Director of School Education	Deputation to be made only during vacations or holidays without the appointment of a substitute. Neither travelling allowance nor daily allowance will be paid
7	Training as Deputy Inspectors of schools (Senior scale), II Grade, School Assistants or Headmasters, II Grade.	Superintendents in the office of the Director of Public Instruction	Do.	...
8	Citizenship Training	Teachers and Inspecting Officers	Director of School Education	Travelling allowance as on tour will be allowed. But no daily allowance will be paid for the period of training as provision is made

				for food during the period of training
9	Pre-Commission training on National Cadet Corps in an Army Unit including refresher courses and other recognised courses of instruction and attendance at annual camps for officers of the Junior and Senior Divisions, National Cadet Corps	Officers and subordinates of the Education Department	Director of School Education in the case of non-gazetted subordinates and Government in the case of gazetted officers	The period will be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places. The officer and subordinates will be paid usual pay and allowances, excluding special pay, if any attached to the post concerned during the period of training.
9A	Pre-Commission or any other kind of National Cadet Corps training in any Armed Forces unit and other recognised courses of instructions and attendance at annual training camps for officers of the National Cadet Corps	Officers and subordinates of the Technical Education Department	Director of Technical Education	(i) The period shall be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places. They shall be permitted to draw during the period of their deputation (for training connected with national Cadet Corps inclusive of joining time allowed before and after the Course) the pay they were drawing at the time of the deputation (excluding special pay, if any). (ii) The subordinate

				officers who attend the training in national Cadet Corps during the vacation shall be declared to have been prevented from enjoying the vacation. (iii) Substitutes shall be appointed in the place of the members of the teaching staff deputed for pre commission and other kinds of National Cadet Corps training if during the period of their absence the work of the technical institutions cannot be carried on without substitutes, and in such cases the posts held by the substitutes shall be treated as additional temporary posts.
10	Auxiliary Cadet Corps period spent in training as well as period spent for the work connected with special service and authorised camps and courses of instruction.	Teachers in the Education Department	Director of School Education	...
11	Certificate Course in Library Science	Deputy Inspectors of Schools	Government.	The course shall be in the Madras University Library for a period of three months
12	Course conducted in the summer institute under the auspices of the University Grants Commission and National Council for Educational Research and Training, in collaboration with the	Teachers in the Government Colleges	Director of collegiate Education	The duration of the course will mostly fall within the period of summer vacation of the colleges but in some cases the course may either start

	National Science Foundation of United States of America or the British Council, etc.			earlier than the beginning of the summer vacation or sometimes last later than the date of reopening of the colleges after summer vacation
13	Pre-Commission training on National Cadet Corps in an Army Unit including refresher courses and other recognised courses of instruction and attendance at annual camps for officers of the Junior and Senior Divisions-National Cadet Corps	Officers and subordinates of the Collegiate Education Department	Director of Collegiate Education in the case of officers in groups B and C and Government in the case of officers in group A.	The period will be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places. The officers and subordinates will be paid usual pay and allowances excluding special pay, if any, attached to the post concerned during the period of training.
(G.O. Ms. No. 996, Personnel and Administrative Reforms dept., dated 21st October 1983)—with effect from 7th August 1967				

Medical and Public Health				
1 & 2	Deleted.			
3	Training in the Ophthalmic Hospital	Assistant Surgeons	Director of Medical Services	
4	Training in the X-ray Institute at Madras			
5	Instruction given in the Malaria class at Delhi			
6	Training in Bacteriology at the laboratory of the King Institute, Guindy			
7	Training in plague inoculation work at Guindy			
8	Training in the Plague Inspectors, class at Guindy	Clerks in Government service	Director of Medical Services	

9	Instruction in the Health Officers course.	Assistant Surgeons	Director of Medical Services	
10	The course of Quinquennial training.	District Health Inspectors	Director of Public Health	
11	Refresher course of training in the Headquarters of Women and Children Hospitals.	Compounders and midwives employed in Government Institutions.	Director of Medical Services.	The course shall be limited to maximum period of three months in each case.
12	Midwifery and Gynaecology at the Government Hospital for Women and Children, Madras.	Women Apothecaries and women Assistant Surgeons	Director of Medical Services	
13	Training in the School of Tropical Medicine and Hygiene, Calcutta	Health Officers	Government	
14	Training in the Chemical Examiners' Department for six months.	Assistant Surgeons	Government	
15	Training in Biochemistry	Assistant Surgeons	Government	
16	Training in Dental Surgery	Assistant Surgeons	Government	
17	Training in "Hook worm work" for three weeks (one week at the Hookworm laboratory and two weeks in field work).	Health Officers and Assistant Surgeons, posted to rural sanitation campaign work.	Director of Public Health	
18	Training for Diploma Radiology (D.M.R.) for one year in the Madras Medical College and Barnard Institute of Radiology, Government General Hospital, Madras	Assistant Surgeons	Director of Medical Services	
19	Training in X-ray in the Barnard Institute of Radiology, Government General Hospital, Madras.	Assistant Surgeons	Director of Medical Services	The period of training should not exceed two months excluding the period of journeys to and fro Barnard Institute of Radiology, Government General Hospital Madras.

20	Training in Blood Transfusion and Resuscitation work at the King Institute, Guindy	Civil Surgeons and Assistant Surgeons	Director of Medical Services	The period of training should not exceed two weeks excluding the period of journeys to and fro King Institute, Guindy and no substitutes should be appointed in place of those deputed for the training
21	Training in advanced course of leprosy in the Government Lady Willington Leprosy Sanatorium, Tirumani (Chingleput).	Assistant Surgeons	Director of Medical Services	The period of training should not exceed one month excluding the period of journeys to and fro Government Lady Willington Leprosy Sanatorium, Tirumani (Chingleput) and no substitutes should be appointed in place of those deputed for the training.
22	Pre Commission Training in National Cadet Corps in any Army Unit and other recognised courses of instruction and attendance at annual camps for officers of the Senior Divisions, National Cadet Corps.	Officers of the Medical Department	Government.	The period will be treated as duty irrespective of whether the training is held during the vacation or whether substitutes are appointed in their places.
22A	Courses of instructions with regular Army Units and in Camps, etc., recognised by the Director- General, National Cadet Corps, New Delhi.	Members of the Teaching staff of the Medical Institutions under the control of the D.M.S. serving as officers in the National Cadet Corps	Government.	The period of training will be treated as duty irrespective of whether the training held during vacation or whether substitutes are appointed in their places the officer deputed will draw during the period of training including the

				joining time allowed before and after the course, the pay and allowances which they were receiving at the time of deputation. The officers who attend the training during vacation will be declared to have been prevented from enjoying the vacation.
23	Orientation training at the Orientation Training Centre, Poonamallee	(i) Medical Personnel	Director Medical Services.	...
		(ii) Health Personnel	Director of Public Health.	
24	Post-Graduate course in Physical Rehabilitation Techniques at the All-India Institute of Physical Medicine and Rehabilitation at Bombay.	Physiotherapists in Medical Department	Director of Medical Services	The period of training is three months and no substitutes should be appointed in place of those deputed for training.
25	Training Courses in the Model Vital and Health Statistics Unit, Nagpur.	1. Group C and D Government Servants of the Public Health Department	1. Director of Public Health	The period of training shall be treated as on duty. Persons on deputation shall be allowed to draw the pay excluding special pay, if any, which they will draw but for their deputation and the travelling allowances admissible under the rules.
		2. Public Health staff of Municipal Councils	2. Municipal Council with the approval of the Director of Public Health.	
26	Training in Filariology at the Malaria Institute of India, Delhi and the branch of the Malaria Institute of India at Ernakulam in Kerala State.	Entomological Assistant and Health Inspectors	Director of Public Health	The period of training shall not exceed one month. The period shall be treated as on duty. They shall be allowed to draw the pay which they will

				draw, but for deputation and travelling allowances admissible under the rules.
27	Training in Malariology and Mosquito Borne Diseases at Central Malaria Laboratory and Museum, Office of the Director of Public Health, Madras.	Entomological Assistants	Director of Public Health	The period of training shall not exceed six weeks. The period of training shall be treated as on duty. During the period they shall be allowed to draw the pay they will draw but for their deputation and travelling allowance admissible under the rules
28	Training in Malariology and Mosquito Borne Diseases at— (i) Central Malaria Laboratory, and Museum, Office of the Director of Public Health, Madras. (ii) Regional Malaria Organisation, Thanjavur. (iii) Regional Malaria Organisation, Coimbatore.	Health Inspectors, Sanitary Inspectors, Health Assistants (qualified Sanitary Inspectors).	Director of Public Health in the case of Health Inspectors and Health Assistants employed in the Public Health Department under Government and the concerned local authorities in the case of Sanitary Inspectors and Health Assistants working under them, with the approval of the Director of Public Health	The period of training shall not exceed one month. The period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw but for their deputation and travelling allowance admissible under the rules
29	Laboratory Assistants Training at— (i) Central Malaria Laboratory and Museum, Office of the Director of Public Health, Madras. (ii) Regional Malaria Organisation, Thanjavur.	Public Health Personnel	Director of Public Health in case of Public Health Personnel employed in the Public Health Department under Government and concerned local authorities in the case of Public Health Personnel	The period of training shall not exceed three months. The period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw, but for their deputation and travelling

	(iii) Regional Malaria Organisation, Coimbatore.		working under them with the approval of the Director of Public Health.	allowance admissible under the rules.
30	Training in Scientific Nutrition at Nutrition Bureau, Office of the Director of Public Health, Madras.	Health Inspectors, Sanitary Inspectors and Health Visitors.	Director of Public Health in the case of Health Inspectors and Health Visitors working in the Public Health Department under Government and Concerned Local Authorities in the case of Sanitary Inspectors and Health Visitors working under them with the approval of the Director of Public Health.	The period of training shall not exceed one month. This period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw, but for their deputation and travelling allowance admissible under the rules.
31	Training in the field of Investigation and Control of Guineaworm Disease at Research Laboratory, Office of the Director of Public Health, Madras.	Health Inspectors and Sanitary Inspectors	Director of Public Health in the case of Health Inspectors and concerned Local Authorities in the case of Sanitary Inspectors with the approval of the Director of Public Health.	The period of training shall not exceed two weeks. The period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw, but for their deputation and travelling allowance admissible under the rules.
32	Training in the Investigation and treatment of Yaws at the Institute of Venereology in the Government General Hospital, Madras.	Health Inspectors and Health Assistants (qualified Sanitary Inspectors).	Director of Public Health in the case of Health Inspectors and concerned Local Authorities in the case of Sanitary Inspectors with the approval of the Director of Public Health.	The period of training shall not exceed two weeks. The period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw, but for their deputation and travelling allowance

				admissible under the rules.
33	Training in Leprosy Prevention and Control at— (i) Silver Jubilee Leprosy Clinic, Saidapet. (ii) Central Leprosy Teaching and Research Institute, Tirumani, Chingleput and (iii) Government Leprosy Treatment and Study Centre, Tirukoilur, South Arcot.	Public Health Personnel	Director of Public Health	The period of training shall not exceed six weeks (i.e., two weeks in each Centre), Four batches from 1st April to 30th September, every year. The period of training shall be treated as on duty. During this period they shall be allowed to draw the pay they will draw, but for their deputation and travelling allowance admissible under the rules.

Agriculture				
1	Training in farm work and accounts in the Central Farm at Coimbatore.	Officers directly recruited to the Tamil Nadu Agricultural Service.	Government.	..
2	Refresher course at the Agricultural College, Coimbatore.	Agricultural Demonstrators	Director of Agriculture	No substitutes should be appointed in place of those deputed for training.

Veterinary				
1	Refresher course in the Madras Veterinary College.	Veterinary Assistant Surgeons.	Director of Animal Husbandry.	...

Fire Service				
1	Training in the Tamil Nadu Fire Service State Training School, Madras, for four months.	Sub-officers recruited direct or by transfer from any other service or by promotion.	Chief Fire Officer	...

1A	Practical training for six months comprising three months duty in a station with a fully trained Sub- Officer and three months posting to a Regional Office under a Chief Fire Officer.	Sub-officers recruited direct or by transfer from any other service.	Do.	...
2	Training in the Fire Service Regional Workshops for three months.	Firemen-Drivers and Firemen mechanics selected for promotion as Driver-Mechanics.	Chief Fire Officer or the District Fire Officer, as the case may be	...
3	Training in driving, pump operation and mechanism in the Fire Service Regional Workshops for two months.	Firemen and equivalent ranks selected for promotion as Drivers, Firemen-Mechanics.	Chief Fire Officer or the District Fire Officer, as the case may be.	...
4	Training in the Fire Fighting at the Tamil Nadu Fire Service State Training School, Madras for three months and for nine months in a Fire Station	Firemen recruits	District Fire Officer.	...
5	Refresher course once in five years at the Tamil Nadu Fire Service State Training School, Madras, for six weeks.	Leading Firemen	Chief Fire Officer or the District Fire Officer, as the case may be.	...

Public Works.				
1	Training in Public Works Accounts.	Government servants in the Presidency town. Government servants in the mofussil.	Chief Engineer Superintending Engineer	...

Labour				
1	Training as Cub-Masters, Scout Masters and Girl Guides.	Labour school teachers	Personal Assistant to the Commissioner of Labour in the	...

			City of Madras and Collectors elsewhere.	
2	Adult Education Training	Labour school teachers selected by the authorities of the Education Department.	In the city of Madras, the Personal Assistant to the Commissioner of Labour and elsewhere, District Collector	...
3	Training for a period of 1½ months in the work of the Labour and Factories Departments in the manner prescribed by the Commissioner of Labour.	Officers recruited direct to the post of Labour Officers in the Tamil Nadu General Service.	Commissioner of Labour	...
4	Training in a District Headquarters Hospital for a period of 11 months and a further period of 3 months, if found necessary for passing the test prescribed for Nursing Orderlies.	Maternity and Creche Attendants in the Cinchona Department.	Director, Cinchona Department, Ootacamund.	Substitutes can be appointed for a period of eleven months in place of persons deputed for training.

National Extension Service.				
1	Training in National Extension Service.	Block Development Officers (Group C and D), Social Education Organizers for Agriculture, Animal Husbandry and Cooperation and Health personnel employed in Community Development areas.	Government	

Community Development				
1	Orientation-training at T. Kallupatti and Gandhigram	Deputy Collectors including Deputy Collectors on special duty and Divisional Panchayat Officers.	Director, Rural Development.	
2	Job training at Social Education Organizers' Training Centre,	(i) Social Education organisers (Men).	Director, Rural Development.	

	Gandhigram or Perianaicken-palayam.	(ii) Social Education Organisers (Women) (Mukhya Sevikas).		
3	Refresher course of training at Social Education Organisers' Training Centre, Gandhigram or Perianaicken palayam	Social Education Organisers (Men and Women)	Director, Rural Development.	
4	Orientation Training at the Orientation Training Centre, Poonamallee.	Health Personnel (Assistant Surgeons, Health Inspectors, Maternity Assistants, etc.)	Director, Rural Development.	

Survey and Land Records				
1	Survey Training	Approved probationers and other permanent members of the Ministerial staff.	Deputy Director, Survey and Land Records.	No substitutes should be appointed in place of those deputed for the training.

General				
1	Periodical military training of the Army in India Reserve of Officers.	Government servants permitted to join the Reserve.	Government	The periods spent in training and on the journey to and from the place of training will be treated as duty. Persons undergoing the training will be eligible to draw while proceeding for and when undergoing training civil pay in addition to military pay.
2	Preliminary and periodical training in the Indian Territorial Force.	Government servants enrolled in the Force	Government in the case of Group A and B officers and head of the department in other cases.	The period of training will be treated as duty. Substitutes may be appointed for Government servants deputed for training in the Force, but the appointing authorities should see that, as far as possible no

				substitute is appointed when the period of training is less than one month. Persons deputed for training will draw civil pay from the Government for the days of their journeys from the place of duty to the place of training and back, and the pay of the military rank from the military department for the days of actual training. If, however, the military pay is less than their ordinary civil pay, the difference will be made good by the Government whether substitute is appointed or not.
3	Training as Reservists in the Indian Signal Corps and other Arms of the Indian Army Reserve.	Government servants permitted to join the Indian Army Reserve.	Government	The period of training will be treated as duty. Persons undergoing the training will draw the pay of the military rank. If, however, the military pay is less than their ordinary civil pay the difference will be made good by Government.
4	Training in the Indian Auxiliary Force	Government servants enrolled in the Force.	Government	The period of training will be treated as duty. The pay of persons undergoing the training will be regulated under paragraph 247 read with paragraph 254 of the Auxiliary Force

				Regulations, etc., they will get military pay in additions to civil pay.
5	Training in the Indian Navy	Men of the Indian Navy Fleet Reserve employed in Government service.	Competent authority	The period of training and the periods of transit before and after training will be treated as duty. Persons undergoing training will be paid by the Indian Navy for the period of training and for the periods of transit before and after training.
6	Training up to a period of five months to learn Tamil Typewriting on the standardised Key Board in the Institutes to be run by Government	Typist in Government service.	Heads of Departments and Collectors	The period of training will be treated as duty.
7	Training as Panchayat Union Commissioner.	(1) Superintendents of the Secretariat.	Secretaries to Government	
		(2) Superintendents of the Office of the Commissioner for Revenue Administration.	Commissioner for Revenue Administration	
8	Period of attachment of Civil Officers to Military Sub-Area. Headquarters and Military Units under the scheme of liaison attachment of Civil and Military Officers sanctioned in G.O.(Ms)No.399, Public(Military), dated 3rd February 1956.	District Collectors, Superintendents of Police, Sub-Collectors, Revenue Divisional Officers, Assistant Superintendents of Police, Deputy Superintendents of Police.		Such attachment shall not cause any dislocation in civil administra-tion and shall be managed without the appointment of a substitute. Where the Headquarters are the same it will be sufficient if the officer spends two to three hours a day with the Military Formation or Units so that he may have time to attend to his

				ordinary civil duties. Civil Officers could with benefit visit Military Officers from the months of January to April when troops will be undergoing collective training. In other cases deputation for a period of seven to ten days shall be sufficient.

Statistics				
1	Senior Statistical Officers' Training Course organised by the Central Statistical Organisation, New Delhi.	Statistical Officers	Dist. Collectors Government	
2	Training at the International Statistical Education Centre, Calcutta.	Statistical Inspector or Statistical Assistant	Dist. Collectors Government	
3	Training at the Demographic Training and Research Centre, Bombay.	Statistical Assistant or Statistical Inspector	Do	
4	Training in Agricultural marketing conducted by the Agricultural Marketing Adviser to the Government of India	Statistical Inspector or Statistical Assistant	Do	
5	Post-Graduates Training Course in Agricultural and Animal Husbandry Statistics at the Institute of Agricultural Research Statistics (Indian Council of Agricultural Research), New Delhi.	Statistical Inspector or Statistical Assistant	do	

Co-operation.				
1	Special Courses of training conducted under the aegis of the National Cooperative-Union of India, Reserve Bank of India, etc.	Group C and D Subordinate staff of the Co-operation Department	Registrar of Cooperative Societies, Madras.	

Registration.				
1	Probationary District Registrar's Training	Probationary District Registrars	Government.	
2	Probationary Sub-Registrar's Training.	Probationary Sub-Registrars	Inspector-General of Registration	
3	Institutional Training	Sub-Registrar appointed by direct recruitment (probationer) or by recruitment by transfer.	Inspector General of Registration.	The period of training shall be three weeks.
[G.O. Ms. No. 211, P&AR (FR - III) Dept., dated 29th June 1992.] [G.O. Ms. No. 44, P&AR (FR- IV) Dept., dated 9th March 2000.] [G.O. Ms. No. 1269, Finance (FR - I)Dept., dated 12th October 1973]				

Handlooms and Textiles				
1	Training in Cooperation, Cooperative Law, Banking and Book-keeping conducted by the Co-operative Training College, Madras	Group C and D subordinate staff of the Handlooms and Textiles Department	Director of Handlooms and Textiles	
(G.O. Ms. No. 523, Personnel and Administrative Reforms Department, dated 15th May 1981.)				

Prisons				
1	Service training in the refresher course at the Regional Institute of Correctional Administration, Vellore	(1) Directly recruited— (i) Assistant Jailers; (ii) Deputy Jailers; (iii) Jailers; (iv) Additional Superintendent of Prisons; (v) Superintendent of Prisons; (vi) matron.	Inspector-General	The training shall be for a period of one year.

		(1A) Directly recruited matron	Inspector-General	The training shall be for a period of six months.
		(2) Serving Jail Officers— (i) Assistant Jailers; (ii) Deputy Jailers; (iii) Jailers; (iv) Additional Superintendent of Prisons; and (v) Superintendent of Prisons. (vi) Matron.	Inspector-General	The training shall be for a period of six months
[G.O Ms No 217, P&AR (FR-IV) department, dt.4.12.2000]				
		(i) Psychologist; (ii) Social Worker; (iii) Probation Officers; (iv) Welfare Officers.	Inspector-General	The training shall be for a period of six months
	Service training under the Chief Probation Superintendent	Probationary Probation Officers	Inspector-General	The training shall be for a period of three months
	Service training about the practical knowledge of drill, parade, turn out, etc., at the Wardens Training School, Vellore.	Directly recruited Warders	Superintendents of Prisons / Borstal School, Pudukottai	The training shall be for a period of six months.
	Practical training in Nursing at the Government Head Quarters Hospital.	Probationers in the category of Male Nursing Assistant.	Superintendents of Prisons / Borstal School, Pudukottai	The training shall be for a period of one year
(G.O. Ms. No. 917, Personnel and Administrative Reforms Department, dated 31st August 1981.)				

ANNEXURE I-A.

(1) Certificate of Physical Fitness *(for Executive Posts.)*

[This form is to be used by every candidate who is required by the Tamil Nadu Public Service Commission produce a certificate of physical fitness. It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than that of Civil Surgeon or Honorary Medical Officer of the rank of Civil Surgeon (viz., Honorary Physician and Honorary Surgeon) or a District Medical Officer.]

Note:—A candidate who resides outside the Tamil Nadu State and who is unable to produce the certificate from a Medical Officer employed in the Tamil Nadu State may produce it from a Medical Officer of corresponding rank outside the Tamil Nadu State. Such certificate should contain the following particulars:—

(i) The State under which the Medical Officer is employed and the name of the institution in which he is employed and his rank.

(ii) Register number of the certifying Medical Officer in the Register in which his name has been registered.

(iii) The official stamp or seal of the institution in which the certifying Medical Officer is employed.

The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Tamil Nadu.

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) ....a candidate for employment under the Government of Tamil Nadu in the..... service as ..... and cannot discover that he has any disease, communicable or otherwise constitutional affliction or bodily infirmity except that his sight is in excess of / below the standard prescribed, or except

I do/do not consider this a qualification for the employment he seeks.

I do further certify that in my opinion his general physical condition is such as to enable him to perform efficiently the active duties of executive service.

His age is according to his own statement.....year and by appearance about.....years.

I also certify that he has marks of Small pox / vaccination

Chest measurement in centimetres on full inspiration / on full expiration [difference (expansion)]

Height in centimetres.

Weight in Kilograms.

His vision is normal.

Hypermetropic ( )

Here enter the degree of defect and the strength of correction glasses.

Myopic ( )

Here enter the degree of defect and the strength of correction glasses.

Astigmatic (simple or mixed) ( )

Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar.

State specific gravity.

Personal marks (at least two should be mentioned).

Station: Signature:

Date: Rank:
Designation:

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

<table>
<tr><td>1</td><td colspan="2">State your name in full</td><td colspan="2"></td></tr>
<tr><td>2</td><td colspan="2">State your age and birth place</td><td colspan="2"></td></tr>
<tr><td rowspan="3">3</td><td colspan="2">(a) Have you ever had smallpox, intermittent or any other fever enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks rheumatism, appendicitis? or</td><td colspan="2"></td></tr>
<tr><td colspan="2">(b) any other disease or accident requiring confinement to bed and medical or surgical treatment? or</td><td colspan="2"></td></tr>
<tr><td colspan="2">(c) suffered from any illness, wound or Injuries sustained while on active service with His Majesty’s Forces during the war</td><td colspan="2"></td></tr>
<tr><td>4</td><td colspan="2">When were you last vaccinated?</td><td colspan="2"></td></tr>
<tr><td>5</td><td colspan="2">Have you or any of your relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?</td><td colspan="2"></td></tr>
<tr><td>6</td><td colspan="2">Have you suffered from any form of nervousness due to overwork or any other cause?</td><td colspan="2"></td></tr>
<tr><td rowspan="5">7</td><td colspan="2">Furnish the following particulars concerning your family?</td><td colspan="2"></td></tr>
<tr><td>Father’s age, if living, and state of health</td><td>Father’s age at death and cause of death.</td><td>Number of brothers living, their ages and state of health.</td><td>Number of brothers dead their ages at and cause of death.</td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td>Mother’s age, if living, and state of health</td><td>Mother’s age at death and cause of death.</td><td>Number of sisters living, their ages and state of health.</td><td>Number of sisters dead their ages at and cause of death.</td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
</table>

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate’s signature.

Note.—(1) The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

(2) The candidate selected by the Commission for direct recruitment to the Tamil Nadu Police Service or recruited to the Tamil Nadu Civil Service (Executive Branch) otherwise than from the Tamil Nadu Revenue Subordinate Service will be examined by a Medical Board before appointment.

(2) Certificate of Physical Fitness *(for other than executive posts and posts in the Tamil Nadu Ministerial Service the Tamil Nadu Judicial Ministerial Service and the Tamil Nadu Secretariat Service.)*

[This form is to be used by every candidate who is required by the Tamil Nadu Public Service Commission to produce a certificate of physical fitness. It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than that of Civil Surgeon or Honorary Medical Officer of the rank of Civil Surgeon (viz., Honorary Physician and Honorary Surgeon) or a District Medical Officer.]

Note.—A candidate who resides outside the Tamil Nadu State and who is unable to produce the certificate from a Medical Officer employed in the Tamil Nadu State may produce it from a Medical Officer of the corresponding rank outside the Tamil Nadu State. Such certificate should contain the following particulars:—

(i) The State under which the Medical Officer is employed and the name of the institution in which he is employed and his rank.

(ii) Register number of the certifying Medical Officer in the Register in which his name has been registered.

(iii) The official stamp or seal of the institution in which the certifying Medical Officer is employed.

The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Tamil Nadu.

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) .....a candidate for employment under the Government of Tamil Nadu in the..... service as .....and cannot discover that he has any disease, communicable or otherwise, constitutional affliction or bodily informity except that his weight is in excess of / below the standard prescribed, or except

I do/do not consider this a disqualification for the employment he seeks.

His age is according to his own statement.....years and by appearance about .....years,

I also certify that he has marks of vaccination / smallpox

Chest measurement in centimetres on full inspiration / on full expiration [difference (expansion)]

Height in Centimetres.

Weight in Kilograms.

His vision is normal.

Hypermetropic (.....)

Here enter the degree of defect and the strength of correction glasses.

Myopic (.....)

Here enter the degree of defect and the strength of correction glasses.

Astiomatic (simple or mixed) ( )

Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar, state specific gravity.

Personal marks (at least two should be mentioned).

Station: Signature:

Date : Rank:

Designation:

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specifically directed to the warning contained in the note below:—

1	State your name in full	
2	State your age and birth place	
3	(a) Have you ever had smallpox, intermittent or any other fever enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks rheumatism, appendicitis? *or*	
	(b) any other disease or accident requiring confinement to bed and medical or surgical treatment? or	
	(c) suffered from any illness, wound or Injuries sustained while on active service with His Majesty's Forces during the war	
4	When were you last vaccinated?	
5	Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?	
6	Have you suffered from any form of nervousness due to overwork or any other cause?	

7	Furnish the following particulars concerning your family?			
	Father's age, if living, and state of health	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead their ages at and cause of death.
	Mother's age, if living, and state of health	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

Note:—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

(3) Certificate of Physical Fitness *(for posts in the Tamil Nadu Ministerial Service, the Tamil Nadu Judicial Ministerial Service and the Tamil Nadu Secretariat Service.)*

(This form is to be used by every candidate who is required by the Tamil Nadu Public Service Commission to produce a certificate of physical fitness. It must be signed by a Medical Officer of rank not lower than that of an Assistant Surgeon employed under the Tamil Nadu Government or by an Honorary Assistant Surgeon and Physician appointed by the Tamil Nadu Government to a Government Medical Institution.)

Note.—A candidate who resides outside the Tamil Nadu State and who is unable to produce the certificate from medical officer employed in the Tamil Nadu State may produce it from a medical officer of the corresponding rank outside the Tamil Nadu State. Such certificate should contain the following particulars:—

(i) The State under which the medical officer is employed and the name of the institution in which he is employed and his rank;

(ii) The register number of the certifying medical officer in the register in which his name has been registered; and

(iii) The official stamp or seal of his Institution in which the certifying medical officer is employed. The certificate so produced will be subject to acceptance after scrutiny by the Director of Medical Services, Tamil Nadu.

Name and Rank of officer granting the certificate.

I do hereby that I have examined (Full name).....a candidate for employment under the Government of Tamil Nadu in the .....services as.....and cannot discover that he has any disease, communicable or otherwise, constitutional affliction or bodily infirmity except that his weight is in excess of / below the standard prescribed, or except

I do /do not consider this is a disqualification for the employment he seeks.

His age is according to his own statement years and by appearance years

I also certify that he has marks of smallpox/vaccination

Chest measurement in centimetres on full inspiration / on full expiration [difference (expansion)]

Height in Centimetres.

Weight in Kilograms

His vision is normal.

Hypermetropic ( ).

Here enter the degree of defect and the strength of correction glasses.

Myopic ( ).

Here enter the degree of defect and the strength of correction glasses.

Astigmatic (simple or mixed) ( ).

Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar, state specific gravity.

(Personal marks at least two should be mentioned.) 1.

2.

Station: Signature:

Date: Rank:

Designation:

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

1	State your name in full	
2	State your age and birth place	
3	(a) Have you ever had smallpox, intermittent or any other fever enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks rheumatism, appendicitis? *or*	
	(b) any other disease or accident requiring confinement to bed and medical or surgical treatment? or	
	(c) suffered from any illness, wound or Injuries sustained while on active service with His Majesty's Force during the war	
4	When were you last vaccinated?	
5	Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?	
6	Have you suffered from any form of nervousness due to overwork or any other cause?	

7	Furnish the following particulars concerning your family?			
	Father's age, if living, and state of health	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead their ages at and cause of death.
	Mother's age, if living, and state of health	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

Note.—The Candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed of forfeiting all claims to superannuation allowance or gratuity.

Form under Fundamental Rule 10.

(For use in other case.)

Certificate of Physical Fitness by.....a single Medical Officer / the Civil Medical Board

I / We do hereby certify that I/we have examined (full name).....a candidate for employment under the Government of Tamil Nadu in the.....service as .....and cannot discover that he/she has any disease, communicable or otherwise, constitutional affliction or bodily infirmity except that his/her weight is in excess of / Below the standard prescribed, or except

I / We do not consider this a disqualification for the employment he/she seeks.

His / Her age is according to his / her own statement.....years and by appearance about.....years.

I/We also certify that he/she has marks of smallpox / vaccination

Chest measurement in centimetres *on full inspiration / on full expiration [difference (expansion)]*

Height in Centimetres.

Weight in Kilograms.

His / Her vision is normal

Hypermetropic ( )

(Here enter the degree of defect and the strength of correction glasses.)

Myopic ( )

(Here enter the degree of defect and the strength of correction glasses.)

Astigmatic (simple or mixed) ( )

(Here enter the degree of defect and the strength of correction glasses.)

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (i) albumen, (ii) sugar, state specific gravity.

Personal marks (at least two should be mentioned). 1.

2.

Station Signature*:

Date: Rank:

Designation

Station: # President

Date: #Member 1

#Member 2

[* In the case of single Medical Officer - # In the case of Medical Board.]

The candidates must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

1	State your name in full	
2	State your age and birth place	
3	(a) Have you ever had smallpox, intermittent or any other fever enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks rheumatism, appendicitis? *or*	
	(b) any other disease or accident requiring confinement to bed and medical or surgical treatment? or	
4	When were you last vaccinated?	
5	Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?	
6	Have you suffered from any form of nervousness due to overwork or any other cause?	

7	Furnish the following particulars concerning your family?			
	Father's age, if living, and state of health	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead their ages at and cause of death.
	Mother's age, if living, and state of health	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

Note.—The candidate will be held responsible for the accuracy of the above statement. by wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

(G.O. Ms. No. 668, Finance, dated 12th April 1955.)

Form prescribed in F.R. 71

Signature of applicant—

We the members of a Medical Board .....Civil Surgeon of / a Registered Medical Practitioner of .....do hereby. certify that I/We have carefully examined A.B.C. of the .....department whose signature is

given above and find that he has recovered from his illness and is now fit to resume duties in Government service. I/We also certify that before arriving at this decision, I/We have examined the original medical certificates and statements of the case (or certified copies thereof, on which leave was granted or extended, and have taken these into consideration in arriving at my/our decision).

Signature of (the Civil Surgeon of the Medical Board, etc.)

Instructions.—If the Government servant on leave is a Gazetted Officer who has taken leave on a certificate granted by a Medical Board, the certificate of fitness to return to duty should also be from a Medical Board except—

(1) in case in which the leave is for not more than three months, or

(2) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate, that the Government servant need not appear before another Committee for obtaining the certificate of fitness to return to duty.

In the case in items (1) and (2) above, the certificate should be signed by a commissioned Medical Officer or a Medical Officer in-charge of a civil station. If the Government servant on leave is not a gazetted officer, the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any Registered Medical Practitioner [*vide* Government of India, Finance Department, No. F-7 (35)-R-1/34, dated 21st May 1935].

ANNEXURE II—PART I

Rules under Fundamental Rule 74

LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS.

SECTION I—LEAVE ACCOUNTS.

By whom maintained.

1. The leave account shall be maintained in F.R. Form No. 9-A, in respect of Government servants subject to the leave rules in the Fundamental Rules and in the Form prescribed in the Tamil Nadu Leave Rules, 1933, in the case of those governed by the said Tamil Nadu Leave Rules, 1933.

2. (a) The leave account of a Group A and B Government servant shall be maintained by, or under the directions of the principal auditor responsible for the audit of his pay.

(*b*) The leave account of Group C and D Government servant shall be maintained and the entries therein attested by the head of the office in which he is employed.

SECTION II—APPLICATION FOR LEAVE.

To whom application should be made.

3. Every application for leave or for an extension of leave should be sent to the competent authority through the immediate superior, if any, of the Government servant applying for leave. In the case of Group A and B officers, the application should also be sent through the Accountant-General. The application of a Government servant in foreign employ should also be sent through the Accounts Officer who accounts for the contribution recovered from the foreign employer.

5. Application for leave from Military Officers in Civil employ whether they are subject to Military leave rules or Civil leave rules, shall be submitted to Government through the Civil Accountant-General who audits the pay of the officer going on leave. No leave shall be sanctioned to such an officer before a report is received from the Civil Accountant-General concerned.

Note.—The leave application of the Aide-de-Camp to the Governor will be forwarded to the Government through the Defence Accounts Officer, Madras district, to whom a copy of the Government notification granting leave will be forwarded when the leave is notified.

7. A Government servant transferred to foreign service must before taking up his duties in foreign service make himself acquainted with the rules or arrangements which will regulate his leave during such service.

SECTION III—MEDICAL CERTIFICATES.

General Rules.

8. A medical officer must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

9. Every certificate of a Medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract, or of the rules to which he is subject.

9-A. (i) Before leave is sanctioned, the recommendations of medical committee shall be compulsorily obtained in the following cases, namely:—

- **(a) All applications for unearned leave on medical certificate for periods exceeding two months.**

(b) Where extension of leave is applied for piece-meal and the cumulative total of such leave exceeds two months; and

(c) Where a Government servant applied for unearned leave on medical certificate after orders transferring him to another post, place, etc., are issued to him, irrespective of the period of leave applied for.

(ii) The leave sanctioning authority should also exercise the discretion to refer cases to the medical committee where there are repeated applications for medical leave, although each such application may be for a period of less than two months.

(iii) Where a Government servant applies for leave on Medical certificate for short periods and there is no time to constitute a medical committee, the head of office or the leave sanctioning authority may refer him to the nearest available Government Doctor not below the rank of a Civil Surgeon.

(iv) Whenever a reference is made to the Medical committee or to the nearest Government doctor, the medical committee or Government doctor as the case may be should specifically decide and record their or his opinion as to whether it is necessary for the Government servant to appear before them or him at the end of the Medical leave period to get his fitness for rejoining duty. In all such cases, the fitness certificate issued by the Medical committee or the Government doctor will have to be produced before the Government servant rejoins duty.

(v) The reference to the Medical committee shall be made in the case of all diseases except in the case of in-patients in Government hospitals, provided they are admitted for treatment and not for diagnosis. In such cases, it is necessary that the Superintendent of the Hospital concerned issues the requiring certificate to that effect.

[G.O. Ms. No. 783, P. and A.R. (F.R.-I)dept., dated 28th June 1977. This amendment deemed to have come into force with effect from 1st May 1976.]

(vi) The reference to the Medical board shall not be necessary for granting Unearned Leave on Medical Certificate in the case of Government servants who are admitted as inpatients in Government hospital for the period of treatment and also if the period of leave recommended is co-terminus with the period of treatment. In such cases, a reference to the Medical Board is not necessary for granting Unearned Leave on Medical Certificate in the case of Government servants who are taking treatment even after discharge from the hospital, provided the treatment is continuous and the certificate regarding the treatment is issued by a Medical officer not below the rank of a Civil Assistant Surgeon serving in that particular department in the particular hospital where the Government servant concerned was admitted as inpatient for treatment"; [w.e.f. 12th July 1980.]

(vii) Where Government servants are admitted as inpatients in Private Nursing Homes/Hospitals and the Unearned leave on Medical Certificate applied for exceeds sixty days and stay in such institution is co-terminus with the period of treatment, the Government servant shall be directed to be produced before the Medical Board for check up and issue of medical certificate if the place where the Medical Board located is within a short distance from the private Nursing Home/Hospital by using an ambulance. The hire charges therefore shall be reimbursed by the Government.

If the Government servant cannot be produced in person before the Medical Board, then the Medical records of the individual shall be furnished to the Medical Board and if the genuineness of the treatment given to the Government servant by the Private Nursing Home / Hospital is acceptable to the members of the Board, then Unearned Leave on Medical Certificate shall be granted. The grant of Medical Leave in such cases is subject to the condition that the Government servant shall appear before the Medical Board at the earliest opportunity as and when possible to attend the Board, while recouping health. The expenditure incurred by the Government servant for appearing before the Medical Board shall be reimbursed by the Government.

[G.O. Ms. No. 293, Personnel and Administrative Reforms (Per.I) Department, dated 18-5-1989.] [w.e.f. 24th March 1980.]

 # Provided that the reference to the Medical Board shall not be necessary for grant of Unearned Leave on Medical Certificate in the case of a Government servant who is admitted as an inpatient in a Private Hospital or Nursing Home, which is accredited by the Government under the **New Health Insurance Scheme*, for the period of treatment and also if the period of leave recommended is co-terminus with the period of treatment, subject to the following conditions, namely :-

(a) **the Government servant should produce medical certificate along with the case summary of treatment and a copy of the case sheet. If there appears to be any doubt as to the genuiness of the case, the leave sanctioning authority shall refer the same to an Expert Committee or Medical Board along with all connected records for second opinion ;**

(b) **the Government servant is admitted only for treatment and not for diagnosis**

#(Inserted vide G.O.Ms.No.184, P&AR(FR.IV) Department, dated 10.10.2008, w.e.f.14.11.2006)

*****(Substituted vide G.O.Ms.No.63, P&AR(FR.IV) Department, dated 23.04.2010 - w.e.f. 11.Jun.2008)

9-B. The Medical certificates issued to the Government servants for the purpose of sanctioning leave and for their fitness to rejoins duty on the expiry of such leave, by the following Indigenous Medical Practioners may be accepted:—

(i) Indigenous Medical Practitioners with H.P.I.M., G.C.I.M., L.I.M., and B.I.M., qualifications who have registered their names with either the Board of Integrated Medicine, Madras or the Central Board of Indigenous medicine;

(ii) Indigenous Medical Practitioners of Kerala State with D.A.M., D.M.M., and I.S.M., qualifications who have registered their names with the Central Board of Indigenous Medicine;

(iii) Indigenous Medical Practitioners of Mysore State with L.I.M., and D.U.M., qualifications who have registered their names with the Central Board of Indigenous Medicine:

Provided that Indigenous Medical Practitioners who have registered their names with the Central Board of Indigenous Medicine under "B" or "C" Class shall not be competent to issue medical certificate to Government servants for grant of leave or for fitness to rejoin duty on the expiry of such leave.

[G.O. Ms. No. 816, P&AR (F.R. III) Dept., dated 31.7.1981—with effect from 23rd February 1973.]

9-C. If a Government servant who is on leave and is out of India applies for extension of leave on medical grounds, such an application shall be accompanied by a Medical Certificate from two qualified Medical Practitioners in the Proforma given below. If the two qualified Medical Practitioners belong to a foreign country, the said Medical Certificate shall be attested by the Consular or other authority as bearing the signature of qualified Medical Practitioners. If concurrence of the Central Government is required in respect of the leave, the matter shall be taken up with the Department of Personnel and Training, North Block, New Delhi as they are the competent authority in this regard.

PROFORMA

MEDICAL CERTIFICATE

We hereby certify that we have carefully examined Thiru / Thirumathi / Selvi ..... of the.....Department of the Government of Tamil Nadu, who is suffering from.....and we solemnly and sincerely declare that, according to the best of our judgement, he/she is at present unfit for duty and that it is absolutely necessary for the recovery of

his/her health that his/her present leave, which will expire on.....shall be extended by.....months / weeks / days.

Date :
Place :

Signature of the Medical Practitioner
(Name and seal)

Signature of the Medical Practitioner
(Name and seal)..

[G.O. Ms. No. 123, P & A R (FR. IV) Department, dated 29-5-1998.] [w.e.f. 31st May 1994.]

Procedure in the case of Gazetted Government Servants.

10. Before a Group A and B Government servant can be granted leave or an extension of leave on Medical Certificate, he must obtain a certificate in the following form:—

Statement of the case of

Name (to be filled in by the applicant in the presence of the official medical attendant.)	:	
Appointment	:	
Age	:	
Total Service.	:	
Service in India	:	
Previous periods of leave of absence on medical certificate	:	
Habits.	:	
Disease	:	

I, ...Surgeon of / Medical Officer at or of .....after careful personal examination of the case hereby certify that ..... is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted ..... month's leave with effect from.....

Dated the *Official Medical Attendant.*

Note1.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority

concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

Note 2.—Honorary Medical officers not below the rank of Civil Assistant Surgeons are also competent to issue a medical certificate under this rule.

11. Having secured such a certificate, the Government servant must, except in cases covered by rule, 14 obtain the permission of the head of his office or if he himself is the head of an office, of the head of his department to appear before a Medical committee. The committee will be assembled under the orders of the Director of Medical Services, who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the State or at such other place as Government may appoint and the Government servant will present himself with three copies of the statement of his case before the committee.

12. Before the required leave or extension of leave can be granted the Government servant must obtain from the committee a certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of Thiru ....., we consider that he is suffering from..... and that his health is such as to render leave of absence for a period of .....months with effect from .....absolutely necessary for his recovery."

Note.—In cases where the leave recommended by the Official Medical Attendant or the Honorary Medical Officer not below the rank of a Civil Assistant Surgeon under Rule 10 does not exceed two months, the authority competent to grant leave shall dispense with the appearance of the Government servant before the medical committee under Rule 11 and the obtaining of a certificate from the committee under this rule, unless such authority doubts the bonafides of the application for the grant of leave on Medical certificate.

13. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

"*C.D*. having applied to us for a Medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain *C.D*. under professional observation for .....days."

14. If the state of the applicant's health is certified by a medical officer in-charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in Rule 12 either—

(a) Certificate signed by any two medical officers in charge of civil stations in whatever State they may be serving; or

(b) If the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district, or in the case of officers of the Judicial Department by the District and Sessions Judge.

For the purposes of this clause, the Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani, shall be deemed to be medical officer in charge of civil station in respect of leper patients under his treatment, provided that he is registered under the Madras Medical Registration Act, 1914 (Madras Act IV of 1914) and the certificate given by him is countersigned by the Director of Medical Services.

15. The grant of a certificate under Rule 12 or 14 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

PROCEDURE IN THE CASE OF GROUP C AND D GOVERNMENT SERVANTS IN SUPERIOR SERVICE.

16. An Application by a Groups C and D Government servants in superior service for leave or for extension of leave on medical certificate must be accompanied by a certificate issued by the authorised medical attendant or by the applicant's own medical attendant, who should be a registered medical practitioner. Such certificates should distinctly state the nature of the illness, its symptoms, probable causes and duration, the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health and the date from which such absence should take effect. In cases where the Government servant produces a certificate from his own medical attendant, the authority competent to grant the leave may in its discretion either accept the certificate or secure a second medical opinion, by sending the applicant for medical examination either to the District Medical Officer or to the nearest Groups A and B Government servants (Medical Officer) available. Should it decide to secure a second Medical opinion, it must arrange for the medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. It will be the duty of the District Medical Officer or the other Medical Officer, as the case may be, to make an independent examination of the applicant and on the basis of such examination to express an opinion both as regards the facts of the illness and as regards the amount of leave required.

Note.—(1) The possession of a certificate as prescribed in this rule does not itself confer upon the Government servant concerned any right to leave.

Note (2).—The above procedure will not apply to the Group C and D executive officers and executive subordinates and menials of the Madras City Police. In their cases, the following procedure should be followed:—

No leave on medical certificate or extension thereof to those officers who are in Madras City or within 16 Kilo meters thereof at the time of applying for leave or extension of leave shall be granted, without a certificate from the Police surgeon. Certificates issued by registered medical practitioners to applicants who are, at the time of application, more than 16 Kilo meters away from the Madras City for such leave or extension of leave shall not be accepted without the countersignature of the Police Surgeon.

(G.O. Ms. No. 209, Personnel and Administrative Reforms dept., dated 6th March 1981.)

17. No certificate should be submitted for counter-signature without the cognizance of the head of the office in which the applicant is serving.

18. The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his Medical Attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit.

Procedure in the case of Group C and D Government Servants in Basic service.

19. In support of an application for leave or for an extension of leave on medical certificate from a Groups C and D Government servant in Basic Service the authority competent to grant the leave may accept such certificate as it may deem sufficient.

SECTION IV—CERTIFICATE OF ADMISSIBILITY.

Group A and B Government Servants.

20. Leave will be sanctioned to Groups A and B Government Servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

Groups C and D Government Servants.

21. Before leave is sanctioned to a Group C and D Government Servant, the authority competent to grant the leave should either consult the leave account referred to in Rule 1, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account.

When the application is for study leave or other leave specifically granted for purpose of study out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant-General concerned before sanctioning the leave.

In the case of Government servants transferred as a temporary measure to the Central Government the authority competent to sanction the leave may get a certificate of admissibility of leave under the State leave rules from the Accountant-General administering the leave rules concerned when there is genuine cause of doubt. The same procedure shall be followed in the case of similar transfer to other State Governments.

Government servants in foreign service.

22. In the case of Government servant on foreign service, leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contribution has certified the amount of leave and the leave-salary admissible.

Explanation.—In the case of all non-gazetted and gazetted Government servants, the maximum of whose time scale of pay is Rs. 1,000 (Rupees one thousand only) and below who are deputed on foreign service terms to the State Government owned or controlled Corporation/Boards/Undertakings, the eligibility of leave shall be issued by the Head of Office who maintains the leave account/Service Books.

[G.O. Ms. No. 1043, Finance (F.R.I)dept., dated 31st October 1975.]

SECTION V-GRANT OF LEAVE-GENERAL

Priority of claims to leave.

23. The grant of leave at a particular time cannot be claimed as a right by a Government servant. In exercising their discretion under these rules, authority competent to grant leave shall have regard to the following considerations:-

(a) The exigencies of the service.

(b) The Government servants who can, for the time being best be spared.

(c) The amount of leave due to the various applicants.

(d) The amount and character of the service rendered by each applicant since he last returned from leave.

(e) The fact that any such applicant was compulsorily recalled from his last leave.

(f) The fact that any such applicant has been refused leave in the public interests.

Grant of leave to a Government Servant who is unlikely to be fit to return to duty.

24. When a Medical Committee in Indian has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may, if due, be granted on the following conditions by Government in the case of gazetted Government servants and by the head of the department concerned in the case of non-gazetted Government servants:—

(a) If the medical Committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave not exceeding twelve months in all, may be granted. Such leave should not be extended without a further reference to a medical committee.

(b) If the Medical Committee declares the Government servant to be completely and permanently incapacitated for further service, in India, the Government servant should, except as provided in clause (*c*) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the Committee or if he is not on leave, from the date of relief of his duties, which should be arranged without delay on receipt of the Committee's report.

(c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to

him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

Grant of leave to a Government servant who ought to be dismissed.

25. Leave should not be granted to a government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

SECTION VII—PAYMENT OF LEAVE SALARY.

32. Leave-salary is payable in India after the end of each calendar month.

Group A and B Government Servants.

33. Group A and B Government servant on leave in India may draw his leave salary at any district of the State, but he cannot begin to draw it without producing a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave. If during leave he desires to change the office at which he receives the payment of his leave-salary, he should obtain a new certificate from the Audit Officer within whose jurisdiction his leave salary was last paid.

***Note*.—An officiating Group A and B Government servant who holds an active or suspended lien on a Group C and D post, will retain his gazetted status for all purposes during the period of leave taken by him including extension if any, but before, resuming duty as Groups C and D Government servant the authority sanctioning the leave should, in such cases intimate the fact to the head of the office where the Government servant is permanently borne sufficiently in advance to enable the latter to make necessary consequential arrangements.**

34. If a Group A and B Government servant draws his leave-salary through an authorised agent, the agent, whether he has or has not the power-of attorney, must execute a bond to refund overpayments.

35. The provisions of rules 33 and 34 apply also to Group A and B Government servants who spend their leave out of India and who have to draw their leave-salary in rupees in India under fundamental Rule 91.

Group C and D Government servants.

36. The leave-salary of a Group C and D Government servant on leave in India or on leave out of India cannot be drawn in India, except over the signature of the head of his office and the latter is responsible for any over-charge.

The leave-salary of a Group C and D Government servant holding a permanent post in one office and officiating in a post in another office may be drawn at the office from which he proceeded on leave, If he would have continued in that office but for his leave and is expected to return to it on its expiry. No last-pay certificate should be issued in such cases but the fact of the Government servants having gone on leave should, however, be intimated to the head of the first office so that he can show the necessary arrangements in the absentee statements of his office. The bills in which leave salary is drawn should also indicate the permanent post on which the absentee holds a lien to facilitate correct classification of leave-salary.

In the case of a Group C and D officer whose substantive appointment is not a local appointment but simply that of a member of a State staff, leave allowances should be drawn either at Madras by the head of his department or at the place where his salary was last disbursed, and in the latter case, if he was not himself the head of an office, he should be regarded as attached to the office in which he was last employed and the head of that office should draw the leave allowance and be regarded as responsible for over charges.

Leave salary during leave preparatory to retirement.

36-A. Group A and B Government servant on leave preparatory to retirement or on refused leave under Fundamental Rule 86 or any other corresponding rule or such other leave on the expiry of which he is not expected to return to duty should record a certificate on the

leave salary bill that, during the period for which leave salary is drawn, he was not re-employed under Government, local fund or a private employer.

In the case of Group C and D Government servants, similar certificate should be recorded by the drawing officer on the bills in which the leave salary is drawn after obtaining declaration regarding non-employment from them.

SECTION VIII-RETURN FROM LEAVE.

42. Group A and B Government servant, on return from leave, must report his return to Government.

43. A Government servant returning from leave is not entitled in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders. He must, if necessary, also submit to such delay as may be required in the interest of the public service.

***Note*.—Controlling officer-should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at headquarters in due time to give over charge.**

Return to duty.

44. Before returning to duty a gazetted Government servant who has drawn his leave salary in India should obtain a last-pay certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer, who audits his pay. Without such a certificate, he cannot obtain payments of any arrears of leave-salary or pay due to him.

RULINGS.

(1) When a Government servant is appointed to officiate in a Group A and B capacity, the Audit Officer shall call for his leave account and maintain it. During leave, such a Government servant shall be deemed to hold a Group A and B status for purposes of drawal of leavy-salary grant of extension of leave, issue of notifications, etc., irrespective of the fact whether on the expiry of his leave he would return to his Group A and B post or not. The Audit Officer will intimate the rate of leave-salary admissible to the officer direct and the officer will draw his pay accordingly. Any extension of leave will also be certified by the Audit Officer.

[Finance Memorandum No.83902-2-(C.S.R.), dated 7th January 1954.]

(2) In the case of an officer who is granted leave under rule 24 (a) under Fundamental Rule 74 (a) the leave should initially be treated as leave preparatory to retirement but if the officer returns to duty subsequently, the leave should be treated as leave on medical certificate for purposes of the proviso to Rule 81(b). Necessary adjustments in the leave account, should be made and arrears of leave salary, if any, should also be paid.

(G.O. No. 382, Finance, dated 21st October 1937.)

(3) The discretion allowed by rule 24 (c) may be exercised in the case of Government Servants who are sent before a competent medical authority either for grant of leave or for report as to their fitness for further service and the latter certifies them to be completely and permanently incapacitated for further service.

[G.O. No. 576, Finance (Pension), dated 17th July 1930 and No.348, Finance, dated 28th July 1936.]

(4) Rules 11 to 16 in section III of the rules under Fundamental Rule 74(a) regulating the grant of leave on medical certificate to gazetted Officers should be applied also to Government servants who are holding gazetted posts in an officiating capacity prior to their going on leave. An officiatinag Gazetted Government servant who applies for leave or extension of leave should accordingly produce a certificate from a medical committee in support of his application for leave or extension of leave.

(G.O. No. 326, Finance, dated 20th January, 1951).

ANNEXURE II — PART II — *OMITTED*

ANNEXURE II — PART III.

Rules under Fundamental Rule 74 (iv).

MAINTENANCE OF RECORDS OF SERVICE.

Groups A and B Government Servants.

1. A record of the services of each Group A and B Government servant is maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

Note.—The service books of permanent Group A and B Government servants who retire or die while in service without earning any pension or gratuity shall continue to be under the custody of the Audit Officer concerned for a period of five years after their retirement or death. Whichever is earlier after which they will be destroyed.

Group C and D Government Servants and Group A and B Government Servants on scales of pay not exceeding Rs. 1,000.

2. *Duty of the head of the office*.—Except in the case of members of the Police force of rank not higher than that of head constable and Basic Servants of all sorts, a service book in Fundamental Rule Form No.10 should be opened for every Group C and D Government Servant at his own cost, as soon as he is regarded as selected for admission to a Government service and as an probation for that service. It should be kept in the custody of the head of the office in which he may be serving and transferred with him from office to office. It is the duty of the head of the office to see that all entries are duly made and attested.

Note (l).—Such service books should also be opened in respect of persons who are appointed under the emergency provisions and are likely to be retained in service for over one year.

Note (2).—If there is no head of office, the Service Book of the Group A and B Officer drawing pay in the scales of pay the maximum of which does not exceed Rs.1,000 shall be maintained by his superior officer or Head of the Department as the case may be. Where the Group A and B Officer is himself the head of office, his service book shall be maintained by himself, subject to the attestation of all the entries made therein by his immediate superior.

[G.O. Ms. No. 215, Finance (F.R.I), dated 7th March 1975.]

3. *Duty of Group C and D Government servants*.—It is the duty of every Government servant to see that his service book is properly maintained and that all erasures in it are attested. The head of the office will allow a Government servant to examine his service book, should be at any time desire to do so.

4. *Certificates of character not to be entered*.—Personal certificates of character should not be entered in a service book.

5. *Kind of punishment*.—When the probation of a Government servant is terminated or when a Government servant is reduced to a lower post, dismissed or removed from service or suspended from employment, the reason for the termination of the probation, reduction, dismissal, removal or suspension, as the case may be, should always be briefly stated thus; "Probation terminated on the ground of unfitness", "Reduced for inefficiency", etc. The head of the office should make efficient arrangements for these entries being made with regularity. The duty should not be left to the Group C and D Government servant concerned.

Copies of all orders regarding reduction, dismissal or suspension should be filed with the service book.

6. *The maintenance of service books*.—In the service book, every step in a Government servant's official life, including temporary and officiating promotions of all kinds, the date on which the period of probation is satisfactorily completed, increments and transfers and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave statements and attested by

the head of the office. If the head of the office has a gazetted assistant, he may delegate the duty of attesting the entries to such an assistant. If the Government servant is himself the head of the office, the attestation should be made by his immediate superior. Any special test examination passed by the Government servant should be entered in the service book, together with a reference to the number and date of the notification directing the publication of the names of the successful candidates in that test, and the part and date of the Tamil Nadu Government Gazette, in which the notification was published. Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The head of the office should also invariably give necessary particulars with reference to the proviso to Article 368, Civil Service Regulations and the note there under whether the temporary or officiating service was continuous followed by confirmation in a pensionable post without interruption with a view to enable the Audit Officer to decide later on by reference merely to such particulars whether the temporary or officiating service shall count as qualifying service under the said Article. In the case of members of the Tamil Nadu Ministerial Service, the date of birth should be verified with reference to the date given in the lists of eligible candidates published by the Tamil Nadu Public Service Commission in the Tamil Nadu Government Gazette or the district Gazette, as the case may be. In other cases, the date of birth should be verified with reference to the entries in the applications for appointment as accepted by the Tamil Nadu Public Service Commission and transmitted to the appointing authorities. In the case of a Government Servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth.

Note 1.—The date of birth entered in the service book of a superior Government servant or in the service roll of a Basic Government Servant may be altered with reference to Rule 49 of the General rules for the Tamil Nadu State and Subordinate Services or the corresponding rule of the Special Rules for which the General Rules do not apply or with reference to rule 28 of the Special Rules for the Tamil Nadu Basic Service, as the case may be.

Note 2.—Managers of District Police Offices may attest entries in service books and service rolls on behalf of Superintendents of Police.

Note 3.—In the Tamil Nadu State Transport Department.—(a) The Superintendent in charge of the pay bill section may attest entries in the service rolls and leave rolls of the workers in the traffic branch and the Superintendent in charge of punishment rolls section may attest entries in conduct rolls of those workers.

(b) the Superintendent, Office of the Mechanical Engineer may attest entries in the service rolls, leave rolls and conduct rolls of the technical workers in the Transport House Depot; and

(c) the Superintendent, Office of the Works Manager, Government Transport, Central Workshop, Chrompet, may attest entries in the service rolls, leave rolls and conduct rolls of the technical workers of the Government Transport Central Workshop, Chrompet.

Note 4.—The Superintendent (Administrative Branch), office of the District Transportation Superintendent, Kanyakumari Branch, Nagercoil may attest entries in the service rolls, conduct rolls and leave rolls of the traffic and technical workers.

Note 5.—Whenever a certificate under Fundamental Rule 26 (bb) is issued by the appointing authority or the leave sanctioning authority, as the case may be, a very concise entry such as "Certificate under Fundamental Rule 26(bb) issued for the period from .....to....." should also be recorded after the entry regarding leave in the service book, in the case of Group C and D Government servants.

Note 6.—The Superintendent, Office of the District Fire Officer, Madras City, may verify and attest entries in the Service Books/Rolls of Fireman and equivalent ranks in Madras City Division, on behalf of the District Fire Officer, Madras City.

Note 7.—The Assistant Treasury Officers of the Huzur Treasuries may verify and attest the entries in the service registers of all Group C and D staff in the Huzur Treasuries. The entries in the Service Registers of Assistant Treasury Officers and Sub-Treasury Officers will however, be attested by the Treasury Officers.

Note 8.—Applications for rectification of incorrect entries relating to community in service records shall be made to the immediate superior officer enclosing records in support of the request. The immediate superior officer shall forward the application and the connected records to the Head of the Department concerned through the proper Channel. The Head of the Department shall refer the application to the Collector of the district concerned who shall arrange for a personal inquiry into the facts of the case by an officer of Revenue Department not below the rank of a Deputy Collector. On receipt of the records of the inquiry, the Head of the Department shall pass such orders as he deems fit having regard to the merits of each case. His decision thereon shall be final. Alteration relating to community in the service records shall invariably refer to the proceedings of the Head of the Department in which the alteration was ordered and attested by a Group A and B Officer or the Head of the Office concerned.

(G.O. Ms. No. 885, Finance, dated 6th August 1966).

Note 9.—"The native place of Government Servants" shall be entered in the service book with reference to the place of birth or place of domicile in Tamil Nadu certified by the Government servant concerned at the time of his entry into Government service. Such entry shall not be altered later by the Government Servant."

[G.O. Ms. No. 174, P&AR (F.R.III) dept., dated 19th February 1985.— w.e.f. 25th September 1984.]

7. *Transfer to another office*.—When a Group C and D Government servant is transferred, whether permanently or temporarily from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred, and the book, after being duly verified to date and attested by the head of that office, should transmitted to the head of the office to which the Government Servant has been transferred, who will thence forward the book maintained in his office. If he should find any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the book is taken over by him. The service book should not be made over to the Group C and D Government servant who has been transferred.

8. *Transfer to foreign service*.—If a Group C and D Government servant is transferred to foreign service, the head of the office or department should send his service book to the Audit Officer who will return it after noting therein, under his signature, the orders sanctioning the transfer and other necessary particulars in connection with the transfer. On the Government servant's proceeding on leave from foreign service or on his re-transfer to service under Government his service books should again be sent to the Audit Officer for recording all necessary particulars connected with the leave or re-transfer to service under Government including the fact of recovery of leave and pension contributions.

***8*-A. In the case of ex-military men re-employed in the civil department, who refund the gratuity under Article 356/357-C Civil Service Regulations, the service books should, after the gratuity has been refunded in full, be sent to the Audit Office for recording therein the necessary particulars connected with the refund of the gratuity.**

9. *Transfer to a Group A and B post on scales of pay the maximum of which is over Rs.1,000*.—When a Government servant is appointed to officiate in a Group A and B post, the maximum of which is over Rs.1,000 his Service Book together with the leave account duly completed should be forwarded to the Audit Officer within one month from the date of his promotion to facilitate the opening of the leave account. The service book of the officiating Group A and B Officer which will be returned by the Audit Officer should continue to be kept by the immediate controlling officer. When he is confirmed in a Group A and B post, the Service book should be forwarded to the Audit Officer who maintains the record of his service under Rule 1.

[G.O. Ms. No. 215, Finance (F.R.I), dated 7th March 1975.]

10. *Service rolls for the police and basic servants*.—In the case of members of the police force of rank not higher than head constables, there shall be kept up for each district by the Superintendent of Police a service roll in English in which shall be recorded the date of the enrolment of each person in the constabulary, his caste, tribe, village, age, height and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; and every other incident in his service which may involve

forfeiture of portions of his service or affect the amount of his pension. The roll should be checked by the vernacular roll and order book and the punishment register and every entry in it should be signed by the manager of the District Police Office.

From this roll, the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

If the date of birth of any person on enrolment in the constabulary cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness for recruitment to the service should be entered in the service roll.

Note.—The Superintendent in charge of pay bills section in the office of the Director, Tamil Nadu State Transport, Madras, may attest entries in the service rolls of the workers in the Traffic Branch on behalf of the Director, Tamil Nadu State Transport.

11. Similar service rolls should be maintained for basic servants of all sorts.

Where the date of birth of a basic Government servant cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness to the Government servant should be entered in the service roll.

11-A. Service rolls for police constable, head constables, leading firemen, firemen and other equivalent ranks in the Fire Service Branch and the Service books in the case of basic Government servants shall be opened at the expense of Government.

12. *Annual verification*.—The service books and rolls in each office should be taken up for verification in January of every year by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in his service book or roll in conformity with the above instructions, should record therein a certificate in the following words over his signature:-"Services verified up to (date) from (pay bills, acquittance rolls and similar records to be specified by reference to which the verification was made)". The head of the office in recording the annual certificate of verification should in the case of any portion of service that cannot be verified from office records, distinctly state that, for the excepted periods (naming them), a statement in writing by the Government servant as well as a record of the evidence of his contemporary employees is attached to the book or roll. Heads of offices may delegate the duties imposed upon them to their Gazetted assistants if any. They should, however, inspect at least 10 per cent of the service books and rolls and initial them in token of having done so, unless the Government specially fix a lower percentage in any case.

Heads of offices should furnish a certificate regarding the completion of the annual verification of services in respect of all Government servants working under them and those on foreign service to the next superior officer by the end of April every year covering the preceding calendar year. It shall also be the duty of every head of office to initiate action to show the service books to the Government servants under his administrative control every year and to obtain their signature therein the token of their having verified their service books. A certificate to the effect that he has done so in respect of the preceding calendar year, should be submitted by him to his next superior officer by the end of every July. In the case of a Government servant on foreign service, his signature shall be obtained after the Audit Office has made necessary entries connected with his foreign service.

[G.O. Ms. No. 792, Finance (F.R.I.), dated 3rd June 1974.]

Note 1.—The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

Note 2.—When a Government servant is transferred from one office to another, the head of the office under whom he was originally employed shall record in the service book or roll, under his signature, the result of the verification of service referred to above with reference to pay bills and acquaintance rolls in respect of the period for which the Government servant was paid in that office and the verification of service for the remaining period shall be done in the office to which the Government servant is transferred.

13. *Periodical inspection.*—It is the duty of officers inspecting subordinate offices to inspect the service books maintained there. They should see that they are maintained up to date, that entries are properly made and attested, that verification has been properly carried

out and the necessary statement and evidence secured and verification certificates have been properly recorded by the heads of the offices.

14. *Deleted*.

15. When a Government servant's service is terminated by dismissal his service book should be retained for a period of five years or until the Government servant's decease, whichever is earlier, after which it will be destroyed. A similar procedure should be followed in the case of a Government servant whose probation is terminated. The head of the office in which he was last employed should retain the service book in such cases.

16. When a Government servant's service is terminated by resignation or discharge without fault and no pension is given to him, his service books should be retained for a period of five years from the date of his resignation or discharge. In the event of his death within the period of five years, the service book should be retained for a period of six months only from the date of his death.

17. The service book of a Government servant who has been dismissed and who is afterwards reinstated should, on requisition, be returned to the head of the office in which he is re-employed.

A similar course should be adopted when a Government servant has been discharged without fault or resigns and a subsequently re-employed.

RULINGS.

1. In the case of officers directly recruited to posts in services other than the subordinate services, the date on which the period of probation is satisfactorily completed should be noted in the History of Services.

The dates will be communicated by Government.

(G.O. No. 82, Finance, dated 9th February 1933.)

Verification of entries made in service books.

2. The verification of entries made by a clerk in service books may be entrusted to his immediate departmental superior if the head of the office sees fit, but the responsibility as to their accuracy will rest with the latter officer who has to attest them.

[Paragraph under C.S.R. 821 Note (1) in the Tamil Nadu Supplement.]

ANNEXURE II – PART IV

FORMS.

F.R. FORM No.9-A (ORDINARY LEAVE RULES)

(*See* Rule 1 of Part I of Annexure II.)

Leave account of		Date of attaining the age of 55/60 years	
Date of commence of service		Date of coming under Civil Leave Rules	
Date of contract, if any,			

Duty			Leave earned		1/11th of duty [cols.(16) +(4)]	Leave at credit	
			1/11th of duty [Rule 81(b)]	Balance of 2/11ths of duty		Balance of 2/11ths of duty [cols.(17)+(5)]	Total [cols (6) +(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Government served under	From To	y.m.d	y.m.d	y.m.d	y.m.d	y.m.d	y.m.d

Leave taken						
On average pay			On half or quarter average pay			
Dates	Against entry in col.(6)-(10)	Against limit of one year for leave on medical certificate and leave spent elsewhere than in India, Pakistan, Ceylon, Nepal or Burma. [Proviso to Rule 81(b)]	Dates	Actual period	Actual period converted into period in terms of leave on average pay	Total [cols. (10) +(11)+(14)]
(9)	(10)	(11)	(12	(13)	(14)	(15)
From To	y.m.d	y.m.d	From To	y.m.d	y.m.d	y.m.d

Balance (on return from leave)			
Of leave equivalent to 1/11th of duty Rule 81 (b) [cols.(10)]	Of leave equivalent to balance of 2/11th of duty [cols.(7) –cols.(11) +(14)]	Total [cols. (8)-(15)	Remarks
(16)	(17)	(18)	(19)
y.m.d	y.m.d	y.m.d	

INSTRUCTIONS FOR FILLING UP F.R. FORM NO. 9-A.

1. The account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column (13) should be divided by two and posted in column (14).

2. The sum total of the entries in columns (6) and (7) and in columns (11) and (14) should be entered in columns (8) and (15) respectively. The difference between the entries in columns (8) and (15) should be entered in column (18) and the entry in column (4) or (6) should be repeated in column (16) while the entry in column (5) or (7) minus the sum total of the entries in columns (11) and (14) should be shown in column (17).

3. When a Government servant applies for leave, columns (1) to (8) should be filled up. Columns (1), (2) and (3) should show the government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns (4) and (5) should each show 1/11th of this period [but see Note (2) below] the sum total of the two entries representing period of leave (i.e., 2/11th of duty) earned under rule 77. To the new entry in column (4) should be added the last entry in column (16) and the resultant figure should be posted in column (6); similarly to the new entry in column (5) should be added the last entry in column (17) and the resultant figure should be posted in column (7). The total of the entries in columns (6) and (7) will be shown in column (8).

Note.—(1) If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments the period of duty and the leave earned under each Government should be shown in separate lines in columns (1) to (5) and the sum total of the new entries in column (4) and the last entry in column (16) should be posted in column (6) and of those in column (5) and the last entry in column (17) in column (7), the total of the entries in columns (6) and (7) being shown in column (8).

(2) The sum total of the entries in column (5) should not exceed 2½ years [rule 81 (a)] and no entry should be made in this column when this limit of 2½ years is reached.

When columns (1) to (8) have been posted, column (8) will show the *maximum* amount of leave which may be granted *in terms of leave on average pay* [but *see* rule 81 (d)] to a Government servant on the date on which he intends to go on leave. The *maximum* amount of leave on *average pay* which may be granted on that date with medical certificate or out of India, Pakistan, Ceylon, Nepal, Burma will be the sum total of the last entry in column (6) and the unspent balance of "one year" limited to eight months at a time, provided this sum total is covered by the period entered in column (8); in the case of leave in India, Pakistan, Ceylon, Nepal, Burma without medical certificate the maximum will be the last entry in column (6), limited to four months at a time.

4. When a Government servant returns from leave, columns (9) to (18) should be filled up. The period of leave taken on average pay should be entered in columns (9), (10) and (11), that taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column (11) till the limit of one year is reached and thereafter in column (10). The actual periods of leave on half or quarter average pay and overstayal of leave (vide Fundamental Rule 73) should be entered in column (13) and one-half of it in column (14).

Note.—(1) Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column (6) before the deletion of "*plus one year*" from rule 81 (*b*) should be entered in column (11).

(2) If leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column (17). If this debit shown in column (17) exceeds the credit, if any, shown in column (16) the net debit in column (18) will be recorded in red ink. The entry in column (18) is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column (16) remains unaffected by any debit entries in columns (17) and (18) but cannot be utilized until, under the operation of Fundamental Rules 77 and 81 (e) leave again becomes due under Fundamental Rule 80 and then only to the extent of leave due.

5. The total period of leave in terms of leave on average pay taken in a Government servant's whole service as entered in column (15) should not exceed the sum total of all periods of leave entered in column (4) plus 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

RULING.

Where leave of the same nature constituting a continuous spell is sanctioned in different periods, it should be treated as one spell for the purpose of Instruction (4) and the leave account debited accordingly.

(Finance Memo. No. 27800 F.R. 57-2, dated 25th April 1957.)

F.R. Form No.10.

*(*See *rule 2 of Part III of Annexure II.)*

Service Book.

The opening page of the Service Book should contain the following entries:—

(1) Name.

(2) Schedule Caste (S.C.) or Scheduled Tribes (S.T.) or Most Backward Class (M.B.C.) or Other Backward Class (O.B.C.) or Convert to Christianity from the Scheduled Castes—

(*a*) Who is himself a convert [C.S.C.(1)].

(*b*) Who is *not* himself a convert [C.S.C.(2)].

(3) Native district.

(4) Residence.

(5) Father's name and residence.

(6) Date of birth by the Christian era as nearly as can be ascertained.

(7) Place of birth.

(8) Exact height by measurement.

(9) Educational and other qualifications.

(10) Departmental tests of special tests, if any, passed with reference to number and date of the gazette notification.

(11) Mother-tongue.

(12) Personal marks of identification.

(13) Signature of Government servant.

(14) Signature and designation of head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (13) and (14) should be dated.

The remaining folios of the Service Book should be divided into fifteen columns, viz.:—

1. Name of appointment.

2. Whether substantive or officiating and whether permanent or temporary.

3. If officiating, state—

   (i) substantive appointment, or

   (ii) whether the officiating service prior to confirmation was continuous and if so, it counts for pension under Article 368. Civil Service Regulations.

4. Pay and scale of pay in the substantive appointment.

5. Additional pay for officiating (the scale of pay of officiating post to be indicated).

6. Other emoluments falling under the term “Pay”.

7. Date of appointment.

8. Signature of Government servant.

9. Signature and designation of the head of the office or other attesting officer in attestation of columns (1) to (8).

10. Date of termination of appointment.

11. Reason of termination (such as promotion, transfer, dismissal, etc.)

12. Signature of the head of office or other attesting officer.

13. —

Nature and duration of leave taken.	Allocation of periods of leave on average pay up to four months for which leave-salary is debitable to another Government.	
	Period	Government to which debitable

14. Signature of the head of the office or other attesting officer.

15. Reference to any recorded punishment or reward of the Government servant.

ANNEXURE III.

THE TAMIL NADU LEAVE RULES, 1933.

SECTION I—PRELIMINARY AND GENERAL.

1. These rules may be called the Tamil Nadu Leave Rules, 1933.

2. They shall apply to the holders of all posts under the rule making control of Government, whether for the time being in foreign service or not—

(*a*) who, before the 4th September 1933, were neither the holders of posts under such control in a substantive, officiating or temporary capacity nor probationers for such posts; or

(*b*) who, before the said date, were either the holders of such posts in such capacity or probationers therefor and who elect within six months from the said date to come under these rules.

(*c*) who being employees of the erstwhile States merged in the State of Tamil Nadu elect to come under these rules:

Provided that nothing contained in these rules shall apply to members of any establishment who would not have been eligible for leave under the Fundamental Rules had they continued in force in respect of the matters dealt with in these rules.

Explanation.— (1) These rules shall apply in their entirety to every person who elects under clause (*b*) to come under these rules.

(2) Such election, when once made, shall be final.

Exception.—Persons who entered service as Local Fund Assistant Engineers before the 4th September 1933, and were eligible for leave under the Fundamental Rules will continue to be eligible for leave under those rules when they are subsequently appointed as District Board Engineers. Persons who entered service as Local Fund Assistant Engineers on or after the 4th September 1933, and were eligible for leave under the Fundamental Rules shall, on appointment as District Board Engineers, be eligible for leave under the Tamil Nadu Leave Rules, 1933, but they shall retain in their leave account any leave at their credit on the date of their appointment as District Board Engineer.

RULINGS.

(1) Scope of Rule 2.—Government servants, who before the 4th September 1933, were holders of posts in a substantive, officiating or temporary capacity or were probationers for such posts, are eligible for leave under the Fundamental Rules unless they have elected the Tamil Nadu Leave Rules, 1933, irrespective of any break in their service before or after 4th September 1933.

(Finance Memo. No. 21987-1-C.S.R., dated 15th July 1934.)

Note.—If the break in the service of such a Government servant was however, due to his resignation from public service, he will on re-employment to Government service, be eligible for leave only under the Tamil Nadu Leave Rules, 1933.

(Finance Memo. No. 38089-C.S.R-3, dated 11th June 1953.)

(2) The employees of the erstwhile States merged with the Tamil Nadu State shall continue to be governed by the State Leave Rules till they are absorbed in Government service. On absorption in Government service, they shall be allowed the option either to continue under the State Leave Rules or to elect the Tamil Nadu Leave Rules, 1933. Such option shall be exercised within a period of six months from the date of absorption in Government service and once exercised shall be final. Those who elect to come under the Tamil Nadu Leave Rules shall be subject to those rules from the date of absorption in Government service.

The leave account of every person who elects to come under the Tamil Nadu Leave Rules, shall—

(i) In regard to earned leave, be credited with the amount of privilege leave or leave on average pay to his credit on the date on which he so elects, subject to the maximum prescribed in rules 8, 17 or 20 of the Tamil Nadu Leave Rules as the case may be, and

(ii) In regard to unearned leave, be debited with the amount of furlough or similar kinds of leave on half average pay whether with or without medical certificate already taken by him before the said date, either as leave on private affairs or as leave on medical certificate as the case may require. In such cases, if the leave taken under the State Leave Rules exceeds the limits prescribed in the Tamil Nadu Leave Rules for leave on private affairs and leave on medical certificates, no further unearned leave shall be granted to the employees concerned, but the leave already granted shall not be affected.

(G.O. Ms. No. 217, Finance, dated 25th February 1950.)

(3) Municipal Engineers who were governed by the leave rules under the Fundamental Rules or the Tamil Nadu Leave Rules, 1933, as the case may be prior to 1st January 1952 and who have been absorbed in the Tamil Nadu Municipal Engineering Service or the Tamil Nadu Municipal Engineering Subordinate Service as regular Engineers without any break in service will retain the benefits of leave under the Fundamental Rules or the Tamil Nadu Leave Rules, 1933, as the case may be, and count for leave in Government service their previous service under the old Tamil Nadu Municipal Engineering Service subject to the condition that the leave earned by the Engineers prior to the constitution of the Central Fund under the old service should be the liability of the municipal council concerned.

(Finance Memorandum No.1212-A/C.S.R.-2, dated 6th February 1956.)

(3A) The employees of the Government Press governed by the Industrial Employees Leave Rules on transfer to a post not governed by these leave rules will be governed by the Tamil Nadu Leave Rules, 1933. Such an employee will be permitted to carry forward the earned leave at his credit on that date of his transfer, subject to a maximum of 90 days; and the unearned leave availed of by him under the Industrial Leave Rules will be counted against the corresponding unearned leave admissible under the Tamil Nadu Leave Rules.

(Finance Memo.No.51729/F.R./56-4, dated 9th April 1957.)

(4) Consequent on the transfer of the administration of the Employment Exchanges to the Tamil Nadu Government the staff taken over and absorbed in the National Employment Organisation from

1st November 1956 will be allowed to count their service prior to 1st November 1956 under the Government of India for the purpose of leave under the Tamil Nadu Leave Rules. They will be permitted to carry forward the earned leave accumulated prior to 1st November 1956 under the Government of India subject to the limits fixed for accumulation of earned leave in the Tamil Nadu Leave Rules, 1933. In respect of the unearned leave, they will be eligible for leave as for Government servants governed by the Tamil Nadu Leave Rules, 1933, and the leave already availed of by them up to 31st October 1956 in this regard under the Government of India will be counted against the unearned leave admissible under these Rules.

(Finance Memorandum No.35634/F.R./57-2, dated 27th April 1957.)

(5) The personnel allotted to the Tamil Nadu State from the former Travancore-Cochin State who elect to come under the Tamil Nadu Leave Rules, 1933, shall be subject to those rules from 1st November 1956.

The leave account of every person who elects to come under the Tamil Nadu Leave Rules shall—

(i) In regard to earned leave, be credited with the amount of privilege leave or leave on average pay to his credit on the date, on which he so elects subject to the maxima prescribed in rules 8, 17 or 20 of the Tamil Nadu Leave Rules, as the case may be; and

(ii) In regard to unearned leave, be debited with the amount of furlough or similar kinds of leave on half average pay, whether with or without medical certificate, already taken by him before the said date, either as leave on private affairs or as leave on medical certificate, as the case may require. In such cases, if the leave taken under the Travancore Service Rules exceeds the limits prescribed in the Tamil Nadu Leave Rules for leave on private affairs and leave on medical certificate, no further unearned leave shall be granted to the employees concerned, but the leave already granted shall not be affected.

(Finance Memorandum No.28331/F.R.59-1, dated 22nd September 1959.)

(6) In the case of personnel allotted to the Tamil Nadu State from the former Travancore-Cochin State who elected to remain under the leave rules under the Travancore Service Regulations, the rules as they stood on 31st October 1956 alone, shall apply and the amendments issued by the Government of Kerala after 1st November 1956 to those rules shall not be applied.

(Finance Memorandum No. 65221/F.R./65-3, dated 5th August 1965.)

3. These rules shall come into force on the 4th September 1933.

4. In these rules unless there is anything repugnant in the subject or context—

(a) "duty" does not include any period of absence on any leave admissible under these rules or under the Fundamental Rules read with Rule 5 of these rules but includes—

(i) any period of absence on casual leave during a continuous period spent on duty;

(ii) any period of absence on gazetted holidays or other days declared to be holidays by a competent authority, during a continuous period spent on duty;

(iii) any period of absence on gazetted holidays when permitted to be prefixed or affixed to leave;

(iv) any period of absence during vacation either during a continuous period spent on duty or when permitted to be prefixed or affixed to leave;

(v) any period spent on foreign service, if contribution towards leave-salary is paid on account of such period;

(vi) joining time; and

(vii) all periods declared to be duty under Fundamental Rule 9(6) (b) and the instructions made thereunder;

(b) (i) "Government servant" means any person to whom these rules apply;

(ii) "permanent Government servant" means a Government servant who holds substantively a permanent post in superior or Basic Service or who holds a lien on such a post or would hold such a lien had it not been suspended;

(iii) "non-permanent Government servant" means a Government servant who is not a permanent Government servant;

(c) "Government" means the Government of Tamil Nadu; and

(d) (i) "pay" means the greater of the amounts specified below:—

(a) the substantive pay *plus* special pay, personal pay and any other emoluments classed as pay, on the date before for the leave commences, or

(b) the average monthly pay *plus* special pay, personal pay and any other emoluments classed as pay, earned during the twelve complete months preceding the month in which the leave commences;

Exception.—In the case of Basic Government servant the pay—as defined in Fundamental Rule 9 (21) (*a*)—on the last day of duty period prior to the commencement of leave, shall be taken for the purpose of item (b) instead of the average pay as contained therein.

(ii) "half pay" means half the amount specified in item (a) or (b) above whichever is greater.

Explanation.—(1) In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India, shall be substituted for the pay actually drawn, while calculating average pay.

(2) For the purpose of calculating leave salary in respect of leave availed of at any time after reversion from foreign service out of India, the period of leave availed of by such Government servants while on foreign service shall be treated as leave and not as duty.

(3) The fixed remuneration of Rs.40 per mensem drawn by temporary section writers in the Registration Department shall be treated as pay.

(4) The deputation allowance in nature of special pay drawn by Government servant while on deputation to other Government shall be treated as pay.

#(5) In the case of sanction of increments to Government Servants while they are on leave, on the due dates of increment the monetary benefit of the increment shall be computed for payment of leave salary, from the date of accrual of the increment. The term 'leave' shall include all kinds of leave admissible to a Government servant which count for increment under the Fundamental Rules".

#[G.O. Ms. No. 90, P&AR (FR-V)dept., dt.28-3-1995 MB. from (18-12-1992)]

RULINGS.

(1) The pay drawn by a Government servant in foreign service in excess of that admissible under the Government shall be classified as special pay.

(Finance Memo. No.76777/C.S.R./56-2, dated 8th December 1956.)

(2) Stipend payable to the Forest Apprentices shall be treated as "pay" for regulating their leave salary.

(G.O. No. 486, Finance, dated 16th March 1955.)

(3) The term "substantive pay" in clause (d) of this rule includes the pay drawn by a Government Servant in a post on which he holds a provisional lien under Fundamental Rule 14(d).

(Finance Memorandum No.89212/C.S.R./4, dated 7th February 1956.)

5. The Fundamental Rules as issued and amended from time to time by Government shall, in so far as they are not inconsistent with these rules apply *mutatis mutandis* to all persons to whom these rules apply in respect of matters not dealt with in these rules.

5A. The Government may relax any provisions of these rules in such manner as may appear to them to be just and equitable provided that where any such rule is applicable to the case of any person or class of persons, the case shall not be dealt with in any manner less favourable to him or them than that provided by that rule.

[G.O.(Ms) No.57, P & A R (F.R.III) Department, dated 02.06.2003 – w.e.f. 2.6.2003]

6. Subject to the restrictions in Rule 14, any kind of leave admissible under these rules may be granted in combination with any other kind of leave so admissible on in continuation of leave already taken whether of the same or of any other kind.

RULING.

Treatment of overstayal of leave under the Tamil Nadu Leave Rules, 1933.

In the case of a Government servant governed by the Tamil Nadu Leave Rules, 1933, who remains absent after the end of his leave the period of such overstayal of leave should, unless the leave is extended by the competent authority, be treated as follows:—

(*a*) If the officer is in superior service—

(i) as leave on private affairs to the extent such leave is due, unless the overstayal is supported by a medical certificate;

(ii) as leave on medical certificate to the extent such leave is due, if the overstayal is supported by a medical certificate; and

(iii) as extraordinary leave to the extent the period of leave due on private affairs and or medical certificates falls short of the period of overstayal.

(*b*) If the officer is in Basic Service—as in (a) (ii) and (iii) above *mutatis mutandis*.

The Government servant is not entitled to leave salary during such overstayal of leave not covered by an extension of leave by the competent authority.

(G.O. Ms. No. 128, Finance, dated 17th July 1943 and Finance Memo. No. 21684-C.S.R.-1, dated 30th July 1943.)

7. # (i) Leave at the credit of a Government servant in his leave account, other than earned leave and leave on private affairs shall lapse on the date of retirement or on the date of termination of the extension of service, as the case may be. The competent authority (leave sanctioning authority) shall suo-motu draw and disburse the cash benefits of encashment of earned leave and leave on private affairs at the credit of the Government servants in Groups B, C and D without formal sanction orders on the date of retirement or on the date of termination of extension of service, as the case may be, or on the next working day, following the date of retirement or the date of termination of extension of service, if the date of retirement or the date of termination of extension of service happens to be a holiday. In respect of Group A Officers, the Accountant General or Pay and Accounts Officer, as the case may be, shall, suo-motu issue the pay slips for encashment of earned leave and leave on private affairs, as aforesaid, at the credit of the Government servants without formal sanction orders, on the date of retirement or on the date of termination of extension of service, as the case may be, or on the next working day, following the date of retirement or the date of termination of extension of service if the date of retirement or the date of termination of extension of service happens to be a holiday.

 # (ii) The benefit of encashment of earned leave at the credit of a Government servant on the date of retirement or on the date of termination of extension of service, as the case may be, shall be subject to a maximum of 240 days and shall be eligible for cash equivalent of full leave salary which shall be based on Pay, Dearness Allowance, House Rent Allowance and City Compensatory Allowance for the entire period of leave at credit.

 # (iii) The benefit of encashment of leave on private affairs on the date of retirement or on the date of termination of extension of service, as the case may be, shall be subject to 50 per cent of the leave on private affairs standing to the credit of the Government servant on such date subject to a maximum of 90 days, with full leave salary in cash which shall be based on Pay, Dearness Allowance, House Rent Allowance and City Compensatory Allowance. While calculating the leave on private affairs for the above purpose, the fraction of half-a-day shall be rounded off to one day.

#(Substituted vide G.O.Ms.No.324, P&AR (FR.IV) Dept., dt. 18.8.2004, w.e.f. 01.04.2003)

Explanation:—

For the purpose of encashment of earned leave and leave on private affairs provided in this rule, the Government Servants of the following categories shall also be eligible.

(i) cases where the services of a Government servant has been extended, in the interest of public service beyond the date of superannuation;

(ii) voluntary or premature retirement;

(iii) where the services of a Government Servant are terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment;

(iv) in the case of death of a Government Servant, while in service, to the family of the deceased;

(v) in the case of leave preparatory to retirement;

(vi) in cases where the Government Servant has been compulsorily retired from service as a measure of punishment under rule 8 of the T.N.C.S. (CCA) Rules.

(vii) in cases where the Government Servant has been retired on medical invalidation;

*[*Vide *G.O. Ms. No. 345, P&AR (FR.SPL.)Dept., dt. 31-7-90, w.e.f. 30-10-87.]*

(viii) the Government servants who are discharged owing to abolition of a permanent post or retrenched due to the abolition of a Government Department or scheme.

*[*Vide *G.O. Ms. No. 345, P&AR (FR.SPL.) dt. 31-7-90, w.e.f. 29-5-89.]*

$7A(i) A probationer or an approved probationer whether on duty or on leave other than extraordinary leave without allowance and un-earned leave on private affairs, may surrender earned leave at his credit for encashment;

(ii) Requests in writing for surrender of earned leave indicating the date of surrender shall be made one month before or within one month after such date for surrender;

(iii) The amount of earned leave surrendered under this rule shall not exceed 30 days with the interval of 24 months and shall not exceed 15 days with the interval of 12 months;

(iv) The leave salary shall be paid at 1/30th of the monthly salary for each day of surrender irrespective of the number of days in the month of which the earned leave is surrendered and whether the Government servant is on duty or on leave;

(v) The total number of days of earned leave availed and the earned leave surrendered shall not exceed the maximum earned leave admissible to the Government servant concerned.

$Note 1- Entries regarding number of days surrendered, date of surrender and the debit from earned leave account shall be made in the service book of the Government servant concerned immediately after issue of orders by the drawing and disbursing officers.

$Note 2- The Government servants deputed on foreign service shall also be eligible for surrender of earned leave under this rule.

$Note 3- A Government servant whose suspension has been revoked and reinstated in service, may surrender earned leave under this rule on the eligible date, provided he,-

(i) applies for surrender within one month from the date of receipt of order regulating the period of suspension; and

(ii) has earned leave at his credit on the eligible date after regulating the period of suspension.

$ (Inserted vide G.O. Ms. No. 166, P&AR (FR-IV) Dept., dt. 03.12.2018 – w.e.f .03.12.2018)

SECTION II—GRANT OF LEAVE

A.—PERMANENT GOVERNMENT SERVANTS IN SUPERIOR SERVICE.

Earned Leave

8 (a) The leave account of every permanent Government servant, including approved probationer, who is serving in a department other than vacation department, shall be credited with earned leave in advance in two instalments of fifteen days each on the first day of January and July of every calendar year.

(b) The leave at the credit of a permanent Government servant, including approved probationer, at the close of the previous half-year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit due for the half year does not exceed the maximum limit of 240 days:

Provided that the earned leave at the credit of a Government servant as on the last day of December or June is 240 days or less but more than 225 days, the advance credit of 15 days earned leave on the first day of January or July to be afforded shall, instead of being credited in the leave account, be kept separately and first adjusted against the earned leave that the Government Servant, takes or surrenders, during, that half year and the balance, if any, shall be credited to the leave account at the close of the half year, subject to the condition that the balance of such earned leave plus leave already at credit does not exceed the maximum limit of 240 days:

Provided further that the earned leave shall be credited to the leave account of a permanent Government servant, including approved probationer, at the rate of 2½ days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed:

Provided also that the earned leave shall be credited to the leave account of a permanent Government servant, including approved probationer, who is due to retire or resign from the service at the rate of 2½ days per completed calendar month upto the date of retirement or resignation, as the case may be:

Provided also that when a permanent Government servant including approved probationer is removed or dismissed from service or dies while in service, earned leave shall

be credited at the rate of 2½ days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies while in service, as the case may be:

*** Provided also that if a permanent Government servant including approved probationer has availed of extra-ordinary leave (with or without Medical Certificate) or some period of absence has been treated as dies-non in a half-year , the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by one-tenth of the period of such leave or dies-non, subject to a maximum of 15 days:**

*** Provided also that in respect of permanent Government servant including approved probationer in superior service, the earned leave shall be worked out at one-eleventh of duty period and in respect of non-permanent Government servant namely, Probationer or temporary, in superior service and permanent Government servant not in superior service and Government servant, in Basic Service who have not completed five years regular service, the earned leave shall be worked out at one-twenty second of duty period upto 30th June 1994 and the balance number of days shall lapse.**

[G.O. Ms. No. 156, P&AR (FRIV) Dept., dt. 06-09-1999.]

**[Inserted Vide G.O. Ms. No. 24, P&AR (FR-IV) Dept., dt. 09-02-2001 – w.e.f. 01.07.1994.]*

Explanation.—For the purpose of crediting earned leave.—

(i) fractions of a day shall be rounded off to the nearest day;

(ii) if a Government servant is on leave on the last day of any particular half of a calendar year, earned leave shall be credited on the first of the succeeding half-year, provided that the authority competent to grant leave has reason to believe that the Government servant will return to duty on the expiry of leave."

[G.O. Ms. No. 156, P&AR (FR IV) dept dt. 6-4-99, with effect from 1-7-1994.]

9. (*a*) If a permanent Government servant in superior service is in a vacation department, his earned leave shall, for each year of duty in which he has availed himself of the vacation, be reduced by 30 days. If a part only of the vacation has been availed of in any year, the period by which the earned leave shall be reduced shall be fraction which bears to thirty days the same proportion as the part of the vacation availed bears to the full period of the vacation.

(b) (i) If a permanent Government servant in superior service is in the X-Ray or Radium Department of Government Medical Institutions and is actually exposed to the risk of radiation or if a permanent Medical Officer, a Nursing Superintendent, a Head Nurse, a Nurse, an Auxiliary Nurse, Midwife or a Health Visitor is in a Government Tuberculosis Institution or Sanatorium or Tuberculosis Department of the Government Medical Institutions, he should be granted compulsory leave of 30 days after 11 months of duty, subject to the conditions that accumulation of this leave for the succeeding years shall not be permissible.

(ii) Compulsory Leave of 30 days shall be granted each year to the Laboratory Technicians, the Sweepers and the Lascars who have actually worked for 11 months excluding earned leave availed of during the period in the District Tuberculosis Centres and Tuberculosis Chest Clinics attached to the Government Medical Institutions, when they are only engaged throughout in the Collection of Sputum slides, cleaning and asterilising them, subject to the condition that accumulation of this leave for the succeeding years shall not be permissible"

[G.O. Ms. No. 182, P & A.R. (FR.V) dept., dt. 5-6-1995.] (w.e.f. 6th May 1986)

RULINGS.

(1) The compulsory leave referred to in rule (b) will be granted only after every eleven months of duty in the X-ray or Radium department of a Government Medical Institution or in a Government Tuberculosis Institution, or Sanatorium or Tuberculosis departments of the Government Medical Institutions. Broken periods of duty may be taken into account for the purpose of eleven months of duty provided the interruption on account of leave or otherwise does not exceed a period of fifteen days.

The period of joining time being not actual duty should not be taken into account as an interruption for calculating fifteen days limit.

(G.O. Ms. No. 277, Finance, dated 17th February 1956.)

(Memo. No. 57946/F.R./64-1, dated 23rd June 1964.)

(2) The officers who are deputed for short-term training in Radiology and for D.M.R. Course and who are posted to full-time X-ray posts after the completion of the short-term training of deputation and officers deputed for the T.D.D. Course or training at the National Tuberculosis Institute, Bangalore and who are posted to the Tuberculosis institutes or clinics after the completion of the deputation shall be allowed to count for the purpose of grant of compulsory leave under Rule 9 (b) the period of their short-term training or deputation, as the case may be. Such officers may be granted compulsory leave during the period of training itself, after they have undergone training for a period of eleven months for the D.M.R. or the T.D.D. Course or training at the National Tuberculosis Institute, Bangalore. The period of training may be taken into account in reckoning the period of eleven months in the case of an officer who is posted to the X-ray department (full-time post) within a period of fifteen days after the completion of training. The instructions in ruling (1) will apply in the case of an officer whose training or deputation is interrupted by leave.

(Finance Memo. No. 111126/F.R.58-4, dated 23rd February 1959.)

(3) When a Government servant, subject to the Tamil Nadu Leave Rules, 1933 and serving in a vacation department proceeds on leave before completing a full year of duty, the earned leave admissible to him will be calculated not with reference to the vacation which falls during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date following the date on which he completed the previous year of duty.

In cases where (i) no vacation falls between the date of officers' proceeding on leave and the date of completion of last year of duty and (ii) if any vacation falls it has been enjoyed in full, no credit is to be afforded in respect of the incomplete year of duty rendered before proceeding on leave. Where however vacation falls between the date of proceeding on leave and the date of completion of last year of duty and has been enjoyed only partly, credit is to be afforded in respect of the incomplete year of duty on the analogy of ruling (3) under rule 82 of the Fundamental Rules.

The term "each year of duty" and "in any year" should be held to be exclusive of leave.

(Finance Memo No. 67940/F.R./60-5, dated 29.10.1960 and No. 181219/F.R./60-3, dated 31.1.1961.)

10. The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

11. A permanent Government servant in superior service may at any time granted the whole or any part of the leave due to him subject to a maximum of 180 days.

12. Earned leave may be combined with vacation but the combined period of such leave and vacation shall not exceed the limit up to which leave may be accumulated by the officer concerned under rule 8.

RULINGS.

(1) Unearned leave including commuted unearned leave on full pay may be combined with vacation or sandwiched between two periods of vacation.

(G.O. Ms. No. 58, Finance, dated 12th January 1953.)

(2) Where a Government servant is granted earned leave and commuted leave on full pay in combination with periods of vacations or sandwiched between two periods of vacations, the restriction regarding the limitations of leave to the maximum accumulation of earned leave permissible under the rules is not applicable. It is applicable only when earned leave is combined with vacation. Unearned leave on private affairs or on medical certificate including commuted unearned leave on full pay may be granted in combination with period of vacations or sandwiched between two periods of vacations, subject to the restrictive provisions of Rule 14 of the Tamil Nadu Leave Rules 1933.

(Finance Memo No.67634/F.R./59-2, dated 11.8.1959 and No. 125599/F.R./59-3, dated 8.3.1960.)

Unearned Leave.

(i) Leave on private affairs.

13. Leave on private affairs may be granted to a permanent Government servant in superior service for six months in all and up to a maximum of three months at a time for the first ten years of service which may be carried forward beyond ten years when alone he shall be eligible for the full period of six months.

14. Leave on private affairs may be combined with earned leave, but the total amount of leave so combined, admissible at any one time, shall be limited to six months.

(ii) Leave on medical certificate.

15. Leave on medical certificate may be granted to a permanent Government servant in superior service for eighteen months in all, only on production of a certificate from such medical authority as the Government may, by general or special order, prescribe and for a period not exceeding the period of leave recommended in the certificate with reference to the period of service specified in column (1) of the Table below subject to the restriction of the period of leave specified in the corresponding entry in column (2) thereof.

The Table.

Period of service.	***Period of leave***
(1)	*(2)*
Upto and inclusive of 5 years	*3 months*
More than 5 years but up to and inclusive of 10 years	*6 months*
More than 10 years but up to and inclusive of 15 years	*9 months*
More than 15 years but up to and inclusive of 20 years	*12 months*
More than 20 years	*18 months*

***Provided that the period of leave referred to in column (2) of the Table above shall be reduced by the period of leave, if any, already availed of:**

***Provided further that the restriction of the period of leave with reference to the period of service referred to in the Table above shall not apply in the case of treatment of tuberculosis or leprosy or cancer or Hansen's disease:**

***Provided also that with effect on and from the 10th October 1988, an approved probationer or a permanent Government servant who undergo coronary surgery, Kidney transplantation or Retina transplantation shall also be permitted to avail Unearned leave on Medical certificate without the restriction stipulated in this rule for the period for which a certificate is given by a recognised institution, where the Government servant undergo such treatment.**

**[G.O. Ms. No. 595, P&AR (FR-II) Department, dated 3.11.1989 — w.e.f. 10th October 1988.]*

15-A. Unearned leave with allowances may, in no case be granted, unless the sanctioning authority is satisfied, that as far as can be reasonably foreseen, the Government servant will return to duty, provided that such leave may be granted preparatory to retirement. Government servants may, however, be granted such leave in cases where they die or are invalidated on medical grounds before or after sanction of such leave for the period of absence till the date of death or invalidation, as the case may be.

[G.O. Ms. No. 795, Finance (F.R.-I)dept., dated 22nd July 1976.]

RULINGS.

(1) Government servants may be granted "leave not due" under the Fundamental Rules and unearned leave on medical certificate under the Tamil Nadu Leave Rules for the treatment of tuberculosis, subject to the following conditions:—

(i) This concession will be limited only to permanent Government servants and approved probationers in the various services.

(ii) A medical certificate, from the Government servants authorized medical attendant or the medical officer in charge of a recognized sanatorium in the case of those undergoing treatment in a recognised sanatorium, should be produced. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by appropriate medical authority.

(iii) In the case of leave not due granted under the Fundamental Rules, the Government servant concerned should have enough service after his return to duty within which he would be able to wipe off the debit balance before reaching the age of superannuation.

(Finance Memo. No.85539, C.S.R.2, dated 28th November 1953.)

(2) The instructions in ruling (1) will be extended to the case of Government servants suffering from leprosy and undergoing treatment either under a recognised medical attendant or in a leprosy institutions.

(Finance Memo. No.32405, C.S.R.2, dated 28th April 1954.)

(3) In cases where the second period of unearned leave on private affairs preparatory to retirement is taken within a month of duty and the competent authorities are of the view that it is done in order to evade the operation of rule 15-A of the Tamil Nadu Leave Rules, the two periods of leave shall be treated as one and the leave already sanctioned revised in accordance with rule 15-A the excess leave salary, if any, being recovered from the Government servant concerned.

(Memo. No. 22375/F.R./58-2, dated 14th March 1958.)

(4) The authority sanctioning leave shall get, from the Government servant, who applies for unearned leave with allowance, an undertaking that he will refund the leave salary for the period of unearned leave in case he does not return to duty after expiry of leave. In the case of Government servant who dies while on unearned leave on Medical Certificate or is invalidated on medical grounds on the expiry of such leave or during the course of leave, the refund of leave salary drawn till date of death/invalidation shall not arise.

[G.O. Ms. No. 795, Finance (F.R.I), dated 22nd July 1976.]

(5) The production of the certificate from the Medical Officer regarding the reasonable prospect of the Government servant returning to duty on the completion of his treatment for tuberculosis or leprosy or cancer or hansen's disease *@or Coronary Surgery or Kidney Transplantation or Retina Transplantation* shall be dispensed with for the entire period of eighteen months of unearned leave on medical certificate on full pay.

[G.O. Ms. No. 421, Finance (F.R.I), dated 27th March 1974.]

@[G.O. Ms. No. 596, P&AR (FR.II) Department, dated 3.11.1989 — w.e.f. 10th October 1988.]

15-B. *Deleted*.

(iii) Extraordinary leave.

16. Extraordinary leave may be granted to a permanent Government servant in superior service in special circumstances—

(i) when no other leave is admissible under these rules, or

(ii) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave.

B.—PERMANENT GOVERNMENT SERVANTS IN BASIC SERVICE.

Earned Leave.

17(1) The leave account of every Government servant in the Basic Service shall be credited with earned leave as provided in sub-rules (a) and (b) of rule 8 on completion of five years of regular service. In case he has put in less than five years of regular service, earned leave shall be credited to the leave account at the rate of 2 ½ days for every two completed

calendar months of service which he is likely to render in a half-year of the calendar year subject to a maximum of thirty days.

[G.O. Ms. No. 156, P & AR (FR IV) Dept., Dt. 6-9-1999. with effect from 1-7-1994.]

If the Government servant is in a vacation department, his earned leave shall be reduced by fifteen days, if he has not completed five years of regular service and by thirty days, if he has completed five years of regular service, for each year of duty in which the Government servant has availed himself of the vacation. If a part of the vacation has been availed of in any year the period by which the earned leave shall be reduced shall be a fraction of fifteen days or thirty days, as the case may be, equal to the proportion which the part of vacation availed of bears to the full period of the vacation.

(G.O. Ms. No. 507, Personnel and Administrative Reforms dept., dated 27th May 1983.)

(2) The amount of leave due is the amount of earned leave diminished by (a) the amount of earned leave which has been taken and (b) one half of the special disability leave taken on full pay under Fundamental Rule 83 (7) (b).

(3) A permanent Government servant in basic service may at any time be granted the whole or any part of the leave due to him.

(4) Earned leave may be combined with vacation but the combined period of such leave and vacation shall not exceed 60 days.

RULINGS.

(1) Please *see* ruling (1) under Rule 12.

(2) Where a Government servant is granted earned leave and commuted leave on full pay in combination with periods of vacation or sandwiched between two periods of vacations, the restriction regarding the limitation of leave to the maximum accumulation of earned leave permissible under the rules is not applicable. It is applicable only when earned leave is combined with vacation. Unearned leave on medical certificate including commuted unearned leave on full pay may be granted in combination with periods of vacation or sandwiched between two periods of vacations.

(Finance Memo. No.12559/F.R./59-3, dated 8th March 1960.)

(3) When a Government servant subject to the Tamil Nadu Leave Rules, 1933 and serving in a vacation department, proceeds on leave before completing a full year duty, the earned leave admissible to him will be calculated not with reference to the vacation which falls during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date following the date on which he completed the previous year of duty.

In cases where (i) no vacation falls between the date of the officers proceeding on leave and the date of completion of last year of duty and (ii) if any vacation falls it has been enjoyed in full no credit is to be afforded in respect of the incomplete year of duty rendered before proceeding on leave. Where, however vacation falls between the date of proceeding on leave and the date of completion of last year of duty and has been enjoyed only *partly*, credit is to be afforded in respect of the incomplete year of duty on the analogy of ruling (3) under Rule 82 of the Fundamental Rules.

The term “each year of duty” and “in any year” should be held to be exclusive of leave.

(Finance Memo. No.67940/F.R./60-5, dated 29.10.1960 and No.131213/F.R./60-3, dated 31.1.1961.)

Unearned Leave.

18. A permanent Government servant in basic service may be granted leave on medical certificate for six months in all:

Provided that the maximum period of leave admissible under this rule shall be extended to eighteen months if the Government servant concerned is undergoing treatment for tuberculosis, leprosy, cancer or hansen’s disease @*coronary surgery, kidney transplantation or Retina transplantation* subject to the production of a medical certificate from the medical

officer in-charge of a recognised medical institution of his having undergone regular treatment during the period of such leave.

[G.O. Ms. No. 1286, Finance (F.R.I.), dated 16th October 1973.]

@[G.O. Ms. No. 596, P. & A.R. (FR. II) Dept., dt. 3-11-1989.]

18-A. Unearned leave with allowances may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen the Government servant will return to duty.

RULINGS.

(1) Please *see* ruling (1) under Rule 15-A.

(2) Please *see* ruling (2) under Rule 15-A.

(3) Please *see* ruling (4) under Rule 15-A.

18-B Deleted.

19. Extraordinary leave may be granted to a permanent Government servant in basic service on the same terms as for a permanent Government servant in superior service.

19-A. Government servants in Tamil Nadu Basic Service who have put in a service for a period of not less than fifteen years shall be entitled for leave benefits as applicable to Government servants in superior service under these rules.

[G.O. Ms. No. 1057, Personnel and Administrative Reforms (F.R.I)dept., dated 19.9. 1979 - w.e.f.8.2.1971]

Provided that the earned leave shall be regulated in accordance with rule 17.

[G.O. Ms. No. 926, Personnel and Administrative Reforms (F.R.III) Dept., dated 23.9.1982.]

RULING.

The condition in rule 19-A shall be deemed to be satisfied only if the Government servant concerned has served in a post in regular capacity for a total period of 15 years. Service under rule 7(a) of the Tamil Nadu Basic Service prior to date of regularisation, if any, shall be ignored in reckoning the period of 15 years of service.

[G.O. Ms. No. 45, Personnel and Administrative Reforms (F.R.III) Dept., dated 20th January 1982.]

C.—NON-PERMANENT GOVERNMENT SERVANTS IN SUPERIOR OR BASIC SERVICE.

20. In the case of a non-permanent Government servant (probationer and temporary) in superior service or a Government servant in the Basic service who has put in less than five years of regular service, earned leave shall be credited at the rate of 2 1/2 days for every two completed calendar months of service which he is likely to render in a half year of the calendar year subject to a maximum of thirty days:

Provided that in the case of a non-permanent Government servant employed in the X-ray or Radium department of the Government Medical Institute or employed as Medical Officer in a Government Tuberculosis Institution of Sanatorium or in the Tuberculosis departments of the Government hospitals, earned leave shall be credited as provided in sub-rules (a) and (b) of rule 8.

[G.O. Ms. No. 156, P & AR (FR.IV) Dept., dt. 6-9-1999, with effect from 1-7-1994.]

21. The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

22. A non-permanent Government servant in superior service may be granted the whole or any part of the leave due to him.

22A. Earned leave may be combined with vacation, but the combined period of such leave and vacation shall not exceed thirty days.

RULINGS.

(1) Please *see* ruling (1) under Rule 12.

(2) Please *see* ruling (3) under Rule 17.

23. (*a*) A non-permanent Government servant in superior service may also be granted—

(i) if he has completed two years of regular service, leave on medical certificate for not exceeding one hundred and eighty days in all, subject to the restriction of ninety days for the first five years of service which may be carried forward beyond five years of service.

(ii) extraordinary leave not exceeding six months at any one time.

Provided that the leave for a longer period of twenty four months may be granted to a Government servant, if he has been in continuous service for a period exceeding one year and if he is undergoing treatment for tuberculosis or leprosy in a recognised Sanatorium or suffering from pulmonary tuberculosis and undergoing treatment at his residence under the care of tuberculosis or leprosy specialist, as the case may be recognised as such by the state Administrative Medical Officer concerned and produces a certificate signed by that Specialist and that he has reasonable chances of recovery on the expiry of the leave recommended.

Provided further that the period of absence exceeding the period of eligible leave under clause (ii) may be treated as "non-duty" in cases where exceptional circumstances exist which rule out the possibility of relaxation of this rule or removal from service as provided in General Rule 10 (a) (v) (in Part-II of the Tamil Nadu State and Subordinate Services Rules) or removal from service under the Tamil Nadu Civil Services Classification, Control and Appeal as the case may be. Such absence without leave shall constitute an interruption of service and the past service shall not count for the purpose of leave. The leave earned prior to such absence shall also lapse.

(iii) There shall be an interval of a period of three years between two spells of the maximum leave so granted.

[G.O. Ms. No. 478, P. & A.R. (FR. Spl.) Dept., dated the 21.11. 1990. - w.e.f. 13th November 1987]

(b) A non-permanent Government servant in basic service may be granted extraordinary leave as in clause (ii) of sub-rule (a).

(c) A non-permanent Government servant in basic service, who has completed one year's continuous service, may be granted leave on medical certificate for a maximum period calculated at ten days for every completed year of his service less the amount of leave taken under this rule. If he is appointed substantively to a permanent post without interruption of his service, any leave so granted shall be reckoned as leave on medical certificate for the purpose of rule 18. An approved probationer may, however be granted leave for eighteen months in all less the amount of leave taken under this rule, for the treatment of tuberculosis, leprosy, cancer or Hansen's disease *@coronary surgery, kidney transplantation or retina transplantation* subject to the production of a medical certificate from the medical officer incharge of a recognised medical institution of his having undergone regular treatment during the period of such leave.

[G.O. Ms. No. 807 (F.R.I), dated 24th July 1976.]

@(G.O. Ms. No. 596, P. & A.R. Dept., dt. 3-11-1989 w.e.f. 10-10-1988.)

Note.—Notwithstanding the provisions of the above rule, all heads of departments are empowered to grant leave as follows to a Government servant of a subordinate service who is on probation and whose probation has been terminated but who has been subsequently reinstated on appeal to cover the period of non-employment:—

(1) earned leave at his credit on the day of termination of probation; and

(2) extraordinary leave to the extent necessary.

(d) Non-permanent Government servants governed by the Tamil Nadu Leave Rules may also be granted special disability leave under the terms and conditions applicable to permanent Government servants (*See* Note under Fundamental Rule 83).

RULINGS.

(1) Method of calculation of leave admissible to Government servants on promotion from "Basic" to "Superior" service under Tamil Nadu Leave Rules, 1933—

A Government servant in basic service may become eligible for leave in accordance with the rules applicable to permanent Government servants in superior service. In such case, the earned leave due to the Government servant should be calculated at 1/22 of the period spent on duty in basic service and at 1/11 of the period spent on duty in superior service subject to the condition that the maximum is applied in both the cases separately. In other words, the earned leave due to the Government servant in basic service should first be calculated at 1/22 of duty and the limit of sixty days applied. The balance of earned leave should then be carried over and added to the account of earned leave admissible from the date on which he became eligible for leave at 1/11 of duty as for other Government servants in superior service the total amount of earned leave being restricted to 180 days.

(G.O. No. 409, Finance, dated 24th November 1937.)

A non-permanent Government servant, who has held without a break first a superior post and again alternatively basic and superior posts, should be allowed leave to the same extent as a person promoted from basic to superior service.

(Finance Memo No. 67237/C.S.R. 1, dated 24th September 1951.)

The leave earned by a Government servant in a superior post will be allowed to be carried forward on reversion to a post in a basic service provided that the maximum permissible leave in the latter class of post is not exceeded. Any balance of leave earned in a superior post, which it has thus not been possible to carry forward on reversion to a post in basic service, will be credited to his leave account, if and when the Government servant concerned is again promoted to superior post. If a Government servant gets a reversion or promotion while on leave, his leave account shall be revised with effect from that date according as the Government servant is basic servant or a superior servant.

(G.O. Ms. No. 1573, Finance, dated 25th September 1956.)

(2) The condition in rule 23 (*a*) (i) should be deemed to be satisfied only if the Government servant concerned has served in a post in a regular capacity for a continuous period of two years. Service under rule 10 (a) (i) of the general rules, prior to the date of regularizations, if any should be ignored, in reckoning the period of service of two years.

(Finance Memo No. 7534-C.S.R. 2, dated 9th February 1954.)

The condition in rule 23 (*c*) should be deemed to be satisfied only if the Government servant concerned has served in post in a regular capacity for total period of one year. Service under rule 7(a) of the Tamil Nadu Basic Service Rules prior to the date of regularization, if any should be ignored in reckoning the period of service of one year.

(Finance Memo No. 91805-C.S.R.-A, dated 12th November 1956.)

(3) The grant of extraordinary leave to temporary Government servants undergoing treatment for tuberculosis or leprosy in a recognised sanatorium is subject to the following conditions:—

(i) the post from which the Government servant proceeds on leave is likely to last till his return to duty; and

(ii) a certificate from the medical officer in-charge of the sanatorium specifying the period for which leave is recommended should be produced.

(G.O. Ms. No. 229, Finance, dated 3rd November 1943.)

Extraordinary leave up to twelve months may be granted also to temporary Government servants suffering from tuberculosis of any part of the body on the production of a certificate by a qualified Tuberculosis Specialist or a Civil Surgeon.

(Finance Memo No. 25174-C.S.R.-1, dated 2nd June 1945.)

(4) Please see ruling (1) under Rule 12.

(5) Please see ruling (1) under Rule 15-A.

(6) Please see ruling (2) under Rule 15-A.

(7) The benefit of unearned leave on medical certificate under Rule 23 (a) (i) of the Tamil Nadu Leave Rules, 1933, may be extended to re-employed pensioners, if they have put in a continuous service of not less than two years on re-employment terms.

(Finance Memo No. 61718-C.S.R.2, dated 21.6.1954 and No. 52090-F.R.59-2, dated 9th July 1959.)

(8) (*a*) Non-Permanent Group A and B Government servants on extraordinary leave, suffering from pulmonary tuberculosis or Tuberculosis of any other part of the body, on resuming duty should produce a fitness certificate from a Medical Committee as laid down in Rule 11 under Section III of Annexure II of Fundamental Rules. A Tuberculosis Specialist should also be co-opted as member of the Medical Committee.

(*b*) Non-Permanent Group C and D Government servants on extraordinary leave, suffering from pulmonary tuberculosis on resuming duty should produce a certificate of fitness either from the Medical Officer-in-charge of a recognized sanatorium or from a Tuberculosis Specialist recognized by the Government, while such a Government servant suffering from tuberculosis of any other part of the body should produce a certificate from a qualified Tuberculosis Specialist or a Civil Surgeon.

(Finance Memo No. 24392-A/F.R./58/2, dated 5th April 1958.)

(9) Non-permanent Government servants governed by the Tamil Nadu Leave Rules who have not completed probation, can be given full pay during special disability leave only for the first thirty days of the leave, the maximum period for which they can accumulate earned leave at a time.

(Finance Memo No. 36950/F.R.2, dated 22nd May 1959.)

(10) A non-permanent Government servant in superior service who has proceeded on leave prior to the completion of two years of service may be granted leave on Medical Certificate during any period after the completion of two years of service. This leave may be availed of during the course of a spell of leave or during an extension thereof if by that time he has completed two years of service.

(G.O. Ms. No. 688, Finance, dated 6th August 1968.)

(11) Please *see* ruling (4) under Rule 15-A.

[G.O. Ms. No. 1331, Finance (F.R.), dated 3rd October 1972.]

24. If an interruption of duty other than leave occurs in the service on a non-permanent Government servant, the earned leave to his credit shall lapse.

25. Notwithstanding anything contained in rules 20, 23 and 24, a probationer in superior service who has completed or is deemed to have completed his period of probation satisfactorily shall be eligible for such leave as would be admissible to him if he held his post substantively but, if at any time he ceases to be a Government servant for want of a vacancy and is subsequently re-appointed, his leave account shall—

(i) be credited with the amount of earned leave due to him on the day when he last ceased to be a Government servant; and

(ii) be credited with the amount of all unearned leave taken by him prior to such date.

Notes.—(1) The concession specified in rule 9 (b) will apply to approved probationers in superior service who are employed in X-ray and Radium department of Government medical institutions.

(2) Non-permanent workers of the Government Press, Madras, who come within the purview of Chapter IV-A of the Factories Act, 1934 and who have completed a period of twelve months continuous service, within the meaning of the Explanation to section 49-B of the said Act, shall be deemed to have completed their probation satisfactorily for purposes of earning leave.

RULINGS.

Scope of Rule 25.

(1) Government have decided that though rule 25 enables an approved probationer, who is awaiting substantive appointment to a permanent post to earn and be granted leave as a permanent Government servant, it does not authorize the re-calculation of his leave account in respect of his

previous duty. Such a re-calculation should be made only after the Government servant is substantively appointed to a permanent post.

(G.O. Ms. No. 380, Finance, dated 21st November 1939.)

(2) The benefit of rule 25 will also apply to approved probationers in categories in which there are no permanent posts and who consequently have no chance of confirmation.

(Finance Memo. No. 110629-C.S.R.-2, dated 19th January 1956.)

(3) The incumbents of the temporary posts under the Rural Welfare Scheme who had put in a satisfactory service of two years within a continuous period of three years shall be deemed to have completed their probation to enable them to earn leave as permanent Government servants. They shall be treated as approved probationers for purpose of grant of leave under the Tamil Nadu Leave Rules even after their transfer to other departments or from one cadre to another.

(Finance Memo . No. 33987, F.R. 60-2, dated 19th April 1960.)

26. The grant of leave to a non-permanent Government servant shall be subject to the condition that, but for the grant of the leave, he would have continued to hold a post in Government service until the expiry of the leave.

Note.—A re-employed Government servant may be granted on the termination of his appointment the amount of leave earned by him during the period of employment but subject to a maximum of 30 days provided that he had formally applied for the leave in sufficient time and been refused it on administrative grounds.

RULING.

Government servants who are re-employed after retirement for more than one term may be permitted to carry forward the periods of leave earned in the earlier spells of re-employment to subsequent spells irrespective of the number of such extension subject to the provisions of Tamil Nadu Leave Rule 26 and of the note there under, provided that the re-employment is continuous.

(Finance Memo No. 75698-C.S.R.-1, dated 13th August 1954.)

27. If a non-permanent Government servant is substantively appointed to a permanent post, his leave account shall—

(i) be credited with the amount of earned leave which would have been admissible to him if he had been a permanent Government servant in respect of his previous duty, diminished by (a) amount of earned leave, which had been taken, and (b) one-half of special disability leave taken on full pay-under Fundamental Rule 83 (7) (b); and

(ii) be debited with the amount of all unearned leave taken by him prior to the date of his substantive appointment.

Explanation.—"Previous duty" in this rule means—

(*a*) duty before the date on which probation is completed or is deemed to have been completed satisfactorily, uninterrupted otherwise than by leave; and

(*b*) duty on and after the said date.

Note.—The benefits of the above rule shall be extended to all approved probationers who have put in a total service of five years,

RULINGS.

(1) The authority which granted leave to a Government servant can commute it retrospectively into leave of a different kind which may be admissible but the Government servant cannot claim it as a matter of right.

(G.O. No. 400, Finance, dated 5th September 1936.)

(2) Extraordinary leave granted during probation, where there was no earned leave at credit, cannot however, be commuted retrospectively into earned leave. The additional credit in the leave account arising on confirmation due to the re-casting of the leave account under rule 27 can be utilized only for leave taken subsequent to such confirmation.

(Finance Memo. No. 10877-1, C.S.R., dated 11th April 1940.)

(3) It is not permissible to commute extraordinary leave granted to a probationer into earned leave when the latter becomes available consequent upon the re-calculation of his leave account with reference to rule 27. The intention of the rule is to provide only for a retrospective calculation of the leave at credit on the date of confirmation with a reduction on account of the earned leave already taken. Except for the carry forward of the re-calculated credit on confirmation, leave earned and taken should be a closed chapter at that point and no re-adjustment of any leave taken is automatically permissible as a consequence of such re-calculation. The closed chapter may, however, properly be re-opened, for instance, to correct a miscalculation of leave earned or taken or to readjust leave earned and taken when confirmation is ordered with retrospective effect or at the discretion of the sanctioning authority, to convert leave of any one kind already taken into leave due of any other kind admissible *'at the time leave was originally taken*'. Except in the above cases the commutation of extraordinary leave taken during temporary service when no other leave was due into earned leave on confirmation will be irregular and not in accordance with rules.

(G.O. No. 51, Finance, dated 24th February 1942.)

(4) A question was raised whether a Government servant confirmed with retrospective effect could be allowed to commute the extraordinary leave taken during the period of retrospective confirmation, into earned leave to which he was entitled as a result of the recalculation of the leave account with reference to rule 27. The intention is that all persons should, from the date of their confirmation, whether ordered with retrospective effect or not, get the leave benefits admissible to permanent Government servants. Commutation of extraordinary leave into earned leave will be permissible if such leave taken falls *subsequent* to the date of confirmation, no readjustment or commutation of leave taken prior to the date of confirmation will, however, be permissible.

(G.O. Ms. No. 335, Finance, dated 20th March 1950.)

(5) When a Government servant is declared to have satisfactorily completed his probation with retrospective effect, his leave account should be recast with effect from the date of completion of probation and the leave already availed of between that date and the date of issue of orders regarding completion of probation may be altered to the advantage of the Government servant at his option.

(G.O. Ms. No. 118, Finance, dated 14th February 1968.)

(6) Service rendered in respect of an appointment under Emergency provisions is not a regular service as contemplated in the Tamil Nadu State Service Rules. Such service should not therefore be treated either as "previous duty" for the purpose of Rule 27 or included in the total service of 5 years for the purpose of note under that Rule.

(Finance Department Memo. No. 38020/C.S.R.-1, dated 14th June 1952.)

SECTION II-A-LEAVE FOR EMPLOYMENT ABROAD

Notwithstanding anything contained in the provision under the Tamil Nadu Leave Rules or under Fundamental Rules 18, Government servants may be sanctioned extraordinary leave without allowance for employment abroad, subject to the following conditions, namely:—

(1) **Government Servants who seek employment abroad either through Overseas Manpower Corporation Limited or other available sources may be sanctioned extraordinary leave without pay and allowances for a maximum period of five years, after verifying the genuineness of employment abroad by way of appointment order or visa or other documents.**

(2) **The initial period of such leave shall be limited to the initial period of employment offered by the employer abroad, or in the absence of orders of appointment, such leave may be sanctioned initially for a period of one year, based on the Visa obtained, and further extension of the leave may be granted on production of evidence that he continues or continued to be in the same job or is or was employed by another genuine employer abroad.**

(3) **The period of absence on leave for employment abroad shall be counted as service for the purpose of pension only, if necessary pension contribution are paid by the Government servant to the Accountant General, Tamil Nadu from time to time, with appropriate interest for belated payments, if any.**

(4) **Employment with United Nations Organisations or any other foreign assignment through the Government of India shall not fall under the purview of leave for employment abroad.**

(5) **The period of leave for employment abroad shall neither count as service nor shall it be taken into account for calculation of accrued leave. The employee shall settle his terms of leave and leave salary with the employer abroad.**

[G.O. Ms. No. 173, P&AR (FR.IV) Department, dated 28-3-1996-with effect from 12th August 1994.]

SECTION III—LEAVE-SALARAY.

28. A Government servant in superior service—

(a) while on earned leave, or on unearned leave on medical certificate is entitled to leave salary equal to his pay;

(b) while on leave on private affairs is entitled to leave-salary equal to half pay.

[G.O. Ms. No. 807, Finance (F.R.I.), dated 24th July 1976.]

(c) while on extraordinary leave, is not entitled to any leave.

Note 1.—In the case of a re-employed Government servant, leave salary equal to Full pay is admissible only upto the maximum period prescribed for non-permanent Government servant under rule 20.

Note 2.—Medical Officers and physicists in the Radiology Department shall draw during the period of their compulsory earned leave, their X-ray special pay for a period of not exceeding one month every year.

Note 3.—A Government servant governed by these rules who is granted study leave shall not be eligible for the benefit of the minimum leave-salary prescribed in Rule 90 of the Fundamental Rules. He will draw during such leave half-pay, subject to the limits prescribed in clause (b) of this rule.

@Note 4.—"While on extraordinary leave for the treatment of Tuberculosis, Leprosy, Cancer or Hansen's disease, a Government servant is entitled to an ex-gratia allowance equal to half of his basic pay subject to a maximum of Rs. 250 (Rupees two hundred and fifty only) per mensem and a minimum of Rs. 125 (Rupees one hundred and twenty five only) per mensem".

@(G.O. 539, dated 17th October 1989 w.e.f. 26-10-87.)

Note 5.—The Assistant Surgeons who are granted study leave for undergoing the Diploma in Radiology Course are eligible for the X-ray Special Pay of Rs. 50 per mensem for the period of study leave and also for the period of earned leave and unearned leave, where such leave at the credit of the Assistant Surgeons is combined with study leave.

Note 6.—In the case of a person to whom the Employee's State Insurance Act, 1948 (Central Act XXXIV of 1948) applies leave salary admissible during leave other than earned leave shall be reduced by the amount of benefit admissible under the said Act, for the corresponding period.

(G.O. Ms. No. 934, Finance, dated 26th August 1965.)

Note 7.—Omitted.

[G.O. Ms. No. 844, P. & A.R. (F.R.3.) Dept., dt. 2-9-1985, w.e.f. 23-11-1979.]

RULINGS.

1. The leave salary of a non-permanent Government servant in superior service, who completed the period of probation, should be regulated under Rule 4 (*d*) (*i*) (*b*), though under Rule 25 he is allowed a concession to earn leave as admissible to a permanent Government servant.

(Finance Memo. No. 79699/C.S.R.-7, dated 1st April 1955.)

2. The competent authority should insist upon the production of a Medical Certificate before sanctioning extraordinary leave for the treatment of tuberculosis and leprosy. The ex-gratia allowance will be admissible only when the Government servant is not eligible for any other leave with allowances and the Medical Officer certifies that there is a reasonable prospect of the Government servant concerned becoming fit to resume his duties after the completion of his treatment. The Drawing Officer shall record on the bill claiming the ex-gratia allowance, a certificate to the effect that according to the Medical opinion there is a reasonable prospect of the Government servant returning to duty at the completion of treatment.

Provided that the certificate from Medical Officer regarding the reasonable prospect of the Government servant returning to duty at the completion of his treatment may be dispensed with in respect of the first spell of extraordinary leave of one year.

(G.O. Ms. No. 961, Finance, dated 30th July 1970.)

Provided that the above ex-gratia allowance shall be allowed to a Government servant as long as he remains as inpatient in any Government Hospital for any length of period and to others for a maximum period of two years.

(G.O. No. 539, dated 17-10-88 w.e.f. 26-10-87.)

The ruling will also apply to the Basic Government servant.

(Finance Memo. No. 12954/F.R./64-4, dated 28th October 1965.)

3. A Government servant whose pension is drawn separately during re-employment and who proceeds on earned leave, or half pay leave, or commuted leave will be entitled to leave salary based on the net re-employed pay (i.e. exclusive of the pension and or pension equivalent of gratuity) and will continue to draw the pension separately in addition. A Government servant whose pension has been held in abeyance will draw the leave-salary based on the net re-employed pay (i.e., pay minus the amount of the uncommuted pension and/or pension equivalent of gratuity) and in addition an amount equivalent to the pension which was held in abeyance. In either case, the leave-salary (exclusive of the pension or the amount equivalent to pension which was held in abeyance and/or the amount equivalent of gratuity) Admissible during half pay leave or commuted leave will be subject to the monthly maximum of Rs. 750 and Rs. 1,500 respectively.

A Government servant, whose pension has been held in abeyance will be allowed to draw during the period of extraordinary leave, only an amount equivalent to the pension which was held in abeyance. Where the pension is drawn separately, it will continue to be so drawn during the period of extraordinary leave also.

The leave-salary in respect of earned leave, half pay leave and commuted leave of officers, who were governed by the contributory provident fund system prior to retirement will be based on their net re-employed pay. They will not draw any leave salary during the period of extraordinary leave.

(Finance Memo. No. 120508/F.R./58-1, dated 19th November 1958.)

29 (a) A Government servant in last grade service on earned leave or on unearned leave on medical certificate is entitled to have leave salary equal to his pay.

[G.O. Ms. No. 807, Finance (F.R.I.) dated 24th July 1976.]

(b) Deleted.

(c) A Government servant in basic service on extraordinary leave is not entitled to any leave-salary.

Note:— # Omitted.

#(*d*) While on extraordinary leave for the treatment of Tuberculosis, Leprosy, Cancer or Hansen's disease, a Government servant in the Tamil Nadu Basic Service is entitled to an exgratia allowance equal to half his basic pay subject to a maximum of Rs. 250 per mensem and a minimum of Rs. 125 per mensem as long as he remains as inpatient in any Government Hospital for any length of period and to others for a maximum period of two years.

#(G.O. Ms. No. 539, P&AR Dept., dated 17th October 1988, with effect from 26th October, 1987.)

30. Notwithstanding anything contained in rules 13, 14, 15, 20 and 23 , where a military officer on deputation with the State Government as an *Aide-de-Camp* to the Governor, has elected to draw civil rates of pay, his leave shall be regulated as follows:—

(a) (*i*) instead of annual leave, under the leave rules of Armed forces, he may be granted earned leave calculated under rule 8 from the beginning of the calendar year following that in which he becomes subject to this rule, his leave account being initially credited with the earned leave equal to the number of days of annual leave which on the date of which he becomes subject to this rule, it would be permissible to grant him under the leave rules of the Armed Forces.

Provided that, if the annual leave under the leave rules of the Armed Forces is not admissible in respect of the calendar year of transfer, duty counting for earned leave shall commence on the date on which he becomes subject to this rule.

(ii) he may also be granted any leave, other than annual leave admissible under the leave rules of the Armed Forces either alone or in combination with earned leave.

(b) the total period of leave shall be regulated by the limits in force under the leave rules of the Armed Forces to which Military Officer is subject to.

(c) leave may be retrospectively commuted by authority which granted it into any other kind of leave which was admissible to the Military Officer concerned at the time it was granted.

(G.O. Ms. No. 969, Finance, dated 16th October 1967.)

*FORM OF LEAVE ACCOUNT

(Tamil Nadu Leave Rules, 1933.)

Leave account of Thiru / Thirumathi.....

Date of retirement.....

*PART I.—EARNED LEAVE.

Date of commencement of service. .....

Date of contract, if any. .....

Place of recruitment. .....

DUTY			LEAVE EARNED			LEAVE TAKEN					
Dates		Periods (in days)	Number of duty period taken into account	Balance duty period	1/11 or 1/22 of column (4)	Leave at credit columns (6) + (11)	Dates		Number of days	Balance on return from leave column (7)– (10)	Authority with Attestation of Head of Office
From	To						From	To			
1	2	3	4 (Days)	5 (Days)	6 (Days)	7 (Days)	8	9	10	11 (Days)	12

 # Instructions.

(1) Columns (1) to (7) shall be filled in at the time a Government servant applies for and proceeds on leave and columns (8) to (11) on return from leave.

(2) The periods of duty in terms of days, column (3) and of leave taken *column (10), shall be worked out with reference to the actual number of days in each month and not on the basis of 30 days a month.

(3) **Column (6).—Leave earned*.—The fraction of column (3) shall be credited in this column as shown below:—

(a) One-eleventh of the period spent on duty in the case of permanent Government servants in superior service (Rule 8).

(b) One-eleventh of the period spent duty in the case of permanent Government servants in the Tamil Nadu Basic Service who has completed 5 years of regular service and one

twenty second of the period spent on duty in the case of non-permanent Government servants in superior service [Rule 17 (1) and (20)].

(c) *One twenty second of the period spent on duty, in the case of Government Servants in the Tamil Nadu Basic Service with less than five years of service

In the case of Vacation Departments and X-ray and Radium Departments of Government Medical Institutions, the credit shall be reduced as specified in rules 9 and 17 (1).

(4) ***Column (7)—Leave at credit***.—The entry in this column on any date *[*columns (6) plus (11)] should be limited to—*

(i) *@ two hundred and forty days* in the case of Government servants coming under instruction (3) (a) above.

BASIC SERVICE

(ii) sixty days in the case of permanent Government servants and approved probationers with less than 5 years of regular service, *@ two hundred and forty days* in the case of those with more than 5 years of regular service and thirty days in the case of non-permanent Government servants in the Tamil Nadu Basic Service coming under instruction (3) (b) above.

(iii) Thirty days in the case of non-permanent Government servants in Superior service.

(5) In making entries in *column (6), fractions shall not be rounded off but the balance of the duty period shall be carried over and added to the subsequent duty period and the eligibility shall be calculated. In the case of retiring Government servants, who are eligible for enhancement of earned leave upto a maximum of *@ two hundred and forty days* the fractions of half and more shall be reckoned as one day in the calculation of earned leave and the fractions below half shall be ignored. "

#(Substituted vide G.O.Ms.(No.) 283, P&AR (Per-J) Dept., dated 15.05.1989, w.e.f. 14.10.1986,@ w.e.f. 30.10.1987)

*(Substituted vide G.O.(No.)368, P&AR (FR-SPECIAL) Dept., dated 17.08.1990, w.e.f. 14.10.1986)

**PART II—UNEARNED LEAVE

LEAVE ON PRIVATE AFFAIRS				LEAVE ON MEDICAL CERTIFICATE				
Leave Taken				Leave Taken				
Dates		Period (in days)	Progressive Total	Dates		Period (In days)	Progressive Total (days)	Authority with attestation of Head of office.
From	To			From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

**Instructions

The balance of leave on private affairs and leave on medical certificate available on any date shall be arrived at by deducting the progressive total in columns (4) and (8) respectively from the maximum limit prescribed in each case in rules 13, 15, 18 and 23 of the Tamil Nadu Leave Rules, 1933.

** *[*Vide *G.O. Ms. No. 368, P & AR (FR. SPL.)dept., dt. 17th August 1990 w.e.f. 26th August 1989.]*

**PART III-EXTRAORDINARY LEAVE WITHOUT ALLOWANCES.

Dates		Period			Progressive Total			Authority with attestation of Head of Office.
From	To	Y	M	D	Y	M	D	
(1)	(2)	(3)			(4)			(5)

**PART IV - STUDY LEAVE

Dates		Period			Purpose	Progressive Total			Authority with attestation of Head of Office.
From	To	Y	M	D		Y	M	D	
(1)	(2)	(3)			(4)	(5)			(6)

**[Vide G.O. Ms. No. 368, P & AR (FR. SPL.)dept., dt. 17th August 1990, w.e.f. 26th August 1989.]*

#Application Form for leave or for extension of leave (Other than Casual Leave).

1)	Name of applicant	:	
2)	Designation	:	
3)	Department, Office, Section.	:	
4)	Pay	:	
5)	(i) Nature of leave applied for.	:	
	(ii) Period and date from which required.	:	
	(iii) In case of Unearned Leave, Extra ordinary Leave on Medical Certificate whether Medical Certificate is enclosed.	:	
6)	Grounds on which leave is applied for.	:	
7)	Sundays and holidays if any proposed to be prefixed or suffixed to leave	:	
8)	Date of return or expiry of last spell of leave and nature and period of that leave.	:	
9)	Address during leave period	:	
10)	Whether an undertaking with reference to ruling (4) under rule 15-A of the Tamil Nadu Leave Rules, 1933 is enclosed.	:	

Signature of the Applicant with date.

Certificate regarding the admissibility of leave

11. Certified that ……(nature of leave)…… applied for the Thiru / Tmt. ……, Designation....., for…….....days from

……to……(Both days inclusive) is admissible under rule……of Fundamental Rules / Tamil Nadu Leave Rules, 1933.

Signature (with date)

Designation :

(Audit) / (Bills).

12. Certified that under F.R.26 (bb) he / she would have continued to act as ..... but for his/ her going on leave.

13. Orders of the Sanctioning Authority. O.P.No: Date:

Signature (With date)

Designation:

(Leave Sanctioning Authority)

#விடுப்பு அல்லது விடுப்பு நீட்டிப்பு விண்ணப்பம் (தற்செயல் விடுப்புத் தவிர்த்து)

1.	விண்ணப்பதாரர் பெயர்	:	
2.	பதவியின் பெயர்	:	
3.	பணிபுரியும் துறை/ அலுவலகம் / பிரிவு	:	
4.	ஊதியம்	:	
5.	(i) விண்ணப்பிக்கும் விடுப்பின் தன்மை	:	
	(ii) விண்ணப்பிக்கும் விடுப்பின் கால அளவு மற்றும் விடுப்பில் செல்லும் நாள்	:	
	(iii) மருத்துவச் சான்றின் அடிப்படையில் விடுப்பு விண்ணப்பிக்கப்பட்டிருப்பின் மருத்துவச் சான்று இணைக்கப்பட்டுள்ளதா ?	:	
6.	விடுப்பில் செல்லக் காரணம்	:	
7.	ஞாயிறு மற்றும் அரசு விடுமுறைகளை முன்னிணைக்க அல்லது பின்னிணைக்க உத்தேசிக்கப்பட்டுள்ளதா ?	:	
8.	இதற்கு முன் விடுப்பு விண்ணப்பித்திருந்தால் (அ) அவ்விடுப்பின் தன்மை, விடுப்புக் கால அளவு மற்றும் விடுப்பு முடிந்து பணியில் சேரும் நாள்	:	
9.	விடுப்பில் இருக்கும்போது முகவரி	:	
10.	தமிழ்நாடு விடுப்பு விதிகளில் விதி 15–ஏ யின் கீழ் உள்ள விதிமுறை (4)–ன் படி உறுதிமொழி இணைக்கப்பட்டுள்ளதா ?	:	

விண்ணப்பதாரரின் கையொப்பமும் தேதியும்

விடுப்பு அனுமதிக்கான பரிந்துரை

11) . . . . . முதல் . . . . . வரை . . . . . நாட்களுக்கு (இரு நாட்கள் உட்பட) திரு/திருமதி . . . . . (பதவியின் பெயர்).ஆல் விண்ணப்பிக்கப்பட்ட . . . . . (விடுப்பின் தன்மை) விடுப்பை அடிப்படை விதி / தமிழ்நாடு விடுப்பு விதிகள் 1933, விதி . . . . . .ன்படி அனுமதிக்கலாம் எனச் சான்றளிக்கப்படுகிறது.

கையொப்பம் / தேதி

பதவியின்பெயர்:

(தணிக்கை) / (பட்டியல்) பிரிவு

12) அடிப்படை விதி 26 (பிபி)–ன்படி திரு / திருமதி . . . . . .விடுப்பில் செல்லாமலிருந்தால் . . . . . ஆகத் தொடர்ந்து பணியாற்றியிருப்பார்.

13) விடுப்பு அனுமதி அளிக்கும் ஆணை எண். . . . . நாள் . . . . .

கையொப்பம் / நாள்

பதவியின் பெயர்:

(விடுப்பு அனுமதி அளிக்கும் அலுவலர்)

(added vide G.O.Ms.No.28, P&AR(FR.IV) Department, dated 16.03.2009 w.e.f. 29.08.1990)

RULINGS (GENERAL).

Application of the Fundamental rules to personnel coming under the Tamil Nadu Leave Rules, 1933.

I. The instructions issued by Government in regard to the application of the Fundamental rules to persons coming under the Tamil Nadu Leave Rules, 1933, are reproduced below:—

The leave rules in the Fundamental Rules fall under the following three categories:—

(i) General rules relating to leave on average pay, half average pay and quarter average pay and extraordinary leave;

(ii) Rules permitting certain additional kinds of leave in special circumstances, e.g., Special Disability Leave (Fundamental Rules 83 and 83-A); Maternity Leave [Under Fundamental Rules 101 (a)] and Hospital Leave [under Fundamental Rules 101 (b)]; and

(iii) Special rules relating to the grant of leave to persons belonging to a special department or rendering a special kind of service, e.g., leave earned by part-time service [under Fundamental Rules 103 (b)].

The rules in category (i) correspond to the Tamil Nadu Leave Rules, 1933, and they are therefore wholly superseded by these rules. The rules in category (ii) as well as the leave procedure rules contained in the Fundamental Rules issued and amended by Government from time to time and rules relating to travelling allowance to Government servants taking short leave before joining a new posts are “other rules” mentioned in paragraph 1 of G.O.No. 251, Finance, dated the 23rd April 1934. The special rules referred to in category (iii) above remain in force and persons governed by them do not come under the Tamil Nadu Leave Rules, 1933, except to the extent indicate below.

II. The Government have considered the question of the difficulties that are likely to arise in the application of categories (ii) and (iii) of the rules mentioned above to persons governed by the Tamil

Nadu Leave Rules and have decided to issue the following detailed instructions to meet such difficulties:—

1. *Cases falling under category (iii) in paragraph I above—Leave earned by part-time service*.—Fundamental Rule 103 (*b*) regulates the grant of leave to Law Officers and other part-time Government servants. Under these rules subject to condition that no extra cost is caused to Government, the above officers and Government servants may be granted leave not exceeding that admissible to full-time Government servants. The amount of leave admissible to persons appointed to these posts on or after 4th September 1933 will be that admissible to full-time Government servants under the Tamil Nadu Leave Rules, 1933, subject to the existing condition that no extra cost is caused to Government by the grant of such leave. In such cases, the leave-salary will be governed by Rule 28 of the Tamil Nadu Leave Rules, 1933.

2. *Cases falling under category (ii) in paragraph I above—(1) Maternity Leave.—Under Fundamental Rule 101* (*a*)—(*a*) The term "leave on average pay" in instruction 1 shall be taken to mean "leave on full pay".

(*b*) Instruction 2 provides for the grant of any other kind of leave in continuation of maternity leave if the request for its grant is supported by a medical certificate. Similarly, in the case of persons coming under the Tamil Nadu Leave Rules, 1933, the requirements of a medical certificate should be satisfied before leave is granted in continuation of maternity leave. There shall be no limit for combining earned leave or vacation with maternity leave provided that in cases where a Government servant is required to attend office during vacation immediately following maternity leave but is unable to attend, a medical certificate may be insisted at the discretion of the sanctioning authority.

(2) *Hospital leave—Fundamental Rule 101 (b).*—Under instruction 3 under Fundamental Rule 101 (*b*), the leave salary during the hospital leave is "half-average pay". In the application of these rules to persons coming under the Tamil Nadu Leave Rules. "leave on half-average pay" shall be taken to mean "leave on half pay".

(3) *Special disability leave—Fundamental Rules 83 and 83-A*—(*a*) *Fundamental Rule 83.*—The limit of four months laid down in sub-clause (*a*) of clause (7) of the rule shall be taken to mean "120 or 60 or 30 days" as the case may be "and the term" "average pay" shall be taken to mean "full pay".

In sub-clause (*b*) of clause 7 of the said rule, the terms "half average pay" and "average pay" shall be taken to mean "half pay" and "full pay" respectively and the "period of average pay" to mean "earned leave". Half the amount of leave on full pay under the sub-clause shall be counted as earned leave taken for the purpose of Fundamental Rule 78 (*b*).

(*b*) *Fundamental Rule 83-A*.—The term "four months" in clause (iii) of this rule shall be taken to mean "120 or 60 or 30 days as the case may be "and the term" "average pay" to mean "full pay".

III. The following further instructions may be observed in regard to other rules in the Fundamental Rules mentioned below:—

(1) *Instruction 4 (b) under Fundamental Rule 44*.—The limit of four months laid down in this rule is based on the maximum limit of leave on average pay which can be taken under the ordinarily leave rules in the Fundamental Rules. Earned leave under the Tamil Nadu Leave Rules is subject to the maximum of 120 or 60 or 30 days and this limit should be substituted for the limit of four months in applying this rule to persons governed by the Tamil Nadu Leave Rules.

(2) *Leave to apprentices*.—Instruction 3 under Fundamental Rule 104 regulates the grant of leave to apprentices. In the application of this rule to persons coming under the Tamil Nadu Leave Rules, 1933—

(a) The term leave on leave-salary equivalent to "half average pay" shall be taken to mean "leave on half Pay"

(b) The term "Fundamental Rule 85" instruction 3 (*b*) shall be taken to mean "Tamil Nadu Leave Rules, 1933"

(3) *Fundamental Rules 89 and 90*.—Under the Tamil Nadu Leave Rules, 1933, a maximum limit has been imposed as regards leave salary drawn during leave on private affairs or on medical certificate—*Vide* rule 28 (*b*) and maximum limits on leave-salary for earned leave exceeding 180 or 30

days, as the case may be. It has been considered unnecessary to give the benefit of a minimum leave-salary in regard to any kind of leave.

(4) *Fundamental Rule 105 (b) (i) and instruction 9 under Fundamental Rule 106*.—The term "leave on average pay of not more than six months' duration", in these rules shall be taken to mean "earned leave not exceeding 180 or 60 or 30 days as the case may be".

(5) *Fundamental Rule 128*.—The words "Chapter I to XI of these rules", in this rules shall be taken to mean "Chapters I to IX and XI of these rules and the Tamil Nadu Leave Rules, 1933".

(6) *Note 1 under Rule 4 under Fundamental Rule 45*.—The term "leave on average pay not exceeding six months", mentioned in this note shall be taken to mean "earned leave not exceeding 180 or 60 or 30 days as the case may be".

(7) *Travelling Allowance*, *Rule 77*.—The term "leave on average pay for a period not exceeding six months", shall be taken to mean "earned leave for a period not exceeding 180 or 60 or 30 days as the case may be.

(G.O. Ms. No. 74, Finance, dated 7th February 1935.)

[Finance Memo. No. 79699-C.S.R.-7, dated 1st April 1955.]

(8) A Government servant governed by the Tamil Nadu Leave Rules first elected to have his medical leave commuted into leave on full pay and after availing himself of the leave wished to have it changed into leave on half pay because he stood to gain by way of leave-salary and allowances, such as dearness allowance, etc., of the entire period of medical leave had been granted on half pay. The Government have decided that it is not desirable to allow such revision of leave already availed of and that the option once exercised in such cases shall be final.

(G.O. No. 1303, Finance, dated 14th December 1949.)

ANNEXURE IV. – DELETED.

ANNEXURE V.

Leave Calculator.

*[*See *ruling (2) under Fundamental Rule 77.]*

Equivalent of 2/11th of the units in column (1).

Units	Years			Months		Days
	Y	m.	d.	m.	d.	d.
1.	0	2	5.45	0	5.45	0.18
2.	0	4	10.90	0	10.90	0.36
3.	0	6	16.36	0	16.36	0.54
4.	0	8	21.81	0	21.81	0.72
5.	0	10	27.27	0	27.27	0.90
6.	1	1	2.72	1	2.72	1.09
7.	1	3	8.18	1	8.18	1.27
8.	1	5	13.63	1	13.63	1.45
9.	1	7	19.09	1	19.09	1.63
10.	1	9	24.54	1	24.54	1.81
11.	2	0	0.00	2	0.00	2.00
12.	2	2	5.45	2	5.45	2.18
13.	2	4	10.90	..	..	2.36
14.	2	6	16.36	..	..	2.54
15.	2	8	21.81	..	..	2.72
16.	2	10	27.27	..	..	2.90
17.	3	1	2.72	..	..	3.09
18.	3	3	8.18	..	..	3.27
19.	3	5	13.63	..	..	3.45
20.	2	7	19.09	..	..	3.63
21.	3	9	24.54	..	..	3.81
22.	4	0	0.00	..	..	4.00
23.	4	2	5.45	..	..	4.18
24.	4	4	10.90	..	..	4.36
25.	4	6	16.36	..	..	4.54
26.	4	8	21.81	..	..	4.72
27.	4	10	27.27	..	..	4.90

28.	5	1	2.72	..	..	5.09
29.	5	3	8.18	..	..	5.27
30.	5	5	13.63	..	..	5.45

Examples.—To find leave earned by duty of 5 years, 9 months and 17 days—

		y.	m.	d.
2/11ths	5 y	0	10	27.27
	9m	0	1	19.09
	17 d	0	0	3.09
Total: 1 - 0 - 19.45 or 1 y - 0m. - 19 d.				

1/11th — Half of above, i.e., 0y. 6m. 10 d.

N.B.—Fraction of a day if less than one-half should be omitted and one-half or more should be rounded off to one day.

ANNEXURE V-A.

Omitted — vide G.O. Ms. No. 157, P. & A.R. (FR.IV) Dept., dt. 6-9-1999.

ANNEXURE VI.

[See ruling under Rule 59.]

Model leave terms for officers engaged on contract.

Rules issued by the Tamil Nadu Government for grant of leave to officers engaged on contract after 5th July 1935.

Leave terms for Contract Officers.

1. When the contract is for two years or less, leave on full pay limited to one-twenty-second of the period spent on duty.

If the officers serves in a vacation department no leave will be admissible but he may be granted, if absolutely necessary, leave on medical certificate on full pay to the extent of one twenty-second of the period spent on duty.

2. When the contract is for more than two years, but not more than five years, leave may be allowed as follows:—

(i) Leave on full pay limited to one-eleventh of the period spent on duty and leave on full pay on medical certificate limited to 15 days for every year of the period of contract. Three months' extraordinary leave without pay may also be granted in addition.

(ii) If the officer is in a vacation department, leave on full pay shall be inadmissible. Such leave may, however, be allowed in respect of any year in which he has not availed himself of any part of a vacation and if a part only of the vacation has been taken in any year, the period of leave on full pay will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

3. Where the contract is for a longer term than five years or an original contract for five years or less is extended so as to make the total period of contract longer than five years, leave admissible to a permanent Government servant under the Tamil Nadu Leave Rules, 1933, may be allowed subject to the following restrictions:—

(a) Leave on half average pay on private affairs will not be granted to an officer on contract whose total service under Government does not exceed ten years. Such leave may be granted upto three months in all to an officer whose total service is more than ten years and up to six months in all to an officer whose total service is more than twenty years.

(b) Leave on full pay on medical certificate will be subject to a limit calculated at fifteen days for every year of the period of contract.

In the case of extension of contract to a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been initially one of more than five years diminished by any earned leave already taken and leave on medical certificate if any already taken will count against the periods of leave against the limit prescribed in (*b*) above.

In the case of an officer who, on the completion of his original contract for whatever term, is taken into permanent employment and becomes subject to the Tamil Nadu Leave Rules, 1933, the leave already taken by him will count against the periods of leave admissible to him under the Tamil Nadu Leave Rules, 1933.

4. Leave may be granted after the expire of the contract only where it has been applied for during the period of contract and refused by the prescribed or competent authority owing to the exigencies of the public service.

An officer whose services are dispensed with on grounds of ill health shall be permitted to take all earned leave due to him before his service is terminated.

(G.O. Ms. No. 423, Finance, dated 5th July 1935.)

5. The leave salary of an officer, who is permitted under Fundamental Rule, 69 to take up employment under another Government or a private employer during leave on the expiry of which he is not expected to return to duty, shall be restricted to the amount of leave salary admissible in respect of leave on half average pay.

RULINGS.

(1) An officer whose contract is for two years or less shall cease to earn leave while he has to his credit leave amounting to 30 days. In the case of an officer whose contract is for more than two years but not more than five years, he can earn leave upto the limit of 90 days. In a case where the original contract is for two years or less and is later on extended as to make it more than two years but not more than five years, the officer shall be credited with the earned leave that would have been admissible had the contract been initially one of more than two years but not more than five years diminished by any earned leave already taken.

(2) Where an officer, whose contract exceeds two years, is appointed as a regular probationer in a state service, the leave at credit shall be worked out at the rate of 1/22nd of duty from the date from which he is appointed as a probationer in Government service even though he may have been allowed to earn leave at 1/11th of duty up to the date of regular appointment.

There is however, no restriction in regard to the amount leave on half pay on medical certificate that can be granted to a contract officer at any one time.

(3) When a contract Officer, is appointed as a regular probationer in Government service, the earned leave to his credit on the last day of his contract period shall be credited to his leave account, subject to a maximum of thirty days.

(Finance Memo. No. 15792, C.S.R.-56-2, dated 19th March 1956.)

ANNEXURE VII.

EXECUTIVE INSTRUCTIONS REGARDING CASUAL LEAVE.

[*See* ruling (3) under Rule 85.]

ORDINARY CASUAL LEAVE.

1. Casual leave is not provided for in the Fundamental Rules and is a concession to enable Government servants in special circumstances to be absent from duty for short periods without such absence being treated as leave under the Fundamental Rules or the Tamil Nadu Leave Rules, 1933.

2. No Government servant may, in any case, be absent on casual leave for more than @*twelve days* in the course of one calendar year. Casual leave may be combined with compensatory leave, Sundays, or other authorized holidays provided that the resulting period of absence from duty does not exceed ten days. The fact that a maximum has been fixed for the amount of casual leave which may be taken within a year, does not mean that an officer is entitled to take the full amount of casual leave as a matter of course. #If the eleventh and subsequent days are incidentally declared as holidays on account of natural calamities, death of national leaders, bandhs, strikes, a change in the date of the festival as per the announcements made by religious heads during religious occasions, etc., a Government servant who is on casual leave or compensatory leave may avail himself of those days also even though the period of absence exceeds ten days.

@[G.O. Ms. No. 704, P. & A.R. (FR -3) Dept., dt. 8-7-1985, w.e.f. 1-6-1985.]

#[G.O. Ms. No. 309, P. & A.R. (DO II) Dept., dt. 16-8-1993.]

Note (1).—In the case of Government servants appointed under emergency provision and who are likely to be ousted at any time, their eligibility for casual leave shall be calculated with reference to the period actually spent on duty and shall be Proportionately limited. As a working principle, they may be granted two days casual leave for every two months service and such leave may be combined with holidays subject to the maximum prescribed in the above instructions.

(G.O. Ms. No. 1122, Finance, dated 26th November 1959.)

Note (2).—Casual leave may be granted for half-a-day at a time on application. In such cases, the half-a-day period should be either three hours from the commencement or before the closure of office hours.

(G.O. Ms. No. 907, Finance, dated 21st July 1970.)

3. Heads of departments should intimate their intension or taking casual leave to Government in the department concerned.

4. A register of casual leave taken should be maintained in every office.

5. Omitted.

6. Omitted.

[G.O. Ms. No. 802, P. & A.R. (FR. 3) Dept., dt. 14-8-85.]

II. SPECIAL CASUAL LEAVE.

7. (*a*). Special casual leave not counting against ordinary casual leave may be granted to a Government servant in the following circumstances:—

(i) When he is detained in a plague camp on the way to rejoin duty.

(ii) When he is ordered by the head of his office to absent himself from duty on the certificate of a medical officer on account of the presence of infectious disease in his house, provided no substitute is appointed and no extra cost to Government is involved. If, however, a substitute is necessary, ordinary leave debitable to the leave account of the Government servant should be granted. The grant of special casual leave involving the appointment of substitute in all other cases requires the sanction of Government which will be accorded only

when the absence is for less than 30 days and the subordinate concerned draws a pay of less than Rs. 100 per mensem, and has no ordinary leave to his credit.

Note.—1. When the Government servant himself catches the infection, regular leave under the Fundamental Rules must be taken for the period of absence.

$2. The following diseases shall be treated as infectious diseases for the purpose of grant of special casual leave and special causal leave shall be sanctioned on production of certificate issued by the concerned authority, i.e. Municipality Health Officer or Corporation Health Officer or District Health Officer (DDHS), as the case may be, for the period noted against each disease:-

Sl.No	Name of the Infectious Diseases	No. Of days eligible for grant of Special Casual Leave.
1.	Chicken-Pox	7 days.
2.	Measles	7 days.
3.	Swine flu (category C)	7 to 10 days.
4.	Plague	10 days.
5.	Rabies	10 days.

$ [Substituted vide G.O. Ms. No.147, P & AR (FR. II) Dept., dated 31.10.2018, w.e.f. 24.02.2017.]

Leave under this head shall not ordinarily be granted for a period exceeding 21 days, but in exceptional cases, it may be granted upto thirty days.

(G.O. No. 225, dated 6th April 1936, M.G. Finance, Memo. No. 26125—C.S.R.2, dated 31.10.1936.)

3. Omitted.

[G.O. Ms. No. 223, P. & A.R. (FR IV) Dept., dt. 9-9-98 w.e.f. 3-6-1997.]

4. Power has been delegated to the District Medical officer, Civil surgeons in-charge of independent stations, Superintendents of hospitals and Principals of Medical Colleges, Director of King Institute, Guindy and Chemical Examiner to grant special casual leave in respect of non-medical staff under their control.

(G.O. Ms. No. 75, P.H., dated 8th January 1946.)

5. Omitted.

[G.O. No. 223, P. & A.R. (FR. IV) Dept., dt. 9-9-1998, w.e.f. 3-6-1997.]

6. If a member of the work-charged establishment of the public Works Department in Irrigation Projects is precluded from attending to his normal work by the health and medical authorities, on account of infectious disease in his house, the period of absence shall be debited to his leave account, if any, and the balance shall be treated as special casual leave with wages.

(G.O. Ms. No. 1205, Finance, dated 31st October 1960.)

(iii) When he is summoned to serve as an assessor to give evidence while on duty or on leave, before a Court or a Court Martial in the Indian Union or Foreign Territory as a witness in civil and criminal cases, in which his private interests are not in issue or at departmental enquiries.

(G.O. Ms. No. 1630, Finance, dated 28th December 1957.)

Note.—The cases of Government servants on leave preparatory to retirement or leave refused under Fundamental Rule 86 or leave on medical certificate will however be considered on merits as and when each such case arises.

(G.O. Ms. No. 1185, Finance, dated 27th October 1958.)

(iv) (1) When, with the permission of the director of medical Services, a medical officer is absent from his headquarters for a period up to a limit of ten days at a time on business connected with the Universities, the leave to cover the total period of absence necessary.

(G.O. Ms. No. 870, Finance, dated 18th November 1926.)

(G.O. No. 920, P.H., dated 5th April 1934 and G.O. No. 2090, P & H., dated 5th September 1934.)

Note.—In the case of medical officers serving on their own accord as examiners in the Universities of other States, the period of their absence from duty should be treated as regular leave and not as special casual leave.

This does not apply to medical officers who at the special request of the Government of India or State Government are deputed by the Government to undertake work on behalf of Universities outside the State.

(G.O. No. 812, P.H., dated 4th April 1930.)

(2) The period during which medical officers are absent with the permission of the Director of medical Services from their headquarters in order to attend the meetings of the Madras Medical Council should be treated as special casual leave.

[G.O. No. 110, P.H. (L.S.G.), dated 16th January 1934.]

Note.—The piece work establishment in the government Press, Madras are not ordinarily entitled to wages for the days on which they do not work. The following are however, exceptions to this rule:—

(i) Payment and leave allowances to the extent provided for in the rules issued with G.O.No. 310, Finance, dated 10th May 1934.

(ii) Average wages during the period of special casual leave.

(Finance Memo. No. 23163-pen-1, dated 15.8.1935 and No. 3880, Pen-1, dated 29.11.1935.)

(vi) In case he is a member of the Indian Institute of Public Administration, New Delhi or its Branches and is desirous of participating in the authorised meetings or seminars of the Institute or of its Regional branches, leave not exceeding six working days in each calendar year plus the minimum period required for the to and fro journeys.

(G.O. Ms. No. 688, Finance, dated 19th June 1969.)

(vii) When, with the permission of the Director of Public Health a medical officer including an Assistant Director of Public Health or a Health Officer is absent from his headquarters on business connected with a university the leave to cover total period of absence necessary.

(G.O. Ms. No. 1041, Finance, dated 19th August 1963.)

(b) In the cases coming under clauses (i) to (iv) above when the absence from duty exceeds the period which may reasonably be treated as casual leave under the discretion vested in the head of the office, the Government servant may be granted for the entire period of absence such regular leave with leave-salary as may be due to him and thereafter extraordinary leave. In the case coming under clause (v) the excess over one month of the period of absence should be treated as regular leave and debited to the leave account.

(c) (1) Special casual leave may be allowed to a government servant participating in sporting events for a period not exceeding 30 days in a calendar year. The period of absence in excess of 30 days shall be treated as regular leave of the kind admissible under the relevant rules applicable to the persons concerned. For this purpose, Government servants may, as a special case, be permitted to combine special casual leave with regular leave but not with regular casual leave.

He may be permitted to prefix or suffix or both, the government holidays with Special Casual Leave.

(G.O. Ms. No. 216, P&AR dept., dated 14th March 1983—With effect from 8th October 1982.)

(2) The purposes for which and the conditions under which special casual leave may be granted are indicated below. The special casual leave may be allowed only—

(a) for participating in sporting events of national or international importance; and

(b) when the Government servant concerned is selected for such participation—

(i) in respect of international sporting events by way National Sports Federation or association recognised by All-India Council of Sports and approved by the Ministry of Education;

Or

(ii) in respect of events of national importance when the sporting event, in which participation takes place, is held on an Inter-state, Inter-Zonal or Inter-Circle basis, and the Government servant concerned takes part in the event in a team as a duly nominated representative on behalf of the State, Zone or Circle, as the case may be.

Note.—The Heads of Departments may grant special casual leave to non-gazetted Government servants under their control and by the respective administrative departments of the Secretariat in other cases for participation in sporting events for a period not exceeding 30 days.

(G.O. Ms. No. 1206, Finance, dated 31st October 1960.)

(3) The concession shall not be allowed for participation either in a national or international sporting event which the Government servant concerned participates in his personal capacity and not in a representative capacity.

(Finance Memo. No. 37987-C.S.R.-2, dated 23rd May 1955.)

(4) The concession of granting special casual leave for a period not exceeding 30 days in a calendar year may be extended to.—

(i) those Government servants whose services are utilised by the National Sports Federation/Associations and recognized by the All-India Council of Sports and approved by the Ministry of Education, for the coaching or administration of teams participating in sports events of national or International importance, and

(ii) those Government servants who are selected or sponsored by such Federation/Association for attending any All-India coaching or training Scheme such as the coaching or Training Course at the national Institute of Sports, Patiala.

[G.O. Ms. No. 1268, Pub. (Gen-M.), dated 8th August 1963.]

(*d*) (i) The period of absence from duty of Government servants occasioned by their interview, medical examination, etc., in connection with their joining the Army, Air force Reserve, Indian Fleet Reserve, Territorial Army, Indian Naval Reserve and Indian naval Volunteer Reserve, Auxiliary Air Force or Air Defence Reserve, as the case may be shall be, treated as special casual leave:

Provided that this concession shall be admissible only in cases where it may not be possible for the Government servants concerned to attend to their duties after the said interview, medical examination, as the case may be:

Provided further that, if a Government servant withdraws his candidature at the interview or medical examination aforesaid he shall not be entitled to any special casual leave.

(ii) A Special casual leave not exceeding 15 days to ex-servicemen boarded out of service on medical grounds and re-employed as civilians for appearing before the Resurvey Medical Boards inclusive of transit period in both ways for reassessment of the disabilities shall be granted and a certificate to the effect that they have actually appeared before the Resurvey Medical Board should later be obtained from each member of such ex-servicemen and filled in the casual leave account of the individual concerned.

[G.O. Ms. No. 937, Finance (F.R.I.), dated 24th August 1976. w.e.f. 17.7.1975]

8. Casual leave cannot ordinarily be taken in combination with any leave recognized by the Fundamental Rules, with joining time or the vacation. Heads of departments may, however, sanction such combination in special cases provided there is no evasion of the rules for

instance, when an officer, obliged to be absent owing to the prevalence of infectious disease in his house and placed on special casual leave, himself contracts the illness and has to be granted regular leave in continuation.

(G.O. No. 406, Finance, dated 7th May 1923 and G.O. No. 51, Finance, dated 19th January 1926.)

Note 1.—When a period of special casual leave is recommended by the Health Officer and it intervenes two spells of leave under the Fundamental Rules, special casual leave may be combined with the regular leave.

(Home department memo. No. 45561-A-45-2, dated 2nd January 1946.)

Note 2.—In cases where a Government servant takes regular leave in continuation of special casual leave granted under instruction 7(a) (ii) he should hand over charge on the fore-noon of the date of commencement of regular leave. If special casual leave is availed of in continuation of regular leave, the individual should take over charge of his post on the expiry of the special casual leave, subject to the Audit Officer being informed in the case of Group A and B Officers that he was granted special casual leave in continuation of regular leave. If the special casual leave is sandwiched between two spells of regular leave, the charge should be handed over on the forenoon of the date of commencement of the first spell of regular leave and the Government servant should take over charge of the post on the expiry of the second spell of the regular leave subject to the Audit Officer being informed in the case of Group A and B Officers that he was granted special casual leave in continuation of the first spell of regular leave.

(G.O. Ms. No. 864, Finance, dated 4th August 1965.)

9. The grant to a Government servant of casual leave other than special casual leave or of permission to avail himself of holidays should not ordinarily result in any appreciable extra expenditure to the Government . Care should be taken to see that no Government servant is allowed to proceed on casual leave or avail himself of holidays frequently if he has actually to be relieved on such occasions and the payment of travelling allowance to another office thereby becomes necessary.

(G.O. No. 104, Finance, dt. 11th April 1940.)

10. Probationary sub-Inspectors of Police should be allowed as a special case special casual leave not exceeding six days in addition to the usual casual leave admissible to them during their training year before they proceed to join the district in which they have to serve. This extra casual leave should not be debited to their ordinary casual leave account.

(G.O. No. 1014, Home, dated 29th March 1945.)

11. Special Casual Leave not exceeding eight days may be granted to men Government servants who undergo sterilisation operation and twenty days to married women Government servants, who undergo non-puerperal sterilisation operation during ordinary time, i.e., not immediately after confinement in any hospital in this state.

[G.O. Ms. No. 702, Finance, (F.R.)dept., dated 5th June 1973.]

Special Casual Leave for a period of six days may be granted to those employees of Government and Local Bodies including those employed in the aided educational institutions and also those covered by the provincialised work charged establishment who undergo vasectomy operation for the second time, in the event of failure of sterilisation operation, on production of Medical certificate to the effect that the first operation was a failure and that a second operation was actually performed.

[G.O. Ms. No. 323, Finance (F.R.-I), dated 20th March 1976.]

The leave to be sanctioned under this rule may be prefixed or suffixed or sandwiched with any kind of regular leave.

[G.O. Ms. 1356, Finance (F.R.-I)dept., dated 22nd October 1974.]

Special Casual Leave not exceeding twenty days may be granted to married women Government servants who are appointed temporarily and who have not completed the period of one year service, when they undergo puerperal sterilisation operation.

[G.O. Ms. No. 229, P&AR (F.R. III) Department, dated 10.3.1982 — w.e.f. 14th September 1981.]

Special Casual Leave not exceeding seven days shall be granted to a Government servant whose wife undergoes puerperal or non-puerperal sterilisation operation. This leave shall be granted only on the production of a medical certificate from the Medical Officer who performs of the Government servant is essential to look after his wife during her convalescence after such operation.

*[*Vide *G.O. Ms. No. 470, P&AR (FR.SPL)dept., dated 14-11-1990, w.e.f. 20-1-1977.]*

Special Casual Leave not exceeding seven days shall be granted to a Government servant whose spouse undergone sterilisation operation for a second time in the event of the failure of the first operation.

(ii) The Special Casual Leave shall commence from the date following the date of such operation.

*[*Vide *G.O. Ms. No. 470, P&AR (FR.SPL) dept., dated 14-11-1990, w.e.f. 16-3-1988.)*

(iii) The Special Casual Leave shall be granted by the Heads of Departments or as the case may be, the subordinate authorities who are competent to sanction regular leave.

*(*Vide *G.O. Ms. No. 264, P&AR (FR.SPL.)dept.,, dated 24-7-1991 w.e.f. 22-2-1982.]*

12. Special Casual Leave for one day may be granted to married women Government servants, on written application for the Intra Uterine Contraceptive Device insertion.

The special casual leave shall be sanctioned for the day of insertion of the Device.

(G.O. Ms. No. 105, Finance, dated 9th February 1968.)

13. The entire period of absence of Government servants called out for Home Guard duties shall be treated as Special Casual Leave.

(G.O. Ms. No. 289, Personnel and Administrative Reforms dept., dated 29th March 1984—w.e.f 2.11.1983)

ANNEXURE VIII.

Statutory Service Rules.

1. Wherever a continuous period of duty is prescribed as probation in the service rules framed by the Tamil Nadu Government, leave taken by a probationer constitutes a break in the continuity of probation.

2. The period of joining time availed of by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

[G.O. No. 1443, Public (Services), dated 10th July 1941.]

Note.—The absence on gazetted holidays and no compensatory leave which are permitted to be affixed and prefixed to any kind of leave other than casual leave cannot be counted as duty for purpose of probation.

(G.O. Ms. No. 1182, Finance, dated 10th September 1957.)

3. In connection with a question which arose as to how the imposition of the penalty of reduction to a lower post or time-scale specified in rule 8 (iv) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules would affect the seniority, etc., of the punished Government servant on repromotion to the original post or time-scale, the Government of India have decided as follows:—

(1) While reduction of seniority as an independent penalty not provided for in the rules, cannot be imposed as such, the loss of seniority as a result of an order of reduction to a lower post or time-scale being inherent in the order of reduction, cannot be avoided;

(2) The seniority on repromotion of an officer reduced to a lower post or time-scale should be determined by the date of such repromotion. He should not be restored to his original position unless this is specifically laid down at the time the order of punishment is passed or revised on appeal;

(3) An officer in respect of whom the penalty referred to was imposed, will on repromotion, count previous service in the higher grade under Fundamental Rule 22 unless the order of punishment or the order passed on appeal directs otherwise; and

(4) An order debarring an officer from counting his past service in the grade from which he is reduced, if and when reappointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under Fundamental Rule 22; and does not therefore, fall outside the scope of rule 8 (iv) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules.

(Government of India, Home Department, letter No.9/41-Ests., dated 18th March 1941.)

RETROSPECTIVE PROMOTIONS AND REVERSIONS UNDER THE STATUTORY SERVICE RULES.

4. Promotions made otherwise than in accordance with the provisions of the statutory service rules are illegal. Such promotions, if already made, should be set aside and the persons promoted should be reverted with effect from the dates on which they had been promoted and the excess pay drawn by them should be recovered (unless the amount is waived by Government). Government do not, however, consider that the consequential vacancies should be filled with retrospective effect from the dates of reversion of those who had been promoted otherwise than in accordance with rules. They have, therefore, decided that these vacancies should be filled only from the dates on which the promotions are actually made.

(G.O. Press, No. 847, dated 27th May 1935.)

5. If an approved probationer in a higher category is confirmed therein with retrospective effect under Rule 31 (a) of the General Rules of Subordinate Services, he becomes entitled to the pay of the post in the higher category with effect from the date of confirmation, even

though officiating allowance was not admissible from his original substantive post in the lower category to the post in the higher category.

[Memo. No. 40474-38-3, Public (Services), dated 18th January 1938.]

6. Deleted.

7. When any promotion has to be cancelled and a revised promotion made the revised promotion shall not, so far as pay is concerned, be ordered to take effect from a date earlier than the date on which it is ordered.

[G.O. No. 1127, Public (Services), dated 7th June 1940.]

8. The duties performed by an Office Assistant when enrolled in any branch of the Defence Services, may be considered similar to those of an Office Assistant in the Group D service and *such* an Office Assistant should be allowed to count towards his probation in the Group D service any period spent on duty in the Defence Services.

[G.O. Ms. No. 992, Revenue, dated 11th April 1942, and Endorsement No. 74 (O)/42-1, Public (Services), dated 9th May 1942.]

9. A case occurred in which an officer who was appointed temporarily to a post in 1934 under the emergency provision and later appointed regularly in about 1939 petitioned the Government in 1944 (i.e., 10 years later) for the regularisation of his temporary appointment under rule 23 (a) of the General Rules for the State and Subordinate Services. It has been decided *that* a convention be established that appointing authorities should refuse to reopen such questions unless the person aggrieved complaints within three years of his becoming aware of the facts.

[Memorandum No. 17344/44-2, Public (Services), dated 3rd June 1944.]

10. Rule *10 (b) of the Tamil Nadu State and Subordinate Service Rule*.—The fact that the General *Rule* 10 (b) does not specifically take any reference to "special pay" indicates that it contemplates no restriction in regard to admissibility of special pay to persons appointed under the emergency provisions.

[Memorandum No. 2064/48-2, Public (Services), dated 5th July 1948.]

APPENDIX II.

PART I.

Rule 9

SUBSIDIARY DEFINITION (ii).

HEADS OF DEPARTMENTS.

1. The High Court.

1-A. The Honourable Chief Justice in respect of establishments in the High Court.

2. Director of Health Services and Family Planning.

2-A. Director of Medical Education.

3 (a) The Commissioner of Revenue Administration.

(b) The Commissioner of Land Administration.

(c) The Commissioner of Land Reforms including Urban Land Ceiling and Urban Land Tax.

(d) The Commissioner of Commercial Taxes.

(e) Commissioner of Agricultural Income Tax

(G.O.Ms. No. 150 P&ARdept., dt.4th August 2000)

4. The Secretaries to Government.

5. The Chief Engineers.

6 (a) The Director of Collegiate Education.

(b) The Director of School Education.

7. The Inspector-General of Police.

8. The Inspector-General of Prisons.

9. The Chief Conservator of Forests.

10. The Commissioner of Police.

11. The State Port Officer.

12. The Director of Public Health

13. The Inspector-General of Registration

14. The Director of Agriculture.

15. The Registrar of Co-operative Societies.

16. The Commissioner of Labour.

16-A. The Director of Employment and Training.

17. The Director of Industries and Commerce.

18. Board of Revenue, Settlement of Estates.

19. The Director of Animal Husbandry.

20. The Commissioner of Excise and Prohibition.

21. The Commissioner for Government Examinations.

22. The Examiner of Local Fund Accounts.

23. Omitted.

24. The Transport Commissioner.

25. The Director of Fisheries.

26. The Commissioner, Hindu Religious and Charitable Endowments (Administration) Department.

27. The Director of Town-Planning.

28. The Director of Statistics.

29. The Chairman, The Tamil Nadu Sales Tax Appellate Tribunal.

30. The Comptroller, Governor's Household.

31. The Director of Technical Education.

32. The Director of Rural Development.

33. The Chief Inspector of Approved Schools and Vigilance Service.

34. The Director of Motor Vehicles Maintenance Department.

35. The Director of Harijan Welfare.

36. The Chief Electrical Inspector to Government.

37. The Director of Treasuries and Accounts.

38. The Commissioner of Civil Supplies, Madras.

39. The Director of Legal Studies, Law College, Madras.

[G.O. Ms. No. 664, Finance(F.R.-I)dept., dated 9th May 1974.]

40. The Director of Backward Classes.

41. The Director of Vigilance and Anti-Corruption.

42. The Commissioner of Commercial Taxes.

43. The Director, Forensic Science Department.

44. Director, Tamil Nadu State Health Transport Department.

45. The Director of Co-operative Audit.

46. The Chief Inspector of Factories.

47. The Chief Engineer (Agricultural Engineering)

SUBSIDIARY DEFINITION (iii).

Note.—Services in the following posts has been declared to be superior:-

(1) Police constable or warder in the Jail Department.

(2) Attenders in the Secretariat and other departments irrespective of the pay drawn.

(3) Petty Yard Officer in the Fisheries Department.

(4) Lock Superintendent and I.C. Subordinate in the Tamil Nadu Engineering Subordinate Service.

(5) Attendant in the Mental Jail, Cuddalore.

(6) Maistri employed on anti-malarial schemes.

(7) Petty officers in the Jail Department including Special Petty Officers in Borstal and Approved Schools.

(8) Fireman including firemen messengers, firemen labourers, firemen orderlies and ambulance attendants in the Tamil Nadu Fire Subordinate Service.

(9) Telephone gumasthas, Grade II, in the Tamil Nadu Engineering Subordinate Service.

(10) Blue Print Operators in Branch I, Engineering Branch of the Tamil Nadu Engineering Subordinate Service and in the Tamil Nadu Highways and Rural Works Engineering Subordinate Service.

(11) Deleted.

(12) Field Assistants in the Tamil Nadu Public Health Subordinate Services.

(13) Workmen and Map Mounters in the Central Survey Office, Madras.

(14) X-ray Attendants.

Animal Attendant, Medical College, Madras.

Attendants (linen).

Cooks.

Tailors.

Maistries.

Algae collectors.

Gas makers.

Fitters.

Painters.

Blacksmiths.

Carpenters.

Assistant Mechanic, Stanley Hospital, Madras.

Mechanic (borewell).

Weaving Master, Grade II.

Laboratory Attendants, Grade II, King Institute, Guindy.

(15) Blue Print Operators in the Sanitary Engineering Branch, Public Health Engineering and Municipal Works Subordinate Service.

(16) Demonstration Maistries, Grade II, in the Madras Agricultural Subordinate Service.

(17) Caretaker, Guindy Gandhi Mandapam Establishment, Raj Bhavan.

(18) Seaman, Lascar, Cleaner and Fishermen in the Tamil Nadu Fisheries Subordinate Service.

(19) Hammerman, Cleaner and Helper to Carpenter in the Tamil Nadu Agricultural Engineering Subordinate Service.

FORMS.

The Bond prescribed in the Note to Rule 20 shall be executed in the following form:—

FORM I.

Bond to be executed by a member of the establishment of the Department of Statistics, Tamil Nadu when proceeding for special courses of training.

Know all men by these presents that I.....in the Department of Statistics, Tamil Nadu and sound unto or into the Governor of Tamil Nadu in the sum of Rs. ..... to be paid on demand to the Governor of Tamil Nadu his successors or assigns or their certain attorney or attorneys for which payments I bind myself, my heirs, executors, administrators, and legal representative firmly by these presents.

Signed by me .....this..... day of ..... 2000 .....

Whereas the above bounden is proceeding for training in .....at the expense of the Government of Tamil Nadu (hereinafter called "the Government") in the expectation that the Government will utilise the benefits derived by him by such training and whereas it has been agreed to that the above-bounden shall enter in the above bond in the above mentioned sum of Rs. ..... with such condition as is hereunder written.

Now the condition of the above written bond is such that the bond shall be void if the said ..... shall fully go through and complete the said training course unless he is prevented by ill-health certified by a competent medical authority to the satisfaction of the Government from so going through the complete course of training aforesaid or is before than recalled by the Government to his duties and shall during such course of training abide by all the rules and regulations laid down by the Government and shall serve the Government or shall be employed in a manner which the Government may approve for not less than ..... years from the date of completion of the training. Otherwise the bond shall remain in full force and virtue.

Singed by the

Above named

In the presence of

Place:

FORM II.

Bond to be executed by a member of the Establishment of the Department of Statistics, Tamil Nadu who has completed special course of training.

Know all men by these presents that I .....in the Department of Statistics, Tamil Nadu, am bound into the Governor of Tamil Nadu in the sum of Rs. ..... to be paid on demand to the Governor of Tamil Nadu his successors or assigns or their certain attorney or attorneys for which payment I bind myself, my heirs, executors, administrators and legal representatives firmly by these presents.

Signed by me at ..... this ..... day of ..... 2000.....

Whereas the above-bounden proceeded for and completed training in ..... at the expense of the Government of Tamil Nadu (hereinafter called "the Government") in the expectation that the Government can utilise the benefits delivered by him by such training, and whereas it is now agreed that the above-bounden shall enter into the above bond in the above-mentioned sum of Rs. ..... with such condition as is hereunder written. Now the condition of the above written bond is such that the bond shall be void if the said ..... serves the Government or shall be employed in a manner which the Government may approve for not less than .....years from the date of completion of the said training. Otherwise the bond shall remain in full force and virtue.

Signed by

Above named

In the presence of

Place:

Date:

(G.O. Ms. No. 1800, Finance, dated 18th October 1965.)

DELEGATION UNDER NOTE 1 UNDER RULE 26 (bb).

The authorities specified in column (1) of the table below are empowered to issue the certificate under Note 1 under Rule 26 (*bb*) in respect of Government servants specified in the corresponding entry in column (2) thereof.

THE TABLE.

	Authorities empowered to issue certificate	**Government servants in respect of whom certificate may be issued**
1	(i) The Commissioner of Revenue Administration	(a) Deputy Collectors Working under the control of the Commissioner of Revenue Administration and other Heads of Departments
		(b) Assistant Commissioner (Other than Deputy Collectors under the control of the Commissioner of Revenue Administration).
	ii) Director of Survey and Settlement	(a) Assistant Director of Survey and Land Records
		(b) Photographic and Printing Experts, Central Survey Office, Madras
1	(a) The Chairman, Tamil Nadu Sales Tax Appellate Tribunal, Madras	Secretaries of the Tribunal
	(b) The Commissioner of Commercial Taxes	*****Commercial Tax Officers, Assistant Commissioners, Deputy Commissioners and Joint Commissioners of Commercial Taxes except IAS Officers ***** (G.O.Ms.No.19, P&AR (FR-IV) dt.26.2.2003 - w.e.f. 8.11.1990)
2	Commissioner of Hindu Religious and Charitable Endowments (Administration)	Assistant Commissioner of Hindu Religious and Charitable Endowments (Administration) Department
3	Director of Animal Husbandry.	All Group A and B Officers to whom the Director of Animal Husbandry is competent to authorise leave
4	Director of Agriculture	All Group A and B Officers to whom the Director of Agriculture is competent to authorize leave.
5	The High Court	District Munsif
6	The Chief Conservator of Forests	Assistant Conservators of Forests.
7	The Director of Fisheries	All Group A and B Officers to whom the Director of Fisheries competent to grant leave
8	The Chief Radio Officer	All Group C and D staff of the Panchayat Radio Maintenance Organisation
9	The Examiner of Local Fund Accounts	Assistant Examiners, Accounts Officers, State Trading Schemes.
10	Director of Treasuries and Accounts	All Group A and B Officers in the Treasuries and Accounts Service
11	The Registrar of Co operative Societies	All Group A and B Officers of the Co-operative Department except Joint Registrar of Co-operative Societies
12	Director of Statistics	All Group A and B Officers to whom the Director of Statistics is competent to grant leave.

13	Director of Public Health	All Group A and B Officers to whom the Director of Public Health has been authorised to sanction leave. (Health Officers and other Group A and B Officers lower in rank).
14	The Director of Stationery and Printing, Madras	All Group A and B Officers to whom the Director of Stationery and Printing, Madras, is competent to grant leave.
15	Director of Technical Education	All Group A and B Officers in the Technical Education Department
15	(a) Principals (or Heads) of Technical Educational Institutions in the Technical Education Department.	All Group C and D Officers to whom the Principal (or Head) of the Institutions is competent to sanction leave
16	Director of Industries and Commerce	All Group A and B Officers of the Industries Department including the officers on deputation outside that Department.
17	The Director of Rural Development	All Group A and B Officers to whom the Director of Rural Development Madras is competent to grant leave
18	Chief Engineers in charge of establishment in Public Works Department and Highways and Rural Works Department	Assistant Engineers, Executive Engineers and Divisional Engineers.
19	The Director of Medical Education and the Director Health Services and Family Planning.	Officers of the Tamil Nadu Medical Service in the grade of Civil of Surgeon and below.
[G.O. Ms. No. 514, Finance, (F.R.-I), dated 28th May 1975.]		
20	Principals of colleges concerned	All members borne in the Tamil Nadu Educational Subordinate Service, Tamil Nadu Ministerial Service and Tamil Nadu General Subordinate Service in their jurisdiction in respect of whom the authority competent to make appointment is the Joint Director of Collegiate Education (Personnel), Madras or Deputy Director of Collegiate Education dealing with establishment matters, as the case may be.
[G.O. Ms. No. 1221, Finance, (F.R.-I), dated 17.12.1976. – w.e.f. 11th March 1976.*]*		
21	Curator, Government Oriental Manuscript Library, Madras	All the staff of Government Oriental Manuscript Library Madras, to whom the Curator of the Government Oriental Manuscript Library is competent to grant leave
22	The Director of Motor Vehicles Maintenance Organisation	All Group A and B Officers to whom the Director of Motor Vehicles Maintenance Department is competent to grant leave and all group C and D Staff.

DELEGATION—F.R.47—INSTRUCTION 7.

Nature of power.	Authority to which the power is Delegated	Extent of power delegated
(1) Power to sanction the grant of honoraria (except in the case of Government examinations).	High Court, Director of Medical Services, Commissioner of Revenue Administration, Commissioner of Land Administration, Commissioner of Prohibition and Excise, Commissioner of Civil Supplies, Commissioner of Land Reforms including Urban Land Ceiling and Urban Tax and Agricultural Income Tax, Director of Adi-Dravidar and Tribal Welfare, Director of Backward Classes and Director of Most Backward Classes and Denotified Communities Welfare". Chief Engineers to Government, Director of Collegiate Education, Director of School Education, Commissioner for Government Examinations, Inspector-General of Police, Secretaries to Government, Commissioner of Commercial Taxes and Commissioner of Excise.	Full Power subject to a maximum of Rs. 250 in each case, provided that budget provision exists and that the amount to be paid is in accordance with the scale if any, laid down by Government.
	Director of Fisheries, Assistant Director of Fisheries (Coast), Assistant Director of Fisheries (Inland), Superintendent, Pearl and Chank Fisheries and the Works Manager, Government Press.	Power to sanction honorarium for overtime work to Group C and D Government servants under them to whom the payment of such honorarium has been authorised in accordance with the scale laid down by Government from time to time.
	Director of Technical Education	To permit the staff of the Central Polytechnic, Madras and the headquarters staff to receive an honorarium to be fixed by him for conducting outside examinations at the Central Polytechnic, Madras, subject to the condition that the total amount does not exceed the balance available according to the proforma account maintained for these examinations.
(2) Power to sanction the grant of honoraria in the	(1) High Court, Chairman, Tamil Nadu Public Service	(i) Full power when the Examinations are self

case of Government examinations.	Commission, Director of Medical Services, Deans and Principals of Medical Colleges and heads of Teaching Institutions of the Medical Department, Commissioner of Revenue Administration, Commissioner of Land Administration, Commissioner of Prohibition and Excise, Commissioner of Civil Supplies, Commissioner of Land Reforms including Urban Land Ceiling and Urban Tax and Agricultural Income Tax, Director of Adi Dravidar and Tribal Welfare, Director of Backward Classes and Director of Most Backward Classes and Denotified Communities Welfare, Chief Engineers to Government, Director of Collegiate Education, Director of School Education.	supporting i.e., when fee receipts are sufficient to cover all charges on account of the examination concerned,.(ii) When the examinations are not self supporting, the authorities mentioned in column (2) other than the Director of Collegiate Education.
	Commissioner for Government Examinations, Inspector General of Police and Registrar of Co-operative Societies	Director of School Education, the Commissioner for Government Examinations, the Director of Medical Services, Deans and Principals of Medical Colleges and Heads of Teaching Institutions of the Medical Department can sanction honoraria upto Rs.250 in each case - provided budget provision exists and the amount to be paid is in accordance with the scale, if any, laid down by Government.
The Director of Collegiate Education, Director of School Education and the Commissioner for Government Examinations are empowered to sanction honoraria under similar circumstances upto Rs.1,000 in each case for examinations or tabulation work, i.e., when an examiner does both examination and tabulation work, the maximum honorarium that can be granted without the sanction of Government will be Rs.2000. The Director of Medical Services is empowered to sanction honoraria under similar circumstances Rs.500 in each case for any one examiner at the rate of Rs.100 each subject.		
	(2) Inspectors and Inspectresses of Schools, Heads of Government Colleges, Superintendent, School of Arts, Superintendent Presidency Training School for Mistresses	When the under mentioned Government examinations are self supporting, the officers mentioned in col.2 are authorised to sanction the Honoraria to Group C and D Government Servants under their control up to a maximum limit of Rs.250 in each case, provided that budget provisions exists and

		that the amount to be paid is in accordance with the scale , if any , laid down by Government.
(1) Secondary School-Leaving Certificate Examination. (2) Special Test Examinations. (3) Teacher's Certificate Examinations, including the Examinations in Drill and Gymnastics (European and non-European). (4) Government Technical Examinations. (5) European School Examinations. Note.—In order to determine, if the Government Technical Examinations are self-supporting for purpose of the above rules the total fees levied for and the total expenditure incurred on account of all such examinations held in each financial year should be taken into account.		
	(3) Collectors in districts where there are no District Revenue Officers and District Revenue Officers in other districts	The Power exercised by the Commissioner of Revenue Administration, Commissioner of Land Administration, Commissioner of Prohibition and Excise, Commissioner of Civil Supplies, Commissioner of Land Reforms including Urban Land Ceiling and Urban Tax and Agricultural Income Tax, Director of Adi Dravidar and Tribal Welfare, Director of Backward Classes and Director of Most Backward Classes and Denotified Communities Welfare to grant honoraria to officers conducting Village Officer's Special Test Examinations subject to the conditions laid down in Board's Standing Order No.157-A.
	(4) Director of Public Health	To sanction honorarium on the scale approved by the Government to Examiners, Superintendents etc., appointed for conduct of the Sanitary Inspectors' Examination and the Licentiate in Public Health Examination, subject to the condition that the expenditure is not allowed to exceed the receipts.

	(5) Divisional Inspectors of Schools	To sanction honoraria upto a maximum of Rs.500/- in each case.
	(6) Director of Technical Education	To sanction remuneration up to Rs.200 to Assistant Examiner and from Rs.200 to Rs.500 to Additional Chief Examiners for each Technical Examination in Commerce Subjects
(3) Power to sanction the undertakings of the work and the acceptance of honoraria therefor. (vide Instructions (1) and (3)	Head of the department in the case of members of All India State and Specialist Services under his control and appointing authority in the case of member of the subordinate service	Full powers
Note: The grant of permission to an officer by the competent authority to act as Supervisor or Invigilator in connection with the examinations held by the Union Public Service Commission (India) at States centres shall be deemed automatically to convey sanction to the acceptance by the said officers of fees at the rates prescribed by the Commission.		
(4) Power to sanction the undertaking of work and the acceptance of fees in connection with examinations held by a Universities or other examining body (vide Note -2 to Instruction-4) .	High Court, Director of Medical Services, Director of Public Health, Commissioner of Revenue Administration, Commissioner of Land Administration, Commissioner of Prohibition and Excise, Commissioner of Civil Supplies, Commissioner of Land Reforms including Urban Land Ceiling and Urban Tax and Agricultural Income Tax , Director of Adi-Dravidar and Tribal Welfare, Director of Backward Classes and Director of Most Backward Classes and Denotified Communities Welfare, Chief Engineers , Director of Collegiate Education, Director of School Education, Deans, Principals and	To the Director of Medical Services, Chief Engineers and Director of Collegiate Education, Director of School Education, Deans, Principals and Heads of Teaching Institutions Full power.
	Heads of Teaching Institutions Commissioner for Government Examinations, Inspector - General of Police, Commissioner of Police, Inspector General of Prisons, Secretaries to Government.	Subject to a maximum of Rs.1500/- in each case; to other authorities, full powers subject to a maximum of Rs,.500/- in each case.
	Inspectors and Inspectresses of Schools, Superintendent , Presidency Training School for Mistresses	To sanction the acceptance by group C and D Government servants under control of fees in respect of work done in connection with

		Universities Examinations upto a maximum of Rs.500/- in each case.
	Heads of Government Colleges other than the Principal, Agricultural College, Coimbatore	To sanction the acceptance by Group A and B and Groups C and D Government servants under their control of fees in respect of work done in connection with University Examination upto a maximum of Rs. 1,000 in each case.
(G.O. Ms. No. 856, Personnel and Administrative Reformsdept., dated 14.08 1981.)		
	Commissioner of Labour	Full power subject to a maximum of Rs.250 in each case.
	Director of Agriculture, Director of Animal Husbandary.	To sanction the acceptance by Groups A and B and Groups C and D Government servants under his control of fees in respect of work done in connection with examinations conducted by the Government or private bodies up to a maximum of Rs. 500 in respect of Group C and D staff and Rs. 1,000 in respect of Group A and B officers subject to the conditions (I) that if in any case, the Director refuses permission it should be reported to the Government and (2) that the Director is satisfied in all cases that the work will not interfere with normal work of the Government servant.
	'Registrar of Co-operative Societies	(a) To sanction the acceptance by Officers belonging to 'A' and 'B' groups, of fees in respect of work done in connection with examinations conducted by the Universities, Co-operative Training institutions and other Educational Institutions recognised by the Government. b) To sanction the acceptance by the Additional Registrar of Co-operative Societies, of fees and conveyance charges for

		delivering lectures at the cooperative training institutes or colleges, co-operative institutions and other bodies recognised by the Government
	*Additional Registrar of Cooperative Societies (Finance and Banking). *(substituted vide G.O. Ms. No. 127, P&AR Dep.t, dated 28.10.2013, w.e.f. 15.11.2007)	To sanction the acceptance by the Joint Registrar of Cooperative Societies of fees and conveyance charges for delivering lectures at the cooperative Training Institutes, Colleges, Co-operative Institutions and other bodies recognised by the Government.
	Joint Registrar (Statutory and Training).	To sanction the acceptance by all officers belonging to 'B' and 'C' Groups of fees and conveyance charges for delivering lectures at Cooperative Training Institute or Colleges, Co-operative Institutions and other bodies recognised by the Government.
[G.O. Ms. No. 221, P&AR (FR III),dept., dated 7.07 1992. w.e.f.- 7th July 1992]		
	Commissioner for Milk Production and Livestock Development	To sanction the acceptance by Groups A and B and Groups C and D Government servants under his control of fees in respect of work done in connection with the examinations conducted by the Universities of other examining bodies upto a maximum of Rs. 500, in respect of Group C and D officers and Rs. 1,000 in respect of Groups A and B officers in each case, subject to the conditions.— (1) that if in case, the Commissioner for Milk Production and Livestock Development refuse permission it should be reported to Government promptly; and (2) that the Director is satisfied that the work will not interfere with normal work of the Government servant concerned.

(5) Power to sanction overtime fees (vide note 2 to instruction 4.)	Deputy Commissioner of Excise	Power to sanction over time fees to Groups C and D Government servants under him to whom the payment of such fee has been authorised in accordance with the scales laid down by the Commissioner of Excise.
(6) Power to sanction the undertaking of private tuitions and acceptance of fees therefor.	District Educational Officers.	Power to sanction the acceptance of fees by members of teaching staff employed in Government schools for boys upto Rs. 100 per term.
	Divisional Inspector of Schools	Power to sanction the acceptance of fees by members of teaching staff employed in Government Schools for boys upto Rs.200 per term.
	Inspectresses of Schools	Power to sanction the-acceptance of fees by members of the teaching staff employed in Government schools for girls up to Rs. 100 per term.
(7) Power to sanction the writing of books and acceptance of fees therefor (vide note 3 below instruction 4).	Director of Collegiate Education, Director of School Education Director of Technical Education	To sanction acceptance of fees up to Rs. 1,500 in each case.
(8) Power to sanction the acceptance of remuneration for broadcast talks	Heads of Departments	Full power.
	Collectors	Full power in respect of Groups C and D Government servants under their control.
	District Educational Officers and Inspectresses of Girls Schools	Full powers in respect of Government Secondary and Training Schools, under their Control
	Principals, Government Colleges	Full powers in respect of servants employed in such colleges
(9) Power to sanction the undertaking of extra work and the acceptance of fees	High Court	Full power.

(10) Power to permit officers of the Education Department employed in the offices and institutions in Madras City to participate in the conduct of refresher courses, seminars and conferences at the Teacher's College, Saidapet under the auspices of the Extension Services Department of the college and to accept remuneration there-for.	Director of Collegiate Education, Director of School Education	Full power
(11) Power to permit the officers of the Educational Department to undertake work and the acceptance of remuneration in respect of the following matters:— (1) Inspection of colleges on behalf of a University. (2) Membership of special or adhoc committees constituted by a University. (3) Valuation of thesis submitted to a University for the award of degrees.	Director of Collegiate Education, Director of School Education	Full power.
(12) Power to permit the staff of Government Engineering Colleges to accept and examinership outside the State, in exceptional cases taking into account the merits of each case and the requirements of the department.	Director of Technical Education.	Full power.
(12-A) Power to permit the teaching staff members of the Government Engineering Colleges to accept appointment as Examiners for valuation of answer papers/thesis and to conduct practical examination viva voice offered by the Universities and other examining bodies and to accept remuneration therefor.	Principals of the concerned Government Engineering Colleges.	Full Power.
G.O. Ms. No. 89 P&A.R. Dept., Dt. 6.2.1984		

(13) Power to permit the Labour Officers accept the remuneration for their work as Assessors under Industrial Disputes Act, 1947 (Central Act XIV of 1947)	Commissioner of Labour, Madras.	Full powers
14) Power to entrust to selected staff members of Engineering Colleges consultancy (Private) work taken up by the Engineering Colleges and to sanction from office contingencies of the said college, honorarium to those staff at a rate not exceeding two thirds of the total fees received for the work by the said colleges and credited to the State Funds.	Principals of Engineering Colleges.	Full powers.
(15) Power to sanction the grant of honoraria in the case of examinations conducted by the Board of Examinations, Madras	Director of Technical Education	To employ the staff of the Directorate for doing work of tabulations of marks, etc., in connection with the various examinations conducted by the Board of Examination, Madras and to permit them to receive remuneration in accordance with the scale prescribed by the Government.
16) Power to sanction the grant of honorarium.	Principals of Colleges of Education.	To sanction the payment of honorarium not exceeding Rs. 100 per annum at the lecturers on Health Education to B.T. students.
(17) Powers to sanction the share of fees of the sale proceeds of skeletons, bones, etc., payable to staff of Anatomy Department.	The Deans or the Principals of the Medical Colleges.	Power to sanction the allotment of the proportion of 90 percent of the sale proceeds of the skeletons, bones, etc., among the staff of the Anatomy Department based on the recommendation of the Professor of Anatomy. The distribution shall be made at the discretion of the Professor of Anatomy and the sanctioning authority is the Dean or the Principal of the Medical College.

(18) Power to sanction the undertaking of work and acceptance of fees in connection with examination held by a University or other examining body.	Dean, Agricultural College, Madurai.	To sanction the acceptance by Group A and B and Group C and D Government servants under his control of fees in respect of work done in connection with examinations conducted by a University or other examining body or for membership in committees up to a maximum of Rs.2,000 in respect of Group A and B officers and Rs. 1,000 in respect of Groups C and D staff in a calendar year subject to the conditions that in any case the Dean refuses permission it should be referred to the Director of Agriculture for a final decision and that the Dean is satisfied in all such cases that the work will not interfere with the normal official duties of the Government servants

DELEGATIONS UNDER RULE 49.

1. The head of a department is empowered to appoint a Government servant to hold additional charge of more than one post provided that it is authorized to appoint permanently to each of the posts concerned including the post held by the Government servant aforesaid. In the case of other posts under its control the head of the department may make similar appointments when it is not proposed to grant any additional remuneration.

2. $ The Chief Engineer General, Public Works Department and Chief Engineer (Highways & Rural Works) is empowered to make appointments involving the grant of remuneration to officers and subordinates for holding charge of more than one post during the leave arrangement of temporary supervisors, provided there is a vacancy in the upper subordinate establishment which has not been filled for the period of additional charge in each case.

3. The Inspector-General of Police is empowered to delegate to the Deputy Inspector General of Police the power to appoint Inspector, Reserve Inspector, Reserve Sub-Inspector, Sub-Inspectors and Managers and Accountants of District Police offices to hold additional charge of more than one post.

$[G.O. Ms. No. 320, P. & A.R (FR. SPL) dept., dt, 13-7-1990, w.e.f. 3-3-1989.]

3-A. The Inspector-General of Police (Law and Order and Administration) and the Inspector General of Police (Crime and Intelligence) are empowered to appoint Deputy Superintendent of Police categories (1) and (2) and Assistant Commandants of the Tamil Nadu Police Service who are under their respective control, to hold full additional charge of another post or to discharge current duties of that post for periods exceeding thirty-nine days and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 836, P&AR (F.R.III) Dept., dated 3rd September 1983 — w.e.f. 29th January 1983.]

4. *Omitted*.

5. The Chief Engineer, Public Works Department (General), is empowered to appoint Assistant Engineers in the Public Works and Public Health branches of the Public Works Department and also Boiler Inspectors to hold full additional charge of another post or discharge current duties of that post for a period not exceeding five months and sanction additional pay, subject to the conditions prescribed in Rule 49.

6. The Director of Fisheries is empowered to appoint any member in the Madras Fisheries Subordinate Service or any of the Group C and D subordinates under his control, to hold additional charge of any one or more posts for which he is the appointing authority and sanction additional pay, subject to the conditions prescribed in Rule 49.

7. *Omitted*.

8. The Commissioner of Labour and Director of Employment is empowered to appoint Groups A and B Officers of the Labour Department including Factories section and National Employment Service except the Chief Inspector of Factories to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty nine days and sanction additional pay, subject to the conditions prescribed in Rule 49.

8 (*a*) The Commissioner of Labour is empowered to sanction additional charge allowance for Superintending Inspector of Factories and Deputy Chief Inspector of Factories:

[G.O. Ms. No. 689, Finance (F.R.I.)dept., dated 24th July 1975.]

9. The heads of departments and the Collectors are empowered to appoint Deputy Collectors working under their administrative control to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty nine days and sanction additional pay, subject to the conditions prescribed in Rule 49.

10. The Deputy Commissioner of Labour is empowered to appoint Assistant Inspectors of Labour to hold full additional charge of another post of Assistant Inspector of Labour or discharge current duties of that post for periods exceeding thirty-nine days and sanction additional pay, subject to the conditions prescribed in Rule 49.

11. The Commissioner of Land Administration is empowered to appoint Assistant Director of Survey to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty-nine days and sanction additional pay, subject to the conditions prescribed in Rule 49.

12. The Commissioner of Hindu Religious and Charitable Endowments (Administration) Department is empowered to appoint Deputy Commissioner and Assistant Commissioners of the Hindu Religious and Charitable Endowments (Administration) Department to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty-nine days and sanction additional pay, subject to the conditions prescribed in Rule 49.

13. The Director of Motor Vehicles Maintenance Department is empowered to appoint the Automobile Engineers of Tamil Nadu Motor Vehicles Maintenance Department to hold full additional charge of another post or to discharge current duties of that post for periods exceeding thirty nine working days and to sanction additional pay, subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 105, P. & A.R. (FR.IV) Department, dated 5th May 1998,w.e.f.2.6.1998.)

14. *Omitted* —— *vide* G.O. Ms. No. 222, P. & A.R. Dept., dated 21-6-91, w.e.f. 3-4-90.

15. The Director of Industries and Commerce is empowered to appoint Groups A and B Officers under his control except the Joint Directors of Industries and Commerce to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty nine days and to sanction additional pay, subject to the conditions prescribed in Rule.49.

16. The Director of Public Health is empowered to appoint the Commissioner of a Municipality to discharge the current duties of the post of the Municipal Health Officer and to appoint a Health Officer to hold full additional charge of another post of Health Officer or to discharge the current duties of that post and to sanction additional pay, subject to the conditions prescribed in Rule 49.

17. Collectors of districts are empowered to appoint a Government servant under their control to hold full additional charge of other posts in respect of which the Collectors of districts are the appointing authorities and to sanction additional pay to them, subject to the conditions prescribed in Rule 49.

18. The Director of Employment and Training is empowered to appoint Group A and B Officers except the Joint Director in the Training wing, to hold full additional charge of another post or discharge current duties of that post for periods exceeding thirty-nine days and to sanction additional pay, subject to the conditions prescribed in Rule 49.

19. The Director of Fisheries is empowered to appoint the following Group A and B Officers in the Fisheries Department to hold full additional charge of another post or to discharge the current duties of that post and to sanction additional pay to them, subject to the conditions prescribed in Rule 49.

Madras Fisheries Service.

(1) **Assistant Directors of Fisheries.**

(2) **Superintendents, Inshore Fishing Station.**

(3) **Works Manager, Boat Building Yards.**

(4) **Personal Assistants (Technical) to Regional Deputy Directors.**

(5) **Fisheries Refrigeration Engineers.**

(6) **Automobile Engineer**.

Madras General Service.

(1) **Personal Assistants to Director of Fisheries.**

(2) **Special Officer (Non-Technical).**

(3) **Chief Accountant**.

20.The Chief Conservator of Forests is empowered to make additional charge arrangements in respect of Non-Indian Forest Service, Assistant Conservators of forests for a period not exceeding five months, and to sanction additional charge allowance, subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 894, Finance, dated 18th July 1970.)

21.* Omitted

* {Vide G.O. Ms. No 104 P&AR (F.R IV.dept.), dated.2.9.2002 - w.e.f. 1.9.1981}

21-A. The Director, Tamil Nadu State Transport Department, is empowered to appoint Group A and B Officers under his control in the Tamil Nadu State Transport Department including the Motor Vehicles Maintenance Organisation to hold full additional charge of other posts under his control or discharge current duties of those posts for periods exceeding thirty-nine days and to sanction additional pay, subject to the conditions prescribed in Rule 49.

22. The Director of Agriculture is empowered to appoint Group A and B Officers under his control to hold full additional charge of other posts under his control or discharge current duties of those posts for periods exceeding thirty nine days and to sanction additional pay subject to the conditions prescribed in rule 49, except the following posts, namely:—

(i) The Dean and ex-officio Additional Director of Agriculture.

(ii) The Associate Dean.

(iii) The Principal of the Agricultural College, Madurai; and

(iv) The Officers who are in the cadre of Joint Directors of Agriculture.

[G.O. Ms. No. 1402, Finance (F.R.), dated 24th September 1971.]

23. The Commissioner for Milk Production and Livestock Development is empowered to sanction charge allowance to all the Group A and B Officers in the Dairy Development Department, subject to the conditions prescribed under F.R. 49 except in respect of the following officers:—

(1) Project Manager, Madurai.

(2) Deputy Milk Commissioner (Administration).

(3) Deputy Milk Commissioner (Co-operation).

(4) Deputy Milk Commissioner (Dairying), Madhavaram.

(5) Chief Accounts Officer.

(6) Dairy Engineers.

[G.O. Ms. No. 116, Finance (F.R.), dated 29th January 1972.]

24. The Director of Social Welfare is empowered to appoint the District Social Welfare Officers and Superintendents of Service Homes to hold additional charge of another post for a period not exceeding five months and to sanction additional charge allowance, subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 472, Finance (F.R.), dated 28th March 1972.]

[G.O. Ms. No. 963, Finance (F.R.), dated 8th July 1974.]

(G.O. Ms. No. 104, P. & A.R. Dept., dt. 27-2-1990.)

25. The Superintending Engineer (Highways) is empowered to sanction the additional charge allowance for a period not exceeding five months to Assistant Divisional Engineers and the Chief Engineer (Highways) is authorised to sanction additional charge allowance to Assistant Divisional Engineers exceeding three months but not exceeding five months. The Chief Engineer (Highways) is also empowered to appoint the Divisional Engineers and Superintending Engineers in Highways and Rural Works Department to hold full additional charge of another post and to sanction additional charge allowance for a period not exceeding five months, subject to the conditions prescribed in rule 49.

[G.O. Ms. No. 458, P&AR (Per.I) Department, dt. 23.08.1988,- w.e.f 21.07.1987.]

26. The Commissioner of Commercial Taxes is empowered to appoint **Assistant Commercial Tax Officers, Deputy Commercial Tax Officers, Commercial Tax Officers, Assistant Commissioners, Deputy Commissioners and Joint Commissioners of Commercial Taxes except I.A.S Officers* to hold full additional charge of another post or discharge current duties of that post for periods exceeding **thirty nine days* and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 1469, Finance (F.R.) dept., dated 9th November 1972.]

(*Substituted vide G.O. Ms. No. 19, P&AR (FR.IV)dept., dt. 26.2.2003 - w.e.f. 8.11.1990)

27. The Director of Stationery and Printing is empowered to appoint Group A and B Officers of the Stationery and Printing Department except the Joint Director of Printing, to hold full additional charge of another post or discharge current duties of that post for periods exceeding *thirty nine days and to sanction additional pay subject to the conditions prescribed under Rule 49.

[G.O .Ms. No. 1480, Finance (F.R.), dated 14th November 1972.]

28. The Conservators of Forests are empowered to appoint Rangers within their control to hold full additional charge of another post or discharge the current duties of that post for a period exceeding thirty nine days and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 95, Finance (F.R.), dated 29th January 1973.]

29. All Heads of Departments are empowered to appoint the Junior Accounts Officers working under them to hold additional charge of other posts and to sanction charge allowance subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 699, Finance (F.R.I.), dated 5th June 1973.]

30. The Commissioner of Civil Supplies is empowered to appoint a Group A and B Officer in the Civil Supplies Department other than a Deputy Collector or District Revenue Officer to hold full additional charge of another post in the Civil Supplies Department or discharge current duties of that post for periods exceeding thirty nine days and sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 1285, Finance (F.R.I.), dated 16th October 1973.]

31. (i) The Registrar of Co-operative Societies is empowered to appoint Additional Registrar of Co-operative Societies, Joint Registrars of Co-operative Societies, Deputy Registrars of Co-operative Societies and other officers of their rank under his control to hold full additional charge of another post or to discharge current duties of that post and to sanction additional pay to them, subject to the conditions prescribed in Rule 49.

(ii) #The Additional Registrar of Co-operative Societies (Finance and Banking) is empowered to appoint any Gazetted Officer, other than the Joint Registrar of Co-operative Societies to hold full additional charge of another post, other than the post of Joint Registrar of Co-operative Societies, or to discharge current duties of that post and to sanction additional pay to them, subject to the conditions prescribed in Rule 49.

(iii) The Regional Joint Registrars of Co-operative Societies are empowered to make additional charge arrangements in respect of posts of Deputy Registrar of Co-operative Societies for the period of leave upto thirty days.

[Vide G.O. Ms. No. 408, P&AR (F.R.SPL.)dept., dated 20th September 1990—w.e.f 23.05.1988.]

[#substituted vide G.O. Ms. No. 127, P&AR (FR-IV) Dept., dt. 28.10.2013 w.e.f. 15.11.2007]

32. The Transport Commissioner is empowered to appoint Group A and B Officers under his control to hold full additional charge of another post or discharge current duties of that post and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 1086, Finance (F.R.I.), dated 5th August 1974.]

33. The Chief Engineer (National Highways), Chief Engineer (Parambikulam-Aliyar Project), Chief Engineer (Buildings) and the Director, Ground Water are empowered to appoint

Assistant Engineers in their branches to hold full additional charge of another post or to discharge current duties of that post for periods exceeding thirty nine working days and to sanction additional pay, subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 1458, Finance (F.R.I.), dated 30th November 1974.]

34. The Director of Rural Development is empowered to appoint Group A and B Officers under his administrative control to hold full additional charge of any of the following six categories of posts or to discharge current duties of these posts and also to sanction additional charge allowance subject to the conditions laid down in Fundamental Rule 49:—

(1) Principals of Rural Extension Training Centres.

(2) Chief Instructors, Workshop Wing, Rural Extension Training Centres.

(3) Chief Instructors, Home Science Wings (now transferred to the Rural Extension Training Centres on the abolition of Home Science Wings.)

(4) Gazetted Lecturers in Agriculture in the Rural Extension Training Centres.

(5) Gazetted Lecturers in Agriculture in the State Institute for Community Development; and

(6) Principal, State Institute for Community Development, Bhavanisagar.

[G.O. Ms. No. 377, Finance (F.R.I.), dated 18th April 1975.]

35. The Director of Health Services and Family Planning and the Director of Medical Education are empowered to appoint another officer to hold additional charge of the post in the grade of Civil Surgeon and above during leave vacancies and to sanction additional pay, subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 556, Finance (F.R.I.), dated 11th June 1975.]

36. The Examiner of Local Fund Accounts is empowered to appoint the Group A and B Officers in the Local Fund Audit Department to hold full additional charge of another post or discharge current duties of that posts and to sanction charge allowances, subject to the condition prescribed in Rule 49.

[G.O. Ms. No. 916, Finance (F.R.I.), dated 24th September 1975.]

37. All Deputy Directors of Fisheries in the Fisheries Department are empowered to make additional charge arrangements in respect of the categories of Inspector of Fisheries, Research Assistant, Curator, Laboratory Assistant, Marine Foreman, Senior Mechanic and also in respect of the categories for which Deputy Directors of Fisheries are the appointing authorities whenever necessary and sanction additional charge allowance to them, subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 1186, Finance (F.R.I.), dated 18th December 1975.]

38. The Director of Social Welfare is empowered to appoint Group A and B Officers under his control to hold full additional charge of any of the following categories of posts or to discharge the current duties of those posts and also to sanction additional charge allowance subject to the conditions laid down in Fundamental Rule 49, namely:—

(1) Deputy Director of Social Welfare or equal grade posts.

(2) Administrative Personal Assistant to the Director of Social Welfare.

(3) Personal Assistant to the Director of Social Welfare.

(4) Special Officer (Women and Child Welfare).

(5) Gazetted Superintendent, Service Home, Tambaram.

(6) Gazetted Superintendent, Secondary Grade Teacher's Training Course, Tambaram.

[G.O. Ms. No. 770, P&AR (F.R.I.) dept., dated 3rd July 1978,w.e.f 03.04.1976]

39. The Chief Auditor, State Trading Schemes, is empowered to appoint the Group A and B Officers in the Department of Chief Auditor, State Trading Schemes, to hold full additional charge of another post or discharge current duties of that post and to sanction charge allowances, subject to the condition prescribed in Rule 49.

[G.O. Ms. No. 1141, Finance (F.R.I.)dept., dated 16th November 1976, w.e.f 03.06.1976]

40. The Director of Tamil Development is empowered to appoint Group A and B Group C and D Officers of the Directorate of Tamil Development to hold full additional charge of other posts under his control or discharge current duties of those posts and to sanction additional charge allowances, to those who hold full additional charge subject to the condition prescribed in Rule 49.

[G.O. Ms. No. 665, P&AR (F.R.I.) dept., dated 19th May 1977,w.e.f 03.02.1975]

41. The Joint Director, Directorate of Ex-Servicemen's Welfare is empowered to appoint Group A and B and Group C and D Officers of the Directorate of Ex-Servicemen's Welfare to hold full additional charge of posts under his control or to discharge current duties of those posts and to sanction additional charge allowance to those who hold full additional charge, subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 1191, P&AR dept., dated 28th September 1977, w.e.f 12.05.1975)

42. The Director of Animal Husbandry is empowered to appoint Group A and B Officers below the rank of Deputy Director of Animal Husbandry under his administrative control to hold full additional charge of another post or to discharge current duties of that post and to sanction additional charge allowance for holding full additional charge, subject to the conditions laid down under Fundamental Rule 49.

The amendment hereby made shall be deemed to have come into force on the 1st December 1976.

[G.O. Ms. No. 795, Personnel and Administrative Reforms (F.R.I.) dept., dated 11th July 1978.]

[Government Memo. No. 73391/78-1, P&AR (F.R.I.) dept., *dated 22nd January 1979.]*

[Government Memo. No. 1584-A/79-1, P&AR *(F.R.I.)* dept., *dated 15th March 1979.]*

43. The Deputy Commissioner, Hindu Religious and Charitable Endowments, are empowered to appoint Group C and D Officers under their control to hold full additional charge of the following categories of posts or to discharge the current duties to those posts, and also to sanction additional charge allowance, subject to the conditions laid down in Rule 49, namely:—

(1) Inspectors.

(2) Executive Officers, Grade I to IV.

[G.O. Ms. No. 966, P&AR (F.R.I.)dept., dated 24th August 1978, w.e.f. 10.11.1975]

44. The Inspector-General of Prisons is empowered to appoint Gazetted Officers under his control to hold full additional charge of any of the following categories of posts or to discharge the current duties of those posts, and also to sanction additional charge allowance, subject to the conditions laid down in Fundamental Rule 49:—

(1) Superintendent of Prisons.

(2) Additional Superintendent.

(3) Gazetted Assistant to the Inspector-General of Prisons.

(4) Superintendent, After Care Home for Males.

(5) Jailors.

(6) Regional Probation Officer.

(7) Deputy Jailor (during additional charge of the post of Jailor).

(8) Selection Grade Regional Probation Officers.

(G.O. Ms. No. 1170, P&AR dept., dated 27th November 1980.)

45. *Omitted (Vide G.O. Ms. No.19, P&AR dept., dated 26.2.2003 - w.e.f. 8.11.1990)

46. The Inspector-General of Registration is empowered to appoint Group A and B Officers below the rank of Deputy Inspector-General of Registration under his administrative control to hold full additional charge of another post in Group A and Group B or discharge current duties of that post and to sanction additional pay subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 1013, Personnel and Administrative Reforms dept., dated 28th September 1981.)

47. The High Court, Madras is empowered to appoint District Munsifs and Sub-Judges to hold full additional charge of another post and to sanction additional charge allowance to those who hold full additional charge subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 736, Personnel and Administrative Reforms dept., dated 10th July 1981.)

48. The State Port Officer is empowered to make additional charge arrangements for the following categories of posts and to sanction additional pay subject to the conditions prescribed in Rule 49.

Group A.

(1) Port Officers.

(2) Inspecting Dredging Engineer.

Group B.

(1) Executive Engineer (Civil).

(2) Assistant Executive Engineer (Mechanical), (Civil) and (Electrical).

(3) Personal Assistant to State Port Officer, Madras.

(4) Administrative Officers at the State Minor Ports.

(5) Assistant Engineer (Civil), (Mechanical) and (Electrical).

(G.O. Ms. No. 918, Personnel and Administrative Reforms dept., dated 31st August 1981.)

49. The Director of Town and Country Planning is empowered to appoint Groups A and B Officers to hold full additional charge of other posts or discharge the current duties of those posts and to sanction additional pay subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 1013, Personnel and Administrative Reforms dept., dated 28th September 1981.)

50. The Director of Approved Schools and Vigilance Services empowered to appoint Group B Officers in the Department of Approved Schools and Vigilance Service to hold full additional charge or to discharge current duties of one or more independent posts at one time and to sanction additional pay, subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 1091, Personnel and Administrative Reforms dept., dated 30th October 1981.)

51. The Director of School Education is empowered to appoint officers upto the level of District Educational Officers to hold full additional charge of other post or discharge current duties of those posts and to sanction additional pay subject to the conditions prescribed in Rule 49.

(G.O. Ms. No. 143, Personnel and Administrative Reforms dept., dated 18th February 1982.)

52. The Collectors of districts are empowered to appoint Personal Assistants (Panchayat Development) to the Collector or Divisional Development Officers to hold full additional charge of another Personal Assistant (Panchayat Development) to the Collector or Divisional Development Officer and to sanction additional pay subject to the conditions prescribed in Rule 49.

Provided that additional charge arrangement permissible only among the posts of Divisional Development Officers, Personal Assistants (Panchayat Development) to the Collectors and not between a Divisional Development Officer/Personal Assistant (Panchayat Development) to the Collector and another departmental officers and *vice versa*.

53. The Director of Rural Development is empowered to appoint Chief Radio Officer to hold full additional charge or to discharge current duties only of Regional Radio Officer and the Regional Radio Officer to hold full additional charge or to discharge current duties only of Chief Radio Officer or another Regional Radio Officer and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 690, P&AR, (F.R.III) dept., dated 16.07.1982 — With effect from 6th March 1980.]

54. The Director of Oil Seeds is empowered to appoint Group A and Group B Officers of the Co-operative Department in the Directorate of Oil Seeds to hold full additional charge of another post in Group A and Group B of the Co-operative Department in the Directorate of Oil seeds and to sanction additional pay subject to the condition prescribed in rule 49.

55. The Director, Vigilance and Anti-corruption is empowered to appoint Deputy Superintendent of Police ****and Law Officers* **in Directorate of Vigilance and Anti-Corruption to hold full additional charge of another post or to discharge current duties of that post and to sanction additional pay subject to the conditions prescribed in Rule 49.

[G.O. Ms. No. 241, P&AR, (F.R.III) dept., dated 19th March 1987,w.e.f 11.09.1986]

*(Inserted vide G.O. Ms. No. 49, P&AR, (F.R.IV) dept., dated 12th April 2005, w.e.f 24.01.2005.]

56. The Commissioner of Sports and Youth Services is empowered to appoint Group A and B Officers of the Directorate of Sports and Youth Services, Madras to hold full additional charge of other posts under his control or to discharge current duties of those posts for periods exceeding 39 days and to sanction additional charge allowance subject to the conditions prescribed in Rule 49.

[Vide G.O. Ms .No. 1022, P&AR, (F.R.III) dept., dated 07.11.1987,w.e.f 20.01.1987.]

57. The Director of Rehabilitation is empowered to appoint Personal Assistant to the Director of Rehabilitation and Assistant Director of Rehabilitation (Industries) working under his administrative control to hold full additional charge of another post or discharge current duties of that post and sanction additional charge allowance subject to the conditions prescribed in Rule 49.

[Vide G.O. Ms. No. 180, P&AR, (F.R.SPL.) dept., dated 12.04.1990, w.e.f 22.08.1989.]

58. The Chief Engineer (Agricultural Engineering), Madras is empowered to appoint the Officers in the cadre of Assistant Engineer (Agricultural Engineering) Assistant Executive Engineer (Agricultural Engineering) to hold full additional charge of other posts under his control or discharge current duties of those posts for period exceeding 39 days and to sanction additional pay subject to the condition prescribed in Rule 49.

59. The Director of Backward Classes and Minorities Welfare is empowered to appoint Group B Officers under his control to hold full additional charge of any of the following categories of posts or discharge the current duties of those posts and to sanction additional pay subject to the conditions prescribed in Rule 49, namely:—

1. **Personal Assistant to the Director of Backward Classes and Minorities Welfare.**
2. **Personal Assistant to the Director of Most Backward Classes and Denotified Communities.**
3. **Special Officer (Planning) in the Directorate of Backward Classes and Minorities Welfare.**

[G.O. Ms. No. 102, P. & A.R. (FR.IV) Dept., dt. 4-5-98, w.e.f. 27-12-96.]

60. The Commissioner or Director of Economics and Statistics is empowered to appoint the Officers in the cadre of Joint-Director of Economics and Statistics and Deputy Director of Economics and Statistics to hold full additional charge of other posts under his control or to discharge current duties of that posts and to sanction additional pay subject to conditions prescribed in Rule 49.

61. The Director of Agriculture is empowered to appoint, the Additional Director of Agriculture or the Joint Director of Agriculture to hold full additional charge of the other posts under his control or to discharge current duties of these posts and he is also empowered to sanction additional pay, subject to the conditions prescribed in rule 49.

 # 61-A The Joint Director of Agriculture in the District and the Additional Director of Agriculture (Personnel Management) in the Directorate of Agriculture are empowered to sanction additional pay to the Agricultural Officers under their control, subject to the conditions prescribed in rule 49.

(Inserted Vide G.O.Ms.No.104 P&AR(FR.IV) dated 2.9.2002 w.e.f. 4.6.2002)

62. The Chief Electrical Inspector to Government is empowered to appoint, Assistant Electrical Inspectors and Electrical Inspectors to hold full additional charge of the posts under his control or to discharge current duties of those posts and he is also empowered to sanction additional pay, subject to the conditions prescribed in rule 49.

(G.O. Ms. No. 163, P&AR (FR.IV) dept., dated 21.08. 2000,w.e.f. 28th *September 1999.)*

@63. The Director of Technical Education is empowered to appoint a suitable person under his control for the post of Principal in the Government Engineering Colleges or Government Polytechnics and in Special Institutions to hold full additional charge of the post subject to the conditions prescribed in rule 49.

@ (Vide G.O.Ms.No.10 P&AR (FR.IV) dt. 5.2.2004 - w.e.f. 22.5.2003).

***64. The Director of Seed Certification is empowered to appoint suitable Officer to hold full additional charge of the post of Joint Director of Agriculture (Training) at the office of the Director of Seed Certification, Coimbatore or discharge current duties to sanction additional pay subject to the conditions stipulated under Rule 49 of Fundamental Rule.**

*****(Added vide G.O.Ms.No.125, P&AR (FR.IV) Dept., dt. 8.4.2004-w.e.f.17.10.2002)

NOTE 5 : UNDER FUNDAMENTAL RULE 51.

RULES REGULATING THE GRANT OF TRAVELLING AND HALTING ALLOWANCES.

SECTION I — CLASSIFICATION OF OFFICERS.

1. For purposes of these rules officers are divided into classes as under:—

(a) Travelling expenses in Great Britain and Northern Ireland—

(i)	Officers in receipt of Rs. 1,100 per mensem or over.	First-Class
(ii)	All other officers	Third Class

(b) Halting Allowances in Great Britain and Northern Ireland and travelling expenses and halting allowances abroad—

First-Class	Officers in receipt of pay exceeding Rs. 750 per mensem.
Second-Class	Officers in receipt of pay exceeding Rs. 200 but not exceeding Rs. 750.
Third-Class	Other officers.

SECTION-II — TRAVELLING EXPENSES.

2. Travelling expenses when admissible are granted as follows where actually incurred:—

Officers of the First-Class	First-Class railway or steamer-fare.
Officers of the Second-Class	Second-Class fare if available otherwise third-class fare.
Officers of Third-Class	Third-Class fare.

Note (1).—Officers are expected to follow the most economical route and to take advantage of return, cheap day tourist, week end or excursion tickets when available and when a saving may be effected thereby. When it is known that daily journeys between the same two places will be performed on several occasions a season ticket should be taken, if more economical than daily return tickets. Railway officers travelling at concession rates may claim the cost of concession tickets only.

Delegates to conferences, etc., should utilize any rail and steamer fare concession offered by conference authorities.

Note (2).—Officers travelling by private motor cars, etc., may be granted mileage allowances at the rates and under the conditions prescribed by the Audit Officer, India Office.

3. In the case of Cross-channel passages, second-class officers may travel first-class and third-class officers second-class.

4. Only the cost of return tickets is allowed when such can be taken.

5. An officer unless otherwise instructed is expected to take up his headquarters at his place of work and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

6. Except as provided in Rule 7, necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Audit Officer, India Office, at his discretion. The extra cost of sleeping berths or seats in Pullman cars will not be allowed elsewhere than in America without the sanction of the High Commissioner/Ambassador as the case may be.

7. Officers entitled to second-class passages who are deputed to the United Kingdom receive in respect of the journey from the port of embarkation of their homes and vice versa, the following allowances in lieu of refund of incidental expenses under Rule 6, namely, 15$ for each journey, if the officer travels alone and £1 for each journey, if he is accompanied by his wife of family.

8. An officer ordered to travel by the overland route to or from India on duty may be granted, in addition to travelling expenses an inclusive sum of £1 as travelling allowance for the journey between England and the continental port of embarkation for, or dis-embarkation from India.

SECTION III—HALTING ALLOWANCE

9. Subject to the provisions of Rules 10 and 11, officers who are sent abroad on deputation may be granted a halting allowance at the rates prescribed by the Government of India from time to time from the date of landing in the country abroad to the date of leaving that country for India.

Provided that the Government may sanction to an officer halting allowance at a rate higher or lower than that prescribed if it is considered that the halting allowance so prescribed is inadequate or excessive as the case may be.

10. If an officer is permitted to take leave during his deputation or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of halting allowance will cease during the period of leave.

11. If an officer who is eligible for a halting allowance under this section is obliged to travel away from his headquarters, he shall be entitled to draw the halting allowance admissible under this section in addition to the travelling allowance or cost of transport for such journeys.

12. Officers placed on deputation while on leave out of India may be granted a halting allowance at the rates prescribed by the Government of India from time to time if they can show that they are put to extra expense in the matter of accommodation though being placed on duty. They will draw halting allowance as in Rule 11 above in respect of necessary journeys on duty away from headquarters.

13. The rates prescribed by the Government of India from time to time are not intended to meet the whole cost of subsistence when absent from home or headquarters, but only the extra expenses necessarily incurred through such absence. Halting allowances at these rates are admissible for the duration of deputation as well as for journeys in addition to travelling expenses under Section-II when officers on deputation travel on duty away from headquarters.

14. When sleeping car accommodation is provided at Government expense, two-thirds only of the rates prescribed by the Government of India from time to time will be admissible.

15. The rates prescribed by the Government of India from time to time will not ordinarily be admissible for more than one month in any one place. They may be varied in the case of attendance at Imperial and International Conferences, etc.

16. No halting allowance can be drawn for any period during which an officer is entertained at the expense of the State or where subsistence is otherwise provided, e.g., on boardship.

17. When an officer is deputed to attend a conference or congress and is connected tour he will draw in respect of the tour, either the allowances and travelling expenses admissible under the above rules or the all-in-charge, if any, arranged by the conference or congress authorities for the tour, whichever is less.

SECTION IV

OFFICERS UNDERTAKING WORK AT THEIR OWN REQUEST.

18. In cases where officers on leave undertake work at their own request a refund of actual and necessary expenses may be granted subject to the sanction of the High Commissioner/Ambassador, as the case may be, where such duty involves travelling but no other expenses (e.g., hotel bills) or allowances are admissible unless this is specially recommended by the State Government.

RULE 84.

ANNEXURE.

STUDY LEAVE RULES

***1. Short title, commencement and application*.—**

(1) These rules may be called the Tamil Nadu Study Leave Rules, 1965.

(2) They shall come into force at once.

(3) They shall apply to all Government servants under the rule-making control of the Government of Tamil Nadu.

***2. Definitions*.—(1) In these rules, unless the context otherwise requires,—**

(a) **"Audit Officer" means such officer as may be appointed by the Comptroller and Auditor General of India.**

(b) **"Head of Mission" means Ambassador, Charge-d-Affairs, Minister, Consul-General, High commissioner or any other authority declared as such by the Central Government in the country in which the Government servant studies or undergoes instruction.**

(2) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Fundamental Rules.

***3. Conditions for grant of study leave*.—(1) Subject to the conditions specified in these rules, *study* leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.**

(2) Study leave may also be granted—

(i) **for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to the sphere of duties of the Government servant;**

(ii) **for the purposes of studies connected with the frame work or background of public administration, subject to the condition that the Government servant shall submit, on his return a full report on the work done by him while on study leave; and**

(iii) **for the studies which may not be closely or directly connected with the work of a Government servant but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.**

Note.—Application for study leave in cases falling under clause (iii) shall be considered on merits of each case.

(3) Study leave shall not be granted unless—

(i) it is certified by the Head of the department concerned that the proposed course of study or training shall be of definite advantage from the point of view of public interest;

(ii) it is for prosecution of studies in subjects other than academic or literary subjects; and

(iii) the Economic Affairs Department of the Ministry of Finance of the Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects which for adequate facilities exist in India or under any of the schemes administered

by the Economic Affairs Department of the Finance Ministry, the Ministry of Education and the Ministry of Scientific Research and Cultural Affairs of the Government of India.

(5) Study leave shall not ordinarily be granted to a Government servant—

(i) who has rendered less than five years service under the Government; or

(ii) who does not hold a Group A and B post under the Government; or

(iii) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

(7) Leave of any other kind shall not be granted to a Government servant during the period of study leave.

[G.O. Ms. No. 488, P&AR (F.R.III) Department, dated 23rd May 1983,w.e.f 9.11.1983.]

***4. Authorities competent to sanction study leave*.—The Government alone shall grant study leave under these rules.**

***5. Maximum amount of study leave that may be* granted *at a time and during the entire service*.—The maximum amount of study leave, which may be granted to a Government servant shall be—**

(i) **ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons; and**

(ii) **twenty-four months inclusive of study leave granted under any other rules, in all during his entire service**.

***6. Combination of study leave with leave of other kinds*.—(1) Study leave may be combined with other kinds of leave but in no case shall the grant of this leave in combination with leave other than extraordinary leave involve a total absence of more than twenty-eight months from the regular duties of the Government servant.**

(2) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, commence his study before the end of the other kind of leave but the period of such leave coinciding with the courses of study shall not count as study leave.

Note.—The limit of twenty-eight months of absence prescribed in sub-rule (1) include the period of vacation.

***7. Regulation of study leave extending beyond course of study*.—When the course of study falls short of study leave sanctioned, the Government servant shall resume duty on the conclusion of the course of study, unless the previous assent of the Government to treat the period of short fall as ordinary leave has been obtained.**

8. Grant of study allowance.—A study allowance shall be granted for the period spent in prosecuting a definite course of study at the institutions recognised by Government or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

9. Period for which study allowance may be granted.—The period for which study allowance may be granted shall not exceed twenty four months in all.

10. Rates of *study allowance*.—(1) The rates of study allowance shall be as follows but may be revised from time to time :—

Nature of country/continent.	*Study allowance per diem*
(1)	(2)
Australia	12s (Sterling).
Continent of Europe ..	1£ (Sterling).
India	Half of the full daily allowance to which the Government servant would have been entitled under rules regulating his travelling allowance if he were on tour to the place of study.
New Zealand	12s (Sterling).
United Kingdom	16s (Sterling).
United States of America	30s (Sterling).

(2) The rates of study allowance to be granted to a Government servant who takes study leave in other countries shall be such as may specially be determined by the Government in each case.

(3) In cases where a Government servant is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had been on duty.

***11. Conditions governing grant of study allowance*.—(1) Study allowance may be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to Government any over payment consequent on his failure to produce the required certificate of attendance or otherwise.**

(2) A Government servant may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that—

(i) he attends during vacation any special course of study or practical training under the direction of the Government; or

(ii) in the absence of any such direction, he produces satisfactory evidence before the Head of Mission or Government, as the case may be, that he has continued his studies during the vacation.

(3) No study allowance shall be drawn during vacation falling at the end of a course of study except for maximum period of fourteen days.

Note.—The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty-four months for which study allowance is admissible.

(4) Study allowance shall not be granted for any period during which the Government servant interrupts his course of study to suit his own convenience:

Provided that the Government in a case where the study leave is taken in India or a country where there is no Indian Mission and the head of the Mission in other cases may authorise the grant of study allowance for any period not exceeding fourteen days at a time during which the Government servant is prevented by sickness from pursuing his course of study.

(5) In the case of a definite course of study at the Institutions recognised by Government, the study allowance shall be payable by Government if the study leave availed of is in India or in a country where there is no Indian Mission and by the head of Mission in other cases, on

claims submitted by the Government servant from time to time, supported by proper certificates of attendance.

(6) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Government servant is undergoing study in an Educational Institutions or at intervals not exceeding three months, if he is undergoing study at any other Institution.

(7) When the programme of study approved does not include or does not consist entirely of such a course of study the Government servant shall submit to the Government direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India. The Government shall decide whether the diary and report show if the time of the Government servant was properly employed and shall determine accordingly for what periods study allowance may be granted.

(8) (i) In the case of a Government servant who holds a Group A and B post the payment of study allowance at the full rate shall be subject to the production of a certificate to the effect that he is not in receipt of any scholarship or stipend or any other remuneration in respect of any part-time employment; and

(ii) In the case of a Government servant who does not hold a Group A and B post, to whom study leave has been granted in relaxation of the provisions of clause (ii) of sub-rule (5) of Rule 3, the certificate referred to in clause (i) of this sub-rule shall be obtained from him by the drawing officer and the same shall be enclosed along with the bill for the drawal of study allowance.

***12. Grant of study allowance to Government servants in receipt of scholarship or stipend*.— A Government servant, who is granted study leave may be permitted to receive and retain, in addition to his leave salary any scholarship or stipend that may be awarded to him from a Government or non-Government source. Such Government servant shall not ordinarily be granted any study allowance but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the Government servant, if any, from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend the difference between the value of the net scholarship or stipend and the study allowance may be granted by the Government.**

***13. Grant of study allowance to Government servants who accept part-time employment during study leave.*—If a Government servant who is granted study leave is permitted to receive and retain, in addition to his leave salary, any remuneration in respect of a part-time employment, he shall not ordinarily be granted any study allowance but in cases where the net amount of remuneration received in respect of the part-time employment (arrived at by deducting from remuneration any cost of fee paid by the Government servant) is less than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the study allowance may be granted by the Government.**

***14. Allowance in addition to study allowance*.—No allowance of any kind other than the study allowances or the travelling allowance, where specially sanctioned under Rule 15 shall be admissible to a Government servant in respect of the period of study leave granted to him.**

***15. Grant of travelling allowance*.—A Government servant shall not ordinarily be paid travelling allowance but the Government may in exceptional circumstances sanction the payment of such allowance.**

***16. Cost of fees for study*.—A Government servant granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Government may sanction the grant of such fees:**

Provided that in no case shall be the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary any remuneration in respect of part-time employment.

***17. Execution of a Bond.*—(1) Every Government servant in permanent employ who has been granted study leave or extension of such leave shall be required to execute a bond as**

given in Form "A" or Form A-1 as the case may be annexed to these rules before the study leave or the extension of such leave granted to him commences. If study leave or the extension of such leave is granted to a Government servant not in permanent employ, the bond shall be executed as given in Form B or Form B-1 as the case may be, annexed to these rules.

(2) The Government shall send to the Audit Officer and to the Pay and Accounts Officer, Madras, as well a certificate to the effect that the Government servant has executed the requisite bond (2) in the Tamil Nadu Study Leave Rules, 1965, in Part-I of Appendix II,—

(3) Government servants who are availing study leave other than extra-ordinary leave without allowances, or the Government servants who are absent and the absence is treated as duty for higher studies specified in column (2) of the Table below shall execute a bond to serve the Government for the period specified in column (3) and the penalty for breach of the conditions of the bond shall be as specified in column (4) thereof:-

The Table

Sl.No	*Kinds of Higher Studies*	*Period of bond*	*Penalty*
1	Higher Studies at Government cost within India	Thrice the period of study	The Government servant shall pay the pay and allowances for the period of bond and expenditure on higher studies incurred by Government, if any.
2	Higher Studies at own cost within India	Twice the period	
3	Higher Studies outside India at Government cost for.	Two years	
	(i) more than 30 days but upto 180 days	Four times of the period of study	The Government servant shall pay the pay and allowances for the period of bond and expenditure on higher studies incurred by Government, if any.
	(ii) more than 180 days		
4	Higher Studies outside India at own cost for-		The Government servant shall pay the pay and allowances for the period of bond and expenditure on higher studies incurred by Government, if any.
	(i) more than 30 days but upto 180 days	One year	
	(iii) more than 180 days	Twice the period of study subject to a minimum of two years.	

Explanation:—If any Government servant who has executed a bond to serve the Government for a stipulated period wants to leave Government service in the middle of the binding period on voluntary retirement or on resignation, he should remit the Government the bond amount, equivalent to the balance period he is required to serve the Government.

[G.O. Ms. No. 145, P&AR (FR. IV) Department, dated 14.03.1996 w.e.f 22.12.1982)..]

***18. Resignation and retirement.*—(1) If a Government servant resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government and drawn by him for the period of study leave, together with interest thereon at Government rates for the time being in force on Government loans from the date of demand before his resignation is accepted or permission to retire is granted:**

Provided that the amount required to be refunded under this rule shall, in the case of a Government servant who, on return to duty from study leave, is permitted to resign from the service and to take up on his own initiative employment under any statutory or autonomous

body or institution under the control of the Government be reduced to an amount equal to the expenditure incurred by the Government and the said other agencies in respect of the leave salary, study allowance, cost of fees, travelling and other expenses sanctioned to him during the period of study leave together with interest thereon.

Provided further that nothing in this rule shall apply—

(a) to a Government servant who on return to duty from study leave is permitted to retire from service on medical grounds; and

(b) to a Government servant who after return to duty from study leave, is deputed to serve in any statutory or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

[G.O. Ms. No. 1479, Finance (F.R.) dept., dated 13th October 1971.]

(2) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave if any which cannot be so converted, treated as extraordinary leave. In addition to the amount to be refunded by the Government servant under sub-rule (1) be shall refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

***19. Leave salary during study leave*.—(1) During study leave, a Government servant shall draw leave salary equal to the amount admissible during half pay leave under the Tamil Nadu Leave Rules, 1933.**

(2) The rate of exchange prescribed by the Central Government for the conversion of leave salary shall apply to leave salary during study leave.

Note.—Any Assistant Surgeon who is granted study leave for undergoing the Diploma course in Radiology is eligible for the X-ray special pay of Rs.50 per mensem for the period of study leave and also for the period of earned leave and unearned leave, where such leave at the credit of the Assistant Surgeon is combined with study leave.

(G.O. Ms. No.1072, Finance dept., dated 30th September 1962.)

***20. Commencement of a course of study during leave, other than study leave*.—A Government servant may subject to the approval being obtained as required under paragraph 1 of form C annexed to these rules undertakes or commences a course of study during earned leave and subject to Rules 8 to 15 and 18 draw study allowance in respect thereof.**

***21. Counting of study leave for promotion, pension, seniority, leave and increments* .—**

(1) Study leave shall count as service for promotion, pension and seniority. It shall also count as service for increments as provided in Rule 26 of the Fundamental Rules.

(2) the period spent on study leave shall not count for leave.

***22. Debiting of study leave to the leave account*.—Study leave shall be treated as extra unearned leave and shall not be taken into account in reckoning the aggregate amount of unearned leave taken by the Government servant towards the maximum period admissible.**

***23. Procedure for making application for study leave and grant of such leave.*—The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural Instructions given in Form C (annexed) to these rules.**

***24. Saving.*—Study leave granted before the commencement of these rules shall be deemed to have been granted under these rules.**

FORM A.

(*See* Rule 17.)

***Bond for permanent Government servants proceeding on study leave under the study Leave Rules*.**

Know all men by these presents that I ....., resident of..... in the District of.....at present employed as.....in the Department/ Office of.....do hereby bind myself and my heirs, executors, administrators, legal representatives, successors and assigns to pay to the Governor of Tamil Nadu (hereinafter called "The Government" which expression shall where the context so admits includes his successors in office and assigns) on demand the sum of Rs.....(Rs.) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

signed this day of One thousand nine hundred and

Signature

Witnesses (1)

(2)

Whereas I.....am granted study leave by Government.

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder.

*Now the condition of the above written obligation is that in the event of my resignation or voluntary retirement from service without returning to duty after the expiry or termination of the period of study leave or in the middle of the binding period, I shall forthwith pay to the Government or, as the case may be, directed by the Government on demand the said sum of Rs..... together with interest thereon from the date of demand at the Government rates for the time being in force on Government loan.

And upon my making such payment of the above written obligation shall be void and be of no effect, otherwise it shall be and remain in full force and virtue.

Signed in the presence of

Witnesses (1)

(2)

ACCEPTED by

Acting for and on behalf of and by order and direction of the Governor of Tamil Nadu in the presence of

Witnesses: (1)

(2)

*[*substituted vide G.O. Ms. No. 145, P & AR (FR.IV) Department, dated 14-3-1996.]*

FORM A-1.

(*See* Rule 17.)

Bond for permanent Government servants granted extension of study leave.

Know all men these presents that I ..... resident of ..... in the District of..... at present employed as ..... Department / Office of ..... do hereby bind myself and my heirs, executors, administrators, legal representatives, successors and assigns to pay to the Governor of Tamil Nadu (hereinafter called "the Government" which expression shall, where the context so admits, include his successor in office and assigns) on demand the sum of Rs ..... (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if, payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed this .....day of .....One thousand nine hundred and.....

Signature

Witnesses (1)

(2)

Whereas I..... was granted study leave by Government for the period from.....to..... in consideration of which I executed a bond, dated .....for Rs. ..... (Rupees .....) in favour of the Government.

And whereas the extension of study leave has been granted to me at my request until.

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder.

*Now the condition of the above written obligation is that in the event of my resignation or voluntary retirement from service without returning to duty after the expiry or termination of the period of study leave or in the middle of the binding period, I shall forthwith pay to the Government or, as the case may be, directed by the Government on demand the said sum of Rs.....together with interest thereon from date of demand at the Government rates for the time being in force on Government loan.

And upon my making such payment the above written obligation shall be avoided and be of no effect otherwise it shall be and remain in full force and virtue.

Signed by In the presence of

Witnesses (1)

(2)

ACCEPTED by

for and on behalf of and by order and direction of the Governor of Tamil Nadu.in the presence of

Witnesses (1)

(2)

*[*substituted vide G.O. Ms. No. 145, P & AR (FR.IV) Department, dated 14-3-1996.]*

FORM B.

(*See* Rule 17.)

Bond for non-permanent Government servants proceeding on study leave under the Study Leave Rules.

Know all men by these presents that we ..... resident of ..... in the District of ..... at present employed as ..... in the Department / Office of the ..... (hereinafter called "the obligor") and Shri ....., son of ..... of ..... and Shri ..... son of ..... of..... (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns to pay to the Governor of Tamil Nadu (hereinafter called "the Government" which expression shall where the context so admits, include his successors in office and assigns) on demand the sum of Rs ..... (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this ..... day of ..... one thousand nine hundred and .....

Signature of the Obligor

Sureties (1)

(2)

Witnesses (1)

(2)

WHEREAS the obligor is granted study leave by the Government.

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder.

AND WHEREAS the said sureties ..... have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of the obligor Shri..... resigning from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs ..... (Rupees .....) together with interest thereon from the date of demand at Government rates for the time being inforce on Government loans.

And upon the obligor Shri ..... and / or ..... Shri ..... and / or Shri ..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall

it be necessary for the Government to use the obligor before suing the sureties Shri ..... and Shri ..... or any of them for amounts due therein

Signed by the obligor

Signed by the surety

Signed by the surety

In the *presence of*—

Witnesses—-

(1)

(2)

ACCEPTED by

for and on behalf of and by order and direction of the Governor of Tamil Nadu.

In the presence of—

Witnesses—

(1)

(2)

FORM B-1

(*See* Rule 17.)

Bond for non-permanent Government servants granted extension of study leave.

Know all men by these presents that we.....resident of ..... in the district of ..... at present employed as.....in the Department / Office of ..... (hereinafter called "the obligor") and shri ....., son of ..... of .....and Shri ..... son of .....of (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns to pay to the Governor of Tamil Nadu (hereinafter called "the Government" which expression shall, where the context so admits, include his successors in office and assigns) on demand the sum of Rs..... (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may, have been incurred by the Government.

Signed this ..... day of ..... one thousand nine hundred and .....

Signature of the obligor:

Witnesses—

(1)

(2)

Signature of the sureties:

Witnesses—

(1)

(2)

WHEREAS the obligor was granted study leave by the Government for the period from.....to.....in consideration of which he executed a bond, dated ..... for Rs.....(Rupees.....) in favour of the Government.

AND WHEREAS the extension of study leave has been granted to the obligor at his request until.

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounder

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri ..... resigning from service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees .....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri ..... and, or Shri.....and, or Shri..... the sureties after said making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any

person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri..... and Shri..... or any of them for amounts due hereunder.

IN WITNESS WHEREOF.....

the Government servant above named has signed these presence the day, month and year first above written.

Signed by the obligor

In the presence of—

Witnesses—

(1)

(2)

Signed by the sureties in

the presence of—

Witnesses—

(1)

(2)

Accepted by/
for and on behalf of and by the order and
direction of the Governor of Tamil Nadu

In the presence of—

Witnesses—

(1)

(2)

FORM "C"

(*See* Rules 20 and 23.)

Procedural instructions for making application for study leave and grant of such leave.

1. Except as otherwise provided in these rules, all applications for study leave shall be submitted with the Audit Officer's or Pay and Accounts Officer's certificate, as the case may be, to the Government through the appropriate channel and the course or courses of study contemplated and any examination which the Government servant proposes to undergo or pass shall be clearly specified therein. If the course of study is out of India, Government shall forward to the Head of Mission, if there is an India Mission in that country, a copy of the approved programme of study. In a case where it is not possible for the Government servant to give full details in his original application, or if after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of Mission or the Government, as the case may be. In such cases he shall not, unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith until he receives approval of the Government to the course.

2. On completion of a course of study a certificate in the proper form (Which may be obtained from the Head of Mission) together with certificates of examinations passed or special courses of study undertaken indicating the dates of commencement and termination of the course with remarks, if any of the authority in charge of the course of study, shall be forwarded to the Head of Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission, such certificate shall be forwarded to Government.

APPENDIX II

PART II.

Rulings Under F.R.9(6) relating to the Military Training.

Training in the Indian Territorial Force.

(1) Under paragraph 177 of the Regulations for the Indian Territorial Force (1930), Government servants who are members of the Indian Territorial Force, are normally entitled, when called out or embodied for training to Military pay and allowances at the rates admissible for the Indian Territorial Force; the difference, if any, between Civil pay and Military pay is admissible only in cases where a Department of the Government of India or its attached and subordinate offices or a State Government may have specially authorized the payment of such difference. The Military pay and allowances are debitable to Defence Estimates while the excess of Civil pay over Military pay is payable from Civil Estimates. To prevent overpayments, heads of departments have been requested to furnish to the audit office the requisite information - *vide* T.M. Circular No.10-8-927, dated 11th September 1942.

(Comptroller and Auditor-General's letter No. 807-Admn./95-39, dated the 15th August 1942.)

(2) The prescribed annual course of training of the Government servants should be treated as duty and the arrangement as regards the pay they should get is similar to that described in the above Army instruction.

If the Military pay of the person deputed for training is less than his Civil pay, the difference will always be made good by Government without any restriction, that is to say whether a substitute is appointed or not.

Note.—The pay of the workmen borne on the "Works Establishment" of the Public Works Department will also be regulated by the above orders.

[G.O. No. 963, Public (Political), dated 14th June 1939; No. 889, Public dated 21st December 1921; No.825, Public dated 13th October 1922 and No. 107, Public, dated 29th January 1929.]

(3) Copyists in Criminal and Civil Courts undergoing similar training should be treated as Government servants for the aforesaid purpose. Their pay during training period being calculated on the average of the earnings during the previous three months.

[G.O. No. 785, Public, dated 28th September 1922 and No.2923, Law (General), dated 25.8.1926.]

(4) When Government servants, enrolled in the Indian Territorial Force, attend the annual training or courses of instruction, the period of absence from duty shall not be deducted from any casual or other leave which may be admissible to them but shall be regarded as duty for the purposes of civil leave and pension.

(5) The time spent on training by Government servants who join the Army in India Reserve of Officers counts as duty under this rule as also the period spent in journeying to and from the place at which the training is carried out.

(G.O. Ms. No. 913, Public, dated 20th October 1926 and G.I., F.D., No.F.34-R.1/32, dated 19.8.1932.)

(6) A Civil Officer undergoing military training is not a "Military" officer and in his case "pay" as defined in Rule 9 (21) (a) does not include rank pay received during the period of training. The pay which the officer would have drawn in the regular line in the Civil Department if he had not been under military training should be taken into account for purposes of calculation of leave salary based on average pay under the Fundamental Rules.

The same procedure should also be adopted in the calculation of the leave salary of a civilian officer belonging to the Indian Army Reserve of Officers who when called to Army service is not a "military officer" and in whose case pay as defined in Rule 9 (21) (a) does not include "Rank Pay" received during the period of service in the army.

[Government of India No. F-7 (1) R.1/39, dated 11th March 1939.]

(Letter No. 598-Ac./139-38, dated the 29th December 1938, from the Comptroller and Auditor General to the Accountant-General, P. & T.)

(7) Government servants deputed for training in the Indian Signal Corps and other arms of the Indian Army Reserve shall be treated as on duty and draw the pay of the Military rank in which they serve while undergoing training. If however, the military pay of their rank is less than their ordinary civil pay, the difference will be made good by the Government. Government servants deputed for training in the Auxiliary Force (India) shall also be treated as on duty and draw the pay of their Military rank in addition to their civil pay provided that such training does not interfere with their civil duties.

Note.—The pay of the workmen borne on the "Works establishment" of the Public Works Department and the Wages of the daily-paid workmen of the Public Works Department workshops, Madras, will also be regulated by the above orders as regards the training in the Indian Auxiliary Force.

(G.O. Ms. No. 806, Public, dated 30th August 1927; G.O. Ms. No. 833, Public, dated 8th August 1929;

G.O. No. 107, Public, dated 29th January 1929 and G.O. No. 1134, Public, dated 30th August 1932.)

Procedure for the payment of pay and allowances to members of the Auxiliary Force units on calling out for embodiment.

(8) Officers, Non-commissioned Officers and men who are Government servants when called out or embodied under section 18 of the Auxiliary Force Act will be paid in the following manner for the period of the first three months by the authority who paid them prior to their being called out or embodied:-

In the case of Group A and B Officers, the procedure for the payment of leave allowances in India laid down in the respective regulations relating to civil salary, etc., of the officers concerned, may be followed to enable them to draw pay at their civil headquarters or on bills signed by authorized agents or from the nearest civil treasury. Such officers should intimate to their Civil Audit and Accounts Officers which of the above methods of payment is desired and the latter will ascertain the rates of military pay and allowances admissible from the Controller of Defence Accounts in whose jurisdiction the unit is located and will authorize the officer to draw pay and allowances at these rates if such are greater than his civil pay under the "next below" rule. The Civil Audit or Accounts Officers will also ascertain the dates of commencement and termination of the military duty of the officer concerned.

In the case of Group C and D officers including those Group C and D officers who sign their own bills, military pay and allowances, if greater than their civil pay, will be drawn and paid by the head of the office, who will attach to the bill a statement showing the rates of military pay and allowances as certified by the Controller of Defence Accounts concerned.

Remittance Transfer Receipts will be used for the pay of Group C and D staff when payments are required at another station.

If, after the expiry of three months, they are still on such military duty, last pay certificates will be issued to the Officer Commanding the Auxiliary Force, India Unit concerned, copies being sent simultaneously to the Controller of Defence Accounts concerned by the Civil Audit or Accounts Officer in the case of Group A and B Government servants and by the head of the office in the case of others and thereafter their pay and allowances will be drawn in the pay bill of the unit.

[G.O. P. No. 85, Public (Military), dated 12th January 1935.]

Ruling under F.R.9(31) regarding average cost.

Time-scale of pay.

Formulae for calculating average cost of time-scales of pay.

Formula (1).

Average Pay = [(A+B)/2] + (B-A)/2 x {1 - (R+1)(0.114) + [(1-0.01R) / (F-E)]}

Formula (2).

Average Pay = [(A+B)/2] + (B-A)/2 x {1 - (R+1)(0.021) + [(1-0.015R) / (F-E)]}

In the formulae (1) and (2)—

A=Minimum pay,

B=Maximum pay,

R=Period of rise,

E=Average age at entry in the grade, and

F=Average age at retirement on superannuation pension.

This may be taken to be 55 in almost every case unless there are special reasons to take it either at lower or a higher figure.

Formula (3).

Average Pay = (A+C)/2 + (C-A)/2 x {1 - (S+1)(0.006) + [(1-0.004S) / (G-E)]}

In formula (3)—

A=Minimum pay,

C=Pay just before promotion to the second grade,

S=Period of rise from A to C,

E=Average age at entry in the first grade, and

G=Average age at the time of promotion to the second grade.

Formula(4).

Average pay= ½(A+W_1B_1+WB+X_1C_1+XC).

Where A=the initial pay of the scale.

B1 B=the maximum pay of the different sections of the scale such as ordinary scale, the scale for passed clerks.

W1 W2 = the proportion of the establishment which would normally reach the maxima of B1 B2 respectively.

C_1 C = the pay at the different efficiency bars, and

X_1 X_2 = the proportion of the establishment which would normally be detained at C_1 C respectively.

(G.O. Ms. No. 206, Finance, dated 26th March 1931.)

Note.—Formula (1) is to be used in the case of Group A and B appointment and formula (2) in the case of Group C and D posts. In cases where one grade is the channel for promotion to another grade, that is to say, where everybody in the first grade is ultimately promoted to the second

appointments in the first grade. The use of formula (4) should be restricted to cases involving an elaborate scale consisting of two or more sections with efficiency bars at one or more stages.

Formula (5).

When the increment is annual and the period of rise is five years—

The average monthly cost will be taken in the case of ministerial posts at the minimum plus three fourths and in the case of other than ministerial posts at the minimum *plus* two-thirds of the difference between the minimum and the maximum.

Formula (6).

When the increment is annual or biennial and the period of rise is Above five years —

(a) In the case of ministerial posts—

Value = Minimum + $(\frac{3}{4} - \frac{X}{60})$ of the difference between the maximum and the minimum.

(*b*) In the case of other than ministerial posts—

Value = Minimum + $(\frac{2}{3} - \frac{X}{90})$ of the difference between the maximum and the minimum.

Where X represents the excess in the period of rise in year over five years when the increments are annual or over four years when the increments are biennial.

(G.O. No. 447, Finance, dated 16th July 1904.)

Formula (7).

When the period is less than five years—

(a) In the case of ministerial posts—

Value = Minimum + $(\frac{3}{4} + \frac{X}{20})$ of the difference between the maximum and the minimum.

(b) In the case of other than ministerial posts—

Value = Minimum + $(\frac{2}{3} + \frac{X}{15})$ of the difference between the maximum and the minimum.

Where X represents the difference between five and the number of years required to reach the maximum.

(G.O. No. 338, Public, dated 5th May 1910.)

Formula (8).

When the increments are other than annual or biennial, e.g., half-yearly—

The value shall be taken at the average of 12 years in the case of ministerial posts and of nine years in the case of non-ministerial posts, as illustrated below:—

Ministerial post of Rs. 300—10—400 where increment is every half-year—

Value = (Rs.300 + 310 + 320 + 330 + 340 + 350 + 360 + 370 + 380 + 390 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400 + 400) ÷ 24

= 9050 / 24

= $377\ \frac{1}{12}$

Note (1).— If, in these cases, the maximum cannot be reached before the expiry of the twelfth year in the case of ministerial posts and before the expiry of the ninth year in the case of non-

ministerial posts the average value shall be taken at the mean between the maximum and the minimum.

(G.O. Ms. No. 447, Finance, dated 16th July 1904 and No. 106, Finance, dated 16th February 1905.)

(2) Formulae (1) and (4) should be used in all estimates of average costs to be submitted to the Government of India or higher authorities. In other cases where the establishments are under the control of the State Government and where the recovery of the cost of the establishment could under F.R. 127 be partly waived by the State Government, formulae (5) to (8) should be applied.

(C.C.A's letter No. 755-NGE/200-28, dt 17.5.1928, Finance Memo. No. 19637, E.R.I., dt 12.7.1928.)

(3) The formula relating to non-ministerial servants should be adopted in calculating the average cost of scales of pay applicable to last grade Government servants.

(Finance Memo. No. 48322/E-II-1, dated 17th July 1948.)

RULINGS UNDER F.R. 19 RELATING TO MILITARY OFFICERS.

PAY OF MILITARY OFFICERS PLACED IN THE UNEMPLOYED LIST UNDER ARMY INSTRUCTION (INDIA), NO. 82 OF 1934, WHEN RE-EMPLOYED.

(1) Military Officers who are placed on the unemployed list under Army Instruction (India), No. 82 of 1934, and who obtain further employment under any Government or administration will continue to enjoy their unemployed pay in full, irrespective of the amount of the pay of their new appointment.

The cases of such officers will, however, be treated as if they fell under Article 526 (*a*), Civil Service Regulations, according to which the Government or administration re-employing them can take their unemployed pay into consideration in fixing the pay of their new appointments.

Note.—Variations in the emoluments of special unemployed list of officers employed in civil appointments of a somewhat similar character are likely to be a source of embarrassment. While special cases will no doubt arise which call for exceptional treatment it is desirable that as far as possible the conditions of re-employment of all officers on the special unemployed list should be brought under one general rule.

(2) The intention of the revised Article 526 (*a*) of Civil Service Regulations is that when a person who has earned a military pension is re-employed in a civil department, his pay should be so fixed that this pay plus military pension does not ordinarily exceed the pay of this post.

The pay in the civil department of military pensioners re-employed as menials paid from contingencies can be fixed by heads of departments or other officers empowered to draw contingent bills, with reference to prevailing market rates. It is open to these authorities to reduce the pay of the military pensioners. In such cases, if it is considered that the total receipts of the pensioner (pay plus pension) are out of proportion to the work to be done.

In regard to the fixation of pay of military pensioners on their re-employment in civil departments, it has been ordered that where there is a break in the service of a pensioner, after the first reemployment, the pay fixed by the Government previously should be applied on his reappointment to the same or a different office carrying the same scale of pay.

Note.—In the case of pensioners in receipt of military pension of Rs. 15 and below who are or may be employed in the civil department, the pension should not be taken into account in fixing the civil pay. These orders shall have effect from the 10th January 1941 and the pay of such re-employed pensioners already fixed by Government in the past taking into account the pension drawn by them can with effect from the same date be also refixed without a reference to Government at what it would have been but for the fixation. No arrears of pay should however be allowed.

These above orders will apply also to cases of ex-military men who are in receipt of a gratuity in lieu of military pension not exceeding Rs. 15 a month.

[G.O. No. 500, Finance (Pen.), dated 26th September 1941.]

RULINGS UNDER F.R. 20 RELATING TO MILITARY TRAINING.

Training with the Army in India Reserve of Officers.

(1) (*a*) Civilian Government Servants employed under the Government of India, State Government or administrations who belong to the Army Reserve of Officers will, when called up for training draw the following rates of pay, in addition to their military pay:—

(i) when proceeding to carry out their training from their duty appointment, the pay and allowances they would have drawn in their civil appointments but for the training.

(ii) while on leave in India, Burma, Ceylon, Great Britain or Northern Ireland, the civil leave, pay and allowances which they would have drawn but for the training.

(iii) while on training on the expiry of leave out of India taken from their civil appointment and before rejoining their civil appointment for duty; (a) joining time civil pay from the date of disembarkation in India to the date preceding that on which the military training commenced; (b) full civil pay during the period of training.

Note 1.—Time spent by all Government servants undergoing training or when called to Army service shall count for civil leave and pension and for increments of civil pay.

Note 2.—The time spent in journeying to and from the place of training is not part of training-vide Note 2 under Rule 105.

(G.O. Ms. No. 1057, Public, dated 25th August 1930 and Ms. No. 812, Public, dated 6.8.1931.)

(b) If it is found necessary to provide a substitute in the place of a Government servant undergoing training, the additional cost will be a charge upon the Consolidated Fund.

(c) The army estimate should not be required to bear any share of the leave and pension charges accruing in respect of this period of training.

(G.I., F.D. No. 81, F.B., dated 27.9.1926 and G.O. Ms. No. 913, Public, dated 20th October 1926.)

(d) Acting promotions are admissible in the place of Government servants who join the Army in India Reserve of Officers for training and who are treated during the period of training as on duty for the purpose of civil leave and pension.

(e) All officers of the army in India Reserve of Officers, who are employed under the Central Government, when called to army service, retain, a lien on their civil posts during the period for which they are called to army service.

[G.I, F.D., No. F. 367, C.S.R., dated October 1926, G.I., Fin., Memo. No. 60-R, 1-28, dated 30th April 1928, and letter No. B-451-1 (A.G. 2), dated 16th February 1929 of the Government of India, Army Department.]

Periodical training of Reservists of the Indian Army in Civil Employ.

(2) Members of the various army, navy and air force reserves (excluding the reserve of officers) employed under Government will when called up for periodical training, be entitled to the following concessions in respect of their civil employment:—

(1) The Entire period of training including the period of transit will count as duty in the civil post for purposes of leave, increments and also for pension if it does not count for military pension under Army, Navy or Air Force Rules.

(2) During the transit period they will be entitled to their civil rates of pay and allowances to be met from the budget head to which such expenditure is normally debitable. No travelling allowance will, however, be admissible to them because they would travel on railway warrants and would draw money in lieu of ration and mineral water and ice allowance during summer months and

(3) For the period of training (excluding period of transit), if the pay and allowances (excluding concessions in kind, e.g., free ration, etc.) admissible as a reservist are less than the pay and allowances admissible in the civil post, the difference will be paid and debited to the budget head to which the individual's civil pay is normally debitable.

In view of the fact that the leave earned under the Civil Rules by Indian Army Reservists in civil employ during the period when they undergo their periodical military training would amount to about 3 to 5 days only and the leave contribution would accordingly be negligible, no adjustment against Defence Services Estimates will be made on account of leave contribution in respect of leave earned for that period.

[G.O. No. 343, Public (War), dated the 26th October 1942; and Finance Memorandum No. 116709 / F.R. 59-7, dated 18th March 1960.]

Pay and allowances, etc., of Reservists (other than officers) when called up for active service.

I. On Active Service.

(a) ***Pay and allowances***.—(i) Civil or Military pay and allowances whichever is more favourable and where civil pay and allowances are higher than the military pay and allowances, the reservists will be paid the higher emoluments from the defence estimates and the debit for the difference would be raised thereafter against the Civil Department concerned.

Note.—In the case of reservists who are J.C.O's and other ranks of the army and equivalent ranks in the other services, the civil rates of pay and allowances which would have been admissible to them from time to time shall be reduced by Rs. 25 per mensem on account of free rations. This factor shall be taken into account while raising debit against civil estimates for the difference between the civil and defence rates of pay and allowances.

(ii) The period of active service will count as duty in the civil post for purposes of leave, increments and pension. The transit period will not be treated as duty if the Government servant avails himself of leave during the period and he will be allowed to draw only the civil leave salary for this period. If, however, he does not avail of leave during this period, he will be entitled to civil rates of pay and allowances debitable to the appropriate civil head.

(b) ***Travelling allowances***.—No travelling allowances/advance of pay on being called up for active service will be admissible as the individuals would travel on Railway Warrant and would draw money in lieu of ration and mineral water and ice allowance during summer months.

(c) ***Conveyance.***—During active service or on voluntary resignation due to circumstances beyond control or on dismissal/removal from service or on being permitted to resign, the reservists will be entitled to conveyance, to the intended place of residence in India at the same rates as admissible to corresponding ranks in the services.

II. Lien.

Temporary Government servants and persons on work-charged establishment have no lien in the technical sense, on the civil post held by them. However, on release from the Military/Naval/Air force duty all such persons should be absorbed in the posts in which they would have continued but for their "embodiment in" subject to those posts being available. If the post held by them is abolished while they are on active service they will be treated to have ceased to be in civil department.

III. Benefit under the "next below" Rule.

The period of active service rendered by the reservists will be treated as service outside the ordinary line for the purpose of proviso to Fundamental Rule 22 (1) (b) (ii); accordingly they will be entitled to proforma promotion in their parent department under the next below rule. They will also get seniority in higher post to which they should otherwise be entitled had they not gone on active service.

IV. Filling up of vacancies.

The vacancies caused by the calling up of reservists may be filled on a purely temporary basis subject to the existing orders on the filling up of such vacancies for the duration of the emergency. Temporary posts which were held by reservists even if they are made permanent should not be filled on permanent basis by persons holding them temporarily in their place.

Appointment of substitutes.

The Heads of Departments concerned or the officers under their administrative control in respect of the posts in the department for which they are appointing authorities are empowered to appoint substitutes in the place of reservists employed in Government departments when called up for

periodical military training and for active service as and when the appointment of such substitutes is found necessary in the interests of administration.

Grant of pecuniary benefit of the privilege leave or leave on average pay due under Civil Rules to Indian Army Reservists employed in Government Departments on their being recalled to the colours.

(3) Rules 634 of the Pay and Allowance Regulations for the Army in India, Volume I, runs as under:—

634. Reservists employed in Government Departments on recall to the colours will be allowed if they so desire, the pecuniary benefit of any privilege leave due to them under Civil Rules and in addition to military pay and allowances they may draw civil pay and allowances as under for the full period of privilege leave admissible—

(i) For the first month—full civil pay and allowances.

(ii) Thereafter—half civil pay.

In this connection, the following instructions have been issued by the Government of India:—

(1) Leave on average pay to four months admissible under the Fundamental Rules, "earned leave" up to 90 days admissible under the Revised Leave Rules, 1933, and any corresponding leave admissible under provincial Government's Revised leave Rules, should be treated as privilege leave for the purpose of rule 634, Pay and Allowance Regulations, Volume I.

(2) The pecuniary benefit admissible in the case of such leave under Rule 634, Pay and Allowance Regulations, Volume I should be calculated in terms of full or half *average* pay worked out on the basis of the civil emoluments that were actually drawn or that would have been drawn but for the reservist being called to the colours, during the period of 12 months (or 36 months in the case of those governed by the Revised Leave Rules, 1933 or any other period prescribed in this behalf in the Revised Leave Rules of the provincial Governments) immediately preceding the commencement of the leave.

In working out the average pay in the case of persons governed by the Revised Leave Rules the average substantive pay for the preceding twelve months should be taken into account if that is more advantageous.

(3) (1) Rule 634, Pay and Allowance Regulations for the Army in India, Volume I, contemplates the grant of the pecuniary benefit alone without the reservists actually going on leave;

(2) the period for which the pecuniary benefit is granted will be debited to the individual's civil leave account; and

(3) the incidence of cost of pecuniary benefit in such cases will be regulated under the normal rules in Section II, Appendix 3 to the Account Code, Volume I.

[G.O. Ms. No. 1356, Public (Political), dated 30th June 1941.]

Note.—The above concessions are not admissible to substantive civil Government servants in temporary military employ including officers belonging to the army in India Reserve of Officers. Under Army Instruction (India), No 204 of 1941, the leave of such officers while in military employ will be governed by the Civil rules applicable to them before they were called to Army Service.

[G.O. No. 2319, Public (War), dated 21st October 1941.]

(4) In the case of a civil Government servant sent for training or embodied/called upon for duty in the Territorial Army Auxiliary Air Force or Air Defence Reserve, the leave salary should be calculated on the basis of the pay which he would have received if he had not proceeded on training. The pay under the Army/Air Force Rules actually drawn during the period of training or embodiment should not be taken into account for this purpose.

(Memo No. 125396/FR/59-2, Finance, dated 16th January 1960).

(5) For the period of hospitalisation resulting from sickness or injury during training/service in the Territorial Army, a civil Government servant shall be granted full pay and allowances for six months beyond the duration of training or embodiment which will be debitable to the Defence Service Estimates. if the civil pay is more than the military pay, the difference would be debitable to the civil

estimates. For the period of hospitalisation in excess of six months, the balance period should be regularized as special disability leave under Fundamental Rule 83 (i.e.,) on half average pay.

(Memo No. 144128/FR/65-5, Finance, dated 7th March 1966.)

(6) Any military / air force duty rendered by a Government servant who has been permitted to enrol / commission himself in the Territorial Army or Air Defence Reserve or Auxiliary Air Force shall be treated as duty. If such Government servant is required to participate in ceremonial parades on special occasions like Territorial Army and Auxiliary Air Force Day, Republic Day, visits of Ministers, etc., in his capacity as a member of the above mentioned organizations, such occasions shall be treated as part of his training or of his Military / Air Force duty in the organization concerned.

(Memo. No. 48790/FR/61-4, dated 2nd July 1961.)

(7) The pay and allowances, etc., of Government servants who are officers of the Army or Air Force Reserves or the Indian Naval Reserve and Indian Naval Volunteer Reserve or Air Defence Reserve during the period of their training and when called up for active service will be regulated as follows:—

During Training.

(i) Civil or service pay and allowances whichever is more favourable, if officers do not avail themselves of leave due in respect of their civil appointment during the period of training. Where the civil pay and allowances are higher, the difference between the civil pay and allowances and the service pay and allowances shall be a charge against the Government.

(ii) Where, however, officers choose to avail themselves of leave at their credit in order to undergo training, the civil leave salary and allowances may be given in addition to service pay and allowances.

On Active Service.

Civil or military pay and allowances whichever is more favourable, and where the civil pay and allowances are higher, the difference should be charge against the Government.

Pay and Allowances.

(i) The period of training and active list service (including the period of transit) shall count as duty in the civil post for purposes of leave increments and also for pension if it does not count for military pension under Army and Air Force Rules. The period of training and transit will not be treated as duty, if the Government servant avails himself of leave during the training or transit period. In such case, the Government servant shall be allowed to draw during training leave salary, in addition to service pay, and during the transit period, only the civil leave salary.

(ii) During the transit period, the Government servant shall be entitled to his civil rates of pay and allowances to be met from the budget head to which such expenditure is normally debitable, and as in (i) above, if the Government servant avails of leave during this period.

(iii) No travelling allowance shall be payable by Government. Travelling allowance shall be admissible as under from the Defence Service Estimates:—

(a) When an officer is called up for training, he shall be entitled to the same travelling allowance by oil, road, river or sea on temporary duty scale as is admissible under regulations to regular officers travelling on duty. These allowances are payable only for actual journeys performed and shall be limited to the maximum admissible, from the place at which the civil post is held or permanent place of residence in India to the place of training and return or back to any other station not involving extra expenditure to the State.

(b) When an officer is called up for active service and also on termination thereof, he will be entitled to the same travelling allowance as in (a) above.

(c) During active service and also in the following circumstances, an officer shall be entitled to conveyance as is admissible to regular officers:—

(1) On being compelled to resign his commission through circumstances beyond his control.

(2) On dismissal or removal from the service or on being permitted to resign the commission to avoid dismissal.

(G.O. Ms. No. 706, Finance, dated 29th June 1962.)

Lien.

Temporary Government servants and persons on work charged establishment have no lien, in the technical sense, on the civil post held by them. However, on release from the military duty, all such persons should be absorbed in the posts in which they would have continued **but** for their "embodiment" subject to those post being available. if the post held by them is abolished while they are on active service they will be treated to have ceased to be in civil employment.

Benefits under the "Next Below Rules".

The period of service rendered by the reservists officers will be treated as service outside the ordinary line for the purpose of proviso to Fundamental Rule 22 (b) (11). Accordingly they will be entitled to proforma promotion in their parent department under the next below rule. They will also get seniority in higher post to which they would otherwise be entitled had they not gone on active service.

(Memo. No. 72748-FR/63-3, dated 8th August 1963.)

Appointment of substitutes.—The Heads of Departments concerned or the officers under their administrative control in respect of the posts in the departments for which they are appointing authorities are empowered to appoint substitutes in the place of reservists employed in Government department when called up for periodical military training and for active service as and when the appointment of such substitutes is found necessary in the interest of administration.

INDUSTRIAL EMPLOYEES' LEAVE RULES FOR EMPLOYEES IN THE GOVERNMENT PRESS, MADRAS.

RULINGS UNDER F.R. 81.

Scope of the application of the Industrial Employees Leave Rules for employees in the Government Press, Madras—

1. Government have issued the following orders regarding the applicability of the Industrial Employees' Leave Rules to employees in the Government Press, who were in service before the introduction of the Industrial Leave Rules—

(1) The protection afforded by Note 1 under Rule 2 or the orders in G.O. No. 1380, Public, dated 25th October 1932, extracted below, will not apply in respect of either casual leave or hospital leave:—

Any rule made under the Civil Services (Classification, Control and Appeal) Rules in respect of any service or class thereof shall be applicable to all persons holding posts intended to be held by members of that service or class on the date on which such rule was made:

Provided that nothing in any such rule shall operate to deprive any such person of any right or privilege to which he is entitled by or under any rule or order applicable to him prior to the making of such rule.

(G.O. Ms. No. 823, Education, dated 29th May 1941.)

(2) The employees of the Government Press governed by the Industrial Employees Leave Rules on transfer to a post or not governed by these leave rules will be governed by the Tamil Nadu Leave Rules, 1933. Such an employee will be permitted to carry forward the earned leave at his credit on that date of his transfer subject to a maximum of 90 days and the unearned leave availed of by him under the Industrial Employees Leave Rules will be counted against the corresponding unearned leave admissible under the Tamil Nadu Leave Rules.

(Fin. Memo No. 51722/F.F/56-4, dated 9th April 1957.)

2. Leave on *average pay* will be earned at the rate of one month's *full pay*.

leave for every completed period of 11 months' duty and as regards, incomplete periods, one day's leave for 11 days' duty, provided that no such leave can be earned by any employee who has four months leave on average pay/ninety days leave on full pay to his credit.

Note.—Duty rendered during the period of continuous service prior to confirmation will count for leave under Rule 1, the leave taken on each occasion during that service being deducted from the leave earned in respect of duty rendered prior to such occasion.

(G.O. Ms. No. 495, Finance, dated 6th August 1924.)

3. On the production of a medical certificate *recognized under any rule or order of Government*, to the leave due under the preceding.....leave on half average pay up to rule there may be added subject to Rule 4 ..... leave on half pay three months and a further extension of leave on half average pay not .....on half pay..... exceeding three months may be granted on the production of a fresh medical certificate granted by the officer in chief medical charge of the district in which the employee is residing.

4. Leave without pay may be granted when no other leave is admissible.

5. The total amount of leave on medical certificate admissible to any employee during his service shall not exceed two/one and a half years.

6. Injury leave at half pay rates may be granted from the commencement of disablement to all permanent salaried industrial employees who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act. This leave shall be granted for so long as is necessary subject to a limit of two years for any one disability and five years during an employees' total service. It shall not be taken into account in calculating the limit laid down in Rule 4. Leave salary payable under this rule will, in the case of a workman to whom the workmen's Compensation Act applies, be reduced by the amount of compensation payable under section 4 (1) (d) of the said Act.

REVISED LEAVE RULES APPLICABLE TO THE SALARIED INDUSTRIAL EMPLOYEES OF THE GOVERNMENT PRESS, ENTERTAINED AFTER 10TH MAY 1934.

1. The rules below may be called Revised Leave Rules for the Government Press employees—

2. The rules shall apply to the permanent salaried industrial employees employed in the Government Press, Madras, after 10th May 1934, who are not classed as last grade as defined in the Fundamental Rules. They shall also apply to employees in last grade service promoted to be permanent salaried industrial employees.

3. Such of the employees governed by these rules as were in service after 10th May 1934 shall carry forward the leave to their credit on 1st December 1936 and be eligible for further leave in accordance with these rules with effect from 1st December 1936.

4. "Pay" means the pay (excluding special pay but including personal pay and any other emoluments classed as pay) on the last day of duty prior to the commencement of leave, in respect of the permanent post which he then holds substantively or on which he holds a lien or would hold a lien had it not been suspended.

5. In the case of a permanent industrial employee transferred from the salaried to the piecework establishment or *vice versa* credit shall be allowed for "earned leave" or "leave on full pay" due at the date of transfer under Rule 1 in the two sets of rules below.

6. The employees holding temporary posts and those in last grade service in the Government Press are governed by the provisions of the Fundamental Rules which are applicable to similar employees in other departments. On the issue of the Tamil Nadu Leave Rules, 1933, these revised rules applied to such employees as are appointed after 4th September 1933, and these rules continue in operation. Similarly, men employed in the day-extra establishment and those borne in the contingent establishment are governed by existing orders.

7. Employees who are entitled to draw overtime allowances will not be eligible for casual leave except special leave on account of contact with infectious diseases or for the performance of military duties. Fractions of a day and parts of a day for late attendance should be counted against the leave due under the new rules.

Leave Rules to regulate the leave of permanent salaried industrial employees in the Government Press, Madras, who are not classed as "Last Grade" (Basic) as defined in Fundamental Rules.

For permanent employees.

1. Leave on full pay will be earned at the rate of one month's leave for every complete period of eleven months' duty and as regards incomplete periods, one day's leave for eleven days' duty, provided that no such leave can be earned by any employee who has ninety days' leave on full pay to his credit.

Note.—Duty rendered during the period of continuance service prior to confirmation will count for leave under rule 1, the leave taken on each occasion during the service being deducted from the leave earned in respect of duty rendered prior to such occasion.

2. On the production of a medical certificate *recognized under any rule* or order of Government, to the leave due under the preceding rule there may be added subject to Rule 4, leave on half pay up to three months and a further extension of leave on half pay not exceeding three months may be granted on the production of a fresh medical certificate granted by the officer in chief medical charge of the district in which the employees are residing.

3. Extraordinary leave may be granted when no other leave is admissible or when other leave being admissible, the employee applies in writing for this leave. An employee on extraordinary leave is not entitled to any leave salary.

3-A. When an employee on a pay not exceeding Rs. 100 per month is on extraordinary leave for the treatment of tuberculosis he is entitled to an *ex-gratia* allowance equal to half his pay, subject to a maximum of Rs. 50 per month and a minimum of Rs. 25 per month.

While granting *ex-gratia* allowance, the competent authority should insist upon the production of medical certificate before granting extraordinary leave for the treatment of tuberculosis. The *ex-gratia* allowance will be admissible only when the Government servant is not eligible for any other leave with allowance.

4. *****The total amount of leave on medical certificate admissible to any employee during his service shall not exceed 18 months.

5. Any kind of leave under these rules may be granted in combination with or in continuation of, any other kind of leave.

6. Leave cannot be claimed as of right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service.

7. Injury leave at half-pay rates may be granted from the commencement of disablement to all permanent salaried industrial employees who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act. This leave shall be granted for so long as is necessary subject to a limit of two years for any one disability and five years during an employee's total service. It shall not be taken into account in calculating the limit laid down in rule 4. Leave salary payable under this rule will, in the case of a workman to whom the workmen's compensation Act applies, be reduced by the amount of compensation payable under section 4(1) (d) of the said Act.

8. Hospital leave will not be admissible under instructions to Rule 101 (*b*).

*G.O.(MS)No.156, P&AR(FR-III) Dept., dated 24.06.94.

RULING 11 (ii) UNDER FUNDAMENTAL RULE 82.

Madras Medical College, Madras.

Anatomy Department.

1 Professor of Anatomy.

1 Lady Tutor in Anatomy.

4 Assistants to the Professor of Anatomy.

7 Medical Demonstrators in Anatomy.

Hygiene Department.

1 Professor of Hygiene.

2 Assistants to the Professor of Hygiene.

1 Laboratory Assistant in Hygiene.

Pharmacology Department.

1 Professor of Pharmacology.

1 Assistant to the Professor of Pharmacology.

1 Assistant Surgeon.

1 Medical Demonstrator in Pharmacology.

1 Laboratory Assistant in Pharmacology.

1 Assistant to the Professor of Pharmacognosy.

Physiology Department.

1 Professor of Physiology.

1 Additional Professor of Physiology.

6 Assistants to the Professor of Physiology.

4 Medical Demonstrators in Physiology.

Biology Department.

1 Lecturer in Biology.

2 Non-Medical Demonstrators in Biology.

Physics Department.

1 Lecturer in Physics.

1 Non-Medical Demonstrator in Physics.

Chemistry Department.

2 Assistant Lecturers in Chemistry.

2 Non-Medical Demonstrators in Chemistry.

Pharmaceutical Department.

1 Professor of Pharmaceutics.

1 Assistant to the Professor of Pharmaceutics.

1 Assistant Lecturer in Chemistry.

1 Physical Director.

Stanley Medical College, Madras.

Anatomy Department.

1 Director and Professor of Anatomy, Institute of Anatomy.

2 Associate Professors of Embriology and Histology, Institute of Anatomy.

3 Assistant Professors of Anatomy.

3 Demonstrators in Anatomy.

Physiology Department.

1 Professor of Physiology.

3 Assistant Professors of Physiology.

2 Demonstrators in Physiology.

Hygiene Department.

1 Professor of Hygiene.

1 Assistant Professor of Hygiene.

2 Demonstrators in Physiology.

Pharmacology Department.

1 Professor of Pharmacology.

1 Assistant Professor of Pharmacology.

1 Demonstrator in Pharmacology.

1 Pharmacist, Pharmacology Department.

Organic Chemistry Department.

1 Lecturer in Organic Chemistry.

2 Assistant Lecturers in Organic Chemistry.

1 Demonstrator in Organic Chemistry.

1 Physical Director.

Kilpauk Medical College, Madras.

Anatomy Department.

1 Professor of Anatomy.

4 Tutors in Anatomy.

3 Medical Demonstrators.

1 Artist.

2 Technicians, Grade-I.

3 Laboratory Attendants, Grade-I.

1 Laboratory Attendant, Grade-II.

Physiology Department.

1 Professor of Physiology.

3 Tutors in Physiology.

2 Medical Demonstrators in Physiology.

2 Technicians, Grade-I.

3 Laboratory Attendants, Grade-I.

Pharmacology Department.

1 Lecturer in Pharmacology.

2 Tutors in Pharmacology.

1 Medical Demonstrator in Pharmacology.

1 Technician in Pharmacology.

4 Laboratory Attendants, Grades-I and II.

Organic Chemistry Department.

1 Assistant Lecturer in Organic Chemistry.

1 Non-Medical Demonstrator in Organic Chemistry.

1 Laboratory Attendant, Grade-I in Organic Chemistry.

Social and Preventive Medicine Department.

1 Lecturer in Social and Preventive Medicine.

1 Tutor in Social and Preventive Medicine.

1 Entomological Assistant in Social and Preventive Medicine.

1 Laboratory Attendant, Grade-I.

1 Artist Draftsman.

1 Physical Director.

(Director of Medical Services Letter P. No. 159-E1/50, dated 9th September 1950, to the Accountant-General, Madras and Finance Memorandum No.11596-C.S.R., dated 14th March 1952.)

APPENDIX II. – PART III.

Matters relating to All-India Service Officers, High Court Judges, etc.

[F.R.—13 and 14-A—Ruling.]

An Officer of the former Secretary of State Services holding substantively a permanent post shall retain a lien on that post while on refused leave granted after the date of retirement under Rule 86 and it shall not be terminated during such leave.

[F.R.—19—Ruling (13).]

In the case of re-employment of Officers who before their retirement were under the rule-making control of the President of the Republic of India, the authority competent to fix the pay and allowances of the appointment in which they are employed can decide whether the pension is to be held wholly or partly in abeyance or not.

[F.R.—26(*b*)—Ruling (3).]

Periods of overstayal should be excluded in determining the "year of service" for purposes of Schedule I of the Superior Civil Services Rules.

(Letter No.T.1091-A/90-35, dated the 2nd September 1935 from the Comptroller and Auditor General to the Accountant-General, Madras.)

[F.R.—26(*b*)—Ruling (8).]

"Year of service" in Schedule I of the Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924 shall be interpreted as excluding period of extraordinary leave, unless the Government of India or the State Government as the case may be, being satisfied that the leave was taken on account of illness or for any other cause beyond the Government servants control, otherwise directs.

(G.O.No.172, Finance, dated 8th March 1927.)

[F.R.27—Note.]

Note.—In the case of officers promoted to All-India and Imperial services, whose pay is such service is fixed with reference to the pay drawn to them before the promotion in a provincial or other service cases may arise of an officer drawing less pay for a portion each year than an officer junior to him subsequently promoted to the same service. The Secretary of State has empowered the Government of India in such cases to grant an advance increment of pay to the senior officer concerned.

(Government of India No.544, E-A., dated 7th June 1922, G.O.No.635, Finance, dt 26.07.1922.)

[F.R. 30—Ruling (4).]

In relation to an officer of All-India Service the second proviso to Rule 30 no longer subsists being inconsistent with the Government of India Act, 1935.

(Comptroller and Auditor-General's U.O. Note No.1-8A/203-407, dated 14th January 1941.)

[F.R. 46—Ruling (2).]

Additional remuneration to High Court Judges.

It is not desirable that Judges of the High Court should undertake for remuneration, work in addition to their duties as Judges. They should not therefore, accept fees for examining.

[Memo. No.26-2, Public (Special), dated 28th February 1935.]

[F.R.46—Ruling (3).]

Additional remuneration to the members of the Indian Civil Service.

It is unbecoming for any member of the Indian Civil Service to appear as a paid examiner at school examinations in the District in which he is employed.

(G.O.No.603, Public, dated 19th May 1897.)

[F.R.49—Ruling(1).]

In the case of All-India Services the State Government possess full powers in the matter of combining appointments under Rule 49.

[F.R.56—Ruling (5).]

A High Court Judge, when appointed is required to agree to resign his appointment on attaining the age of 60 years and he must therefore compulsorily vacate his office in conformity with his own undertaking. Such undertaking should be obtained by Government from persons appointed in India to permanent Judgeship only. In the case of an officiating appointment no such declaration is necessary; but if it is followed by permanent appointment the declaration will be taken before confirmation.

[G.O.No.100, Misc. Public (x), dated 2nd February 1927.]

[F.R.56—Ruling (6).]

The Government of India is precluded from granting extension of service merely to enable a Judge of the High Court to complete pensionable service.

(G.I.F.D., Telegram No.1588, C.S.R., dated 7th September 1920.)

[F.R.56—Ruling (7).]

No officiating or Additional Judge of a High Court should ordinarily continue in office after attaining the age of 60 years. There is however no necessity for requiring an undertaking from these temporary Judges to retire on attaining that age as the appointing authority can so regulate the period of such appointments that the person appointed will not remain in office after attaining the age of 60 years. In the case of an Additional Judge no one above the age of 58 years should ordinarily be appointed if the period of appointment is to be for as long as two years and in the case of an Acting Judge no appointment should ordinarily be made of a person who will have exceeded the age of 60 years before the termination of his acting appointment. In special cases however the President of the Republic of India will be prepared to grant, in the public interest, a short extension of service not exceeding one year.

[F.R. 69—Ruling (3).]

An officer of the State Services who is substantively promoted to the corresponding All-India Service becomes or acquire the status of a member of the latter service and as such under Rule 69(*b*), the sanction of the President of the Republic of India is necessary to his taking up private employment in India while on leave.

[G.O. No.383, Public (Service), dated 19th February 1936.]

[F.R.69—Third sub-paragraph of Ruling (6).]

In the case of an officer of the former Secretary of State Services, leave salary will be restricted to the amount of pension inclusive of pension equivalent of any retirement gratuity admissible, which, it is anticipated will be admissible to him on retirement. (No subsequent readjustment will be made on the basis on actual amount of pension inclusive of gratuity finally sanctioned.)

(Finance Memo.No.93731, F.R. 60—3, dated 31st October 1960.)

[F.R. 86—Ruling (7).]

Grant of leave to an officer of the Indian Civil Service beyond the date of compulsory retirement.

An Indian Civil Service Officer may be granted leave for six months beyond the date of his compulsory retirement as laid down under Rule 56(*b*) (1).

(Comptroller and Auditor-General's D.O. No. 543-A 302-25, dated 18th September 1925.)

Leave to High Court Judges after the age of 60.

[F.R. 86—Ruling (8).]

Leave under Rule 86 is not admissible to a High Court Judge after he has vacated his office, as such grant of leave after his attainment of 60 years of age would involve the grant of an extension of service as a High Court Judge. The Government of India can extend the service of a High Court Judge only when such an extension of service is in the public interest. It cannot be said to be in the public

interest to sanction an extension of service beyond the age of 60 years merely in order to allow an officer to take leave.

(Comptroller and Auditor-General's Endorsement No.317-A/56-25, dated 5th May 1921.)

[F.R. 86—Ruling (9).]

Leave to High Court Judges who are members of the I.C.S. is not admissible after they have attained the age of 60 years and that the conditions of service of such High Court Judges are finally governed by the rules framed under Section 104 of the Government of India Act, except in the matter of amount of pension to which they are entitled on retirement.

(G.I.F.D. No.F.19—I.V.R.—C.S.R. 26, dated 17th June 1926.)

[F. R.94—Ruling (2).]

Grant of leave preliminary to retirement to a High Court Judge who is on an extension of service—

It is a fundamental principle that a High Court Judge may only be granted an extension of service in the public interest and that a *fortiori* it cannot be sanctioned merely to enable him to take leave. When, however, an extension of service has been sanctioned, it is actual service within the meaning of Rule 1 (2) of the High Court Judges (India) Rules, 1922, and as such entitles the Judge to earn leave and pension. There may be circumstances in which leave may properly be granted within the extended period. Such circumstances may be held to exist where the leave granted is leave which would in the absence of the extension have been taken before the original term of service expires or when the extension actually sanctioned is unexpectedly found to exceed by a short period in real needs of the situation. The legitimacy of the grant of leave in any particular case is therefore a question of fact to be decided with reference to the actual circumstances of the case. The above principles should be followed when leave is granted to a High Court Judge who is on an extension of service.

[G.O.Ms.No.1168, Public (Special), dated 8th November 1929.]

[F.R. 105—Ruling (5).]

Assistant Collectors who are deputed for training in Survey and Settlement are eligible only for the time actually required for the journey as joining time. As regards Sub-Collectors deputed for Judicial training, there is a definite transfer from the Executive to the Judicial line also such officers should be allowed joining time.

[G.O. Ms. No. 1142, Public (Special), dated 5th November 1931.]

FUNDAMENTAL RULES

INDEX

Note.- This index has been compiled solely for the purpose of assisting reference. No expression used in it should be considered as interpreting the rule. The Abbreviations represent-

A= Annexure. D= Delegation. FR= Fundamental Rule. In= Instruction. N= Note. SD= Subsidiary Definition. Appex.= Appendix.

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