

GOVERNMENT OF TAMIL NADU

Abstract

Foreign Service - Depuation of Government Servants on Foreign Service under FR. 110-114 to State Government undertakings/Corporations/Boards - Retirement on Superannuation while on Deputation - Encashment of Leave at credit - Mode of Payment - Orders - Issued.

Personnel and Administrative Reforms (FR. II) Department

G.O. Ms. No. 266

Dated : 5-11-97

(1) G.O. Ms. No. 656, Finance, dated 8-5-74

(2) Government Letter No. 77916/FR. II/74-14, dated 28-9-77

(3) G.O. Ms. No. 111, Personnel and Administrative Reforms Departments, dated 2-5-94.

ORDER :

In the Government Order first read above, the Government have directed that in respect of Government Servants deputed on Foreign Service to Government owned or controlled Corporations/Boards/undertakings the leave salary contribution need not be recovered from these institutions. Leave Salary for any period of leave taken while on Foreign Service shall be entirely met by the foreign employer and leave salary for any period of leave taken on return to the parent department shall be borne by the Government.

2. In the letter read above, it has been clarified that the encashment of leave on superannuation has to be taken as an event in continuation of service and if the foreign service continues till the last day of service, the liability for the leave encashed by the individual shall be borne by the foreign employer only. Similarly, if the death happens during foreign service the liability for the leave encashed on the date of death shall be borne by the foreign employer.

3. In the Government order third read above, Government had issued orders prescribing General Terms and Conditions governing the deputation of Government servants to State owned Corporations/Boards/undertakings and to Co-operative Institutions, Autonomous Bodies, Universities, etc. The instructions issued in the Government Order and letter first and second read above have been duly incorporated as Term 5(i) in the Government Order third read above.

4. It has been brought to the notice of the Government by some of the Corporations when several Officers were posted to the Corporations at the fag end of their service and Corporations will have to pay 240 days leave salary when they retire from service while on deputation. The Corporations have therefore, requested the Government, to reimburse the amount paid by them towards encashment of eligible leave at the time of superannuation, in respect of deputationists deputed to Corporations on foreign service terms and conditions and retired from service while on deputation.

5. The Government have examined the above request in detail and decided to accept the same. They have also decided to make necessary alteration to the Term 5(i) of the Government order third read above. They accordingly direct that when a Government Servant serving under a foreign employer like State Government undertakings/Boards/Corporations reaches superannuation, while on deputation, the encashment of eligible leave at his credit should be paid initially by the foreign employer and later claim from the Government, the leave salary portion excluding the leave earned during deputation..

6. For the existing instruction under Term 5(i) of the General Terms and Conditions issued in the Government Order third read above, the following instruction shall be substituted.

"Leave salary contribution shall not be recovered from the Foreign Employer and leave salary for any period of leave taken including leave surrendered under the foreign employer shall be borne by the foreign employer. The foreign employer shall also pay the leave salary charges in respect of any disability incurred in and through foreign service even though such disability manifests itself after the termination of the foreign service. The entire 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 respect of encashment of leave in the event of retirement or death, while on deputation, the foreign employer shall pay initially the entire surrender leave salary including compensatory allowances and later reimburse from the Government, the leave salary portion excluding the leave earned during deputation. No additional pension contribution shall, however be recovered in respect of the period of the disability leave. Pension contributions shall be recovered at the rate of 10% of the maximum of the scale of pay. Penal interest will be levied if payments are delayed".

7. This order issue with the concurrence of Finance Department vide its U.O. No. 5261/FS/P/97, dated 25-10-97.

(By Order of the Governor)

P BASKARADOSS
Secretary to Government
