

GOVERNMENT OF TAMIL NADU

Personnel and Administrative  
Reforms (FR.III) Department,  
Secretariat, Chennai - 9.

Letter No. 50478/FR.III/2003-1 dt. 14.11.2003

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

To  
All Heads of Departments

Sub: Public Service - Voluntary Retirement - Accepting Notice for  
Voluntary Retirement - Fulfilling of conditions stipulated  
under FR 56 (3) (e) - Instructions - issued.

Ref: (1) G.O. Ms. No. 350, P & A.R. (FR.Spl.)Dept. dt. 07.10.91.  
(2) G.O. Ms. No. 376, P & A.R. (FR.III) Dept. dt. 11.12.93.  
(3) Government Ir. No. 77859/FR.III/97-1, P & A.R. Dept.  
dt. 02.06.98.

As per the provisions under rule 56 (3) (a) of FRs, a Government servant, who has attained the age of 50 years or who has completed 20 years of qualifying service, may retire from service voluntarily, by giving a notice not less than three months in writing direct to the appointing authority. The notice for voluntary retirement given by the Government servant shall be accepted by the appointing authority subject to fulfilling the following conditions stipulated under rule 56(3) (e) of FRs.

- (i) that no disciplinary proceedings are contemplated or pending against the Government servant.
- (ii) that no prosecution is contemplated or pending in a Court of Law against the Government servant.
- (iii) that no enquiry is contemplated or pending against the Government servant in the records of DVAC.
- (iv) that no dues which cannot be recovered from the DCRG are pending to be recovered.
- (v) there should not be any contractual obligation to serve the Government.

2. It has been brought to the notice of the Government that a Government servant was allowed to retire voluntarily from service when a criminal case and also a proposal for sanction of prosecution were pending against him. Despite the statutory provisions under rule 56 (3) (e) of FRs and specific instructions, Government have occasion to come across cases allowing Government servants to retire from service voluntarily which is against the statutory provisions and violative of instructions issued by the Government.

3. The Government have examined the matter in detail. It is considered necessary to reiterate the existing conditions statutorily provided in FR 56 (3) (e) and instructions pertaining to acceptance of notice for voluntary retirement. It is obligatory on the part of the appointing authority that, before accepting the notice and allowing the Government servant to retire from service voluntarily he should ensure whether the Government servant satisfies all the statutory conditions stipulated under FR 56 (3) (e). It is necessary to obtain a report from the DVAC to ensure that no vigilance inquiry is contemplated or pending against the Government servant. Before accepting the notice for voluntary retirement or before allowing a Government servant to retire on superannuation, the appointing authority should also ensure that no criminal case or prosecution is contemplated or pending against the Government Servants. He should satisfy himself that the Government servant is free from such course of action by obtaining clearance from the DVAC/Crime Branch CID/SBCID wherever necessary.

4. All the Departments of Secretariat and Heads of Departments are requested to follow the above guidelines scrupulously.

Yours faithfully,  
Sd/-  
for Chief Secretary to Government