

# GOVERNMENT OF TAMIL NADU

## Abstract

Fundamental Rules – Availing long leave by Government Employees – Disciplinary action for remaining absent beyond permissible limit – Instructions – Issued.

### Personnel and Administrative Reforms (F.R. III) Department

G.O. Ms. No. 153

Dated : 8.8.2000

Read :

1. G.O. Ms. No. 1046, Personnel and Administrative Reforms (F.R. III) Department, dated 13.11.87.
2. G.O. Ms. No. 477, Personnel and Administrative Reforms Department, dated 21.11.90.
3. Government Letter No. 68841/ F.R.3/ 98-6, Personnel and Administrative Reforms Department, dated 8.6.99.
4. Orders of Tamil Nadu Administrative Tribunal in O.A. No. 1120/89 and other Original Applications dated 21.10.99. →

\*\*\*\*\*

### ORDER:

In the Government letter third read above, instructions have been issued to the effect that the cases where disciplinary proceedings have been initiated against the Government servants under Tamil Nadu Civil Services (Discipline and Appeal) Rules as stipulated in rule 18(3) of Fundamental Rules for remaining absent beyond the permissible limit of one year or six months, as the case may be, no final orders should be issued by the disciplinary authorities concerned till the Original Applications already filed are disposed of by the Tamil Nadu Administrative Tribunal.

2. The Tamil Nadu Administrative Tribunal in Original Application No. 1120/89 and 44 other Original Applications in its order dated 21.10.99 has observed that Fundamental Rule 18(3) providing for removal from service for failure to resume duty after expiry of leave is not valid and has set aside the orders of removal from service which has been challenged in the said Original Applications. The Tamil Nadu Administrative Tribunal has also remitted the cases back to the concerned authorities for fresh action, if necessary in accordance with rules 8 and 17 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules without

reference to the orders already passed and the provisions contained in Fundamental Rule 18(3).

3. Consequent on the above orders of the T.N.A.T. the question of revising the provisions of F.R. 18(3) in the light of the orders of Tamil Nadu Administrative Tribunal has been examined by the Government. However, such orders will take effect from the date of issue only. Hence, the following instructions are issued in continuation of the instructions issued by the Government in the letter third read above:-

- (i) in respect of cases, remitted back by the Tamil Nadu Administrative Tribunal, the appropriate or disciplinary authorities are directed to take suitable action as directed by the Tamil Nadu Administrative Tribunal in its order dated 21.10.99.

In such cases, the disciplinary authorities are directed to take into consideration the orders of Tamil Nadu Administrative Tribunal and examine the circumstances under which the Government servants remained absent beyond the maximum limit stipulated in Fundamental Rule 18(1) and 18(2) and if the disciplinary authorities consider that good and sufficient reason exist for imposing penalties enlisted in rule 8 of Tamil Nadu Civil Services (Discipline and Appeal) Rules, suitable final orders shall be passed with reference to rule 8 of the said rules after due observance of the procedure.

- (ii) In disciplinary cases, initiated against the Government servants for their unauthorised absence beyond the permissible limit, wherein the Government servants have not filed any applications before the Tamil Nadu Administrative Tribunal challenging disciplinary action under Fundamental Rule 18(3), the disciplinary authority shall examine the circumstances under which the Government servant remained absent, beyond the maximum limit stipulated in Fundamental Rule 18(1) and 18(2) and if the disciplinary authority considers that good and sufficient reasons exist for imposing penalties under rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules final orders may be passed with reference to Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules after due observance of procedure.

- (iii) In future, disciplinary cases against the Government servants for their unauthorised absence beyond the maximum permissible limit stipulated in Fundamental Rule 18(1) and 18(2) shall be initiated by the disciplinary authority under rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the disciplinary authority shall examine the circumstances under which the Government servant remained absent beyond the maximum limit stipulated in Fundamental Rule 18(1) and (2) and if the disciplinary authority considers that good and sufficient reasons exist for imposing penalties under rule 8 of the Tamil Nadu Services (Discipline and Appeal) Rules, final orders may be passed under rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.
- (iv) In respect of Government employees who have filed cases before Tamil Nadu Administrative Tribunal challenging the charges framed or orders passed by the authorities as per the existing Fundamental Rule 18(3), which are still pending before Tamil Nadu Administrative Tribunal, since Tribunal will pass orders drawing attention to the ruling given earlier, revised action may be pursued as indicated in item (iii) above, after informing the Tribunal, by filing suitable Miscellaneous Application, if necessary.

(By order Of The Governor)

**(S. MUNIR HODA)**  
Secretary to Government.