

GOVERNMENT OF TAMIL NADU

ABSTRACT

PUBLIC SERVICES – Leave – Grant of Leave to Government Servants – “Leave for employment abroad” – Introduction in Fundamental Rules – orders – Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (FR.II) DEPARTMENT

G.O.Ms.No.220

Dated : 12.8.1994

27, Aadi, Bhava
Thiruvallurvar Aandu 2025.

Read :

G.O.ms.No.189, Personnel and Administrative Reforms, Dated
23.2.80.

G.O.ms.No.196, Personnel and Administrative Reforms, Dated
20.5.91.

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ORDER:

In the Government Order first read above, the Government have directed that the Government Servants desirous of securing jobs abroad to be permitted to apply through the State Overseas Manpower Corporation and take their chance along with other members of the public and that those who intend to accept the job offers be required to resign from service or be permitted to avail themselves of the provisions of voluntary retirement.

2.In the Government Order second read above, the Government, in order to follow a uniform liberal policy, issued orders that the Government employees desirous of which they belong – Technical, Non-Technical or Clerical be permitted to apply and secure employment abroad either through the Overseas Manpower Corporation Limited, or other available sources. However, such of those scarce categories of staff/officers whose services are considered essential to this Government shall not be permitted to secure jobs abroad. The period of employment abroad shall normally be three years, which can be extended for a further period of two years.

3.The existing provision under FR.18(3) provides that if a Government Servant does not resume duty after a maximum period of Extra-ordinary Leave without Allowance for a continuous period of six months or one year, as the case may be, under sub-rules (1) and (2) of F.R.18 or otherwise than on foreign service or on account of suspension, for any period which, together with the period of leave granted to him, exceeds the limit, he shall, unless the Governor in view of the exceptional circumstances of the case otherwise determines, be removed from service. In any

cases involving employment of Government employees in foreign countries, difficulties have been encountered because of non-sanction of leave for employment abroad in time. Very often these persons are selected by the Overseas Manpower Corporation Limited or other recruiting agents for gainful employment abroad for a specific period of one or two years. Thereafter, they overstay the period on employment abroad and return to India after expiry of 2 or 3 more years. Then it is discovered that their leave for the extended period was not sanctioned, whereas many of the Government Employees claim to have applied for leave. In such cases, action is taken under FR.18(3) to remove them from service. Many representations are received from such affected employees for reconsideration of the action taken against them on the plea that they have already applied for extension of Extra-ordinary leave without Allowance. Further FR.18(2) and (3) have to be relaxed in favour of those who seek employment abroad and request sanction of Extra-ordinary Leave without Allowance for the purpose for more than a year.

4. In order to avoid the administrative work in granting relaxation of FR.18(2) and (3) and to redress the grievances of those Government Employees who overstay abroad on genuine employment, the Government, after careful consideration, have decided to introduce and they accordingly hereby introduce a separate category of leave called "leave for employment abroad", subject to the following conditions, besides the norms already in existence :-

(1) Leave for employment abroad may be sanctioned after verifying the genuineness of employment abroad by way of appointment order or visa, or other document;

1. (2) The initial period of leave for employment abroad may 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 one year based on the visa obtained;
2. (3) After the expiry of the initial period of leave for employment abroad, the employee may seek further extension of the same leave by producing evidence that he continues/continued to be in the same job or is/was employed by another genuine employer abroad.
3. (4) The Government will not undertake any financial liability in respect of a person who is on leave for employment abroad in respect of such period, like leave salary, passage, medical reimbursement, etc.
4. (5) The period of leave for employment abroad will not count as service, nor will it be taken into account for calculation of accrued leave. It is for the employee himself to settle his terms of leave and leave salary with the employer abroad.
5. (6) The period of absence on leave for employment abroad would be counted as service for purposes of pension, if necessary pension contributions are paid.
6. (7) The employees who is sanctioned leave for employment abroad should pay the appropriate pension contribution and other contribution, if any, to the Accountant General from time to time with appropriate interest for belated payments, if any, but no leave salary contribution need be paid as no leave will accrue during the period of employment abroad.
7. (8) Subject to the payment of contributions as mentioned above, the period of absence on employment abroad up to a maximum period of 5 (five) years in

total may be regulated as “Leave for employment abroad” without attracting the penal provision of FR.18(3).

8. (9) Past cases decided need not be reopened. Pending cases may, however, be decided applying the above principles.
9. (10) Employment with United Nations Organisations through the Government of India will not fall under the purview of leave for employment abroad.

6. Necessary amendments to FR.18(3) will be issued separately, taking out of its purview “Leave for employment abroad” by inserting the words “or on account of leave for employment abroad” after the expression “or remain absent from duty after the expiry of his leave otherwise than on foreign service or on account of suspension” in the rule FR.18(1) and (2) will also be amended suitably.

(BY ORDER OF THE GOVERNOR)

M.AHMED
SECRETARY TO GOVERNMENT

To

All Secretaries to Government.
All Heads of Departments.
The Registrar, High Court, Madras-104.
The Secretary, T.N.P.S.C., Madras-2.
The Accountant General, Madras-9/18/35.
The Pay and Accounts officer, Madras-79/35/5/9.
Tamil Nadu State Owned Corporations/Boards/Undertakings.
All Recognised Service associations.
SF/SC.

/Forwarded/By order/

sd/xxx
Section Officer.