

**GOVERNMENT OF TAMIL NADU**

**Abstract**

Fundamental Rules - Rules 68 and 106 - Joining Time - Public holidays, Saturdays and Sundays - Crediting of unavailed joining time to Earned Leave account - Amendments - Issued.

**Personnel and Administrative Reforms (F.R. IV) Department**

G.O. Ms. No.207

Dated : 14-8-97

Read :

1. G.O. Ms. No. 281, P&A.R. (FR.III) Dept., dated 21-3-86.
2. G.O. Ms. No. 624, P&A.R. (FR.III) Dept., dated 25-11-89.
3. Government's Letter No. 33978/FR.III/88-1 P&A.R. (FR. III) Dept., dated 28-9-88.
4. Government's Letter No. 90507/FR.III/90-2 P&A.R. (FR. III) Dept., dated 30-11-90.
5. G.O. Ms. No. 161, P&A.R. (FR. III) Dept., dated 22-3-96.
6. From the Accountant General (Audit) I, Madras -35, Letter No. AG(AU)/I-1/CC/II/1-7/97-98-32 dated 1-8-97.

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**ORDER :**

The following Notification will be published in the Tamil Nadu Government Gazette :

**Notification**

In exercise of the powers conferred by the proviso to Article 309, read with Article 313 of the Constitution of India and of all other powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendments to the Fundamental Rules.

2. (1) Amendment (1) hereby made shall be deemed to have come into force on the 22nd March 1996.

(2) Amendment (2) hereby made shall be deemed to have come into force on the 21st March 1986.

**Amendment**

In the said Fundamental Rules,

(1) in rule 68,

(a) the words "or joining time" shall be omitted;

(b) under instruction 1, the words "or joining time" shall be omitted.

(c) under instruction 3 (b), the words "or joining time" occurring in three places shall be omitted;

(2) in rule 106,

(a) under instruction 2, for clause (e), the following clauses shall be substituted, namely :

"(c) 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 these 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 the permanent advance;
  - (ii) his early departure does not entails 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 rearrangement of pay and allowances takes effect from the first day after these 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 offices or holidays which are merely permissible or discretionary."

(3) for instruction 15, the following instruction shall be substituted, namely :

"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 and 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."

(By Order of the Governor)

P. BASKARADOSS  
Secretary to Government