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Scott. II-27-39,004-24-10-44.

EDPA (1945) Department.

Ms SERIES.

G.O. No. 475 Edm

Dated 27-3-45.

[Despatch Abstract.]

Establishment - Local bodies - Grant of
leave - Resignation - Application of G.O. 2390CA,
d/12.8.42 - Papers - Recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

LF 7357
13.12.44.

EXAMINER'S OFFICE.

Sub:- Establishment - Grant of leave to Local Board servants -
Government Memorandum No. 33413-A-42-2-P.H.Edn., dated
21-12-1942 - Modification.

Ref:- R.O.C.No.E.4.14749-44, dated 10-11-1944 of the President,
District Board Salem.

Forwarded.

2. The concrete case, if any, giving rise to the reference
not been specified.

3. The point raised by the President, District Board, viz.,
whether cases of resignation at the end of leave on medical
certificate would amount to "retirement" for the purpose of G.O.
No. 2390, L.A., dated 12th August 1942, was specifically considered
and decided in the negative in Government Memorandum No.
33413 A/42-2 Edn., dated 21st December 1942. No modification
of the orders seems called for.

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To

The Secretary to Government,
Local Administration Department,
Fort St. George, MADRAS.

Examiner of Local Fund Accounts.

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LOCAL AUDIT DEPARTMENT.

L.F. No. 3570-28.

OFFICE OF THE EXAMINER OF LOCAL FUND ACCOUNTS,
Madras, dated the 27th August 1928.

From

THE EXAMINER OF LOCAL FUND ACCOUNTS,
Madras,

To

ALL PRESIDENTS, DISTRICT BOARDS

(with copies to Presidents, Taluk Boards, and
Presidents, Union Boards).

Sir,

I have the honour to invite a reference to G.O. No. 1768, L. & M., dated the 17th April 1928, amending L.F. Form No. 146-Chalan for Remittance into Treasury and to state that copies of the book in the revised form are now available at the

Sub: Establishment - Grant of leave to Local Board Servants - Government-Memo No. 33413-A-42-2-P.H., dated 21-12-42 Modification Requested.

R.O.C.No.E.4.14749-44

District Board's Office,
Salem, Dated 10-11-1944.

From

Sri. K.A. Nachiappa Gounder, M.L.A.,
President, District Board, Salem.

To

The Secretary to Government,
Local Administration Department, Fort St. George., Madras.

Through

The Examiner of Local Fund Accounts, Madras.

Sir,

In enclosing herewith copies of this office letter R.O.C.No.E.4. 25532-43 dated 10-12-43 addressed to the Assistant Examiner of Local Fund Accounts, Salem and his reply L.F.No.202 dated 23-12-1943 thereon, it is evident that the G.O.2390 L.A., dated 12-8-1942 is not applicable to the cases of retirement on invalidation, as such retirement are not voluntary but are compulsory retirements. But in the case of persons who tender their resignation while on medical leave or on duty, their resignation cannot be considered to be tantamount to compulsory retirements, as such resignations are made only voluntarily of their own accord. The Government in their Memo No.33413-A-42-2 P.H dated 21-12-1942 have however issued instructions to the President, District Board, North Arcot that resignation or removal of a Board servant or his being ousted for want of vacancy will not amount to retirement referred to in G.O.No.2390 L.A., dated 10-8-1942. The issue was discussed with the Examiner of Local Fund Accounts, Madras when he visited my office in November 1943. He too was of opinion that resignation is purely an act of voluntary nature. It is therefore thus reasonable that the restrictions imposed in G.O.No. 2390 L.A., dated 12-8-1942 which are to be enforced in the case of sub-

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subordinates who retire in the natural course (voluntarily) after good service either in completion of service or at the end of 55 years of age should be made applicable in the case of subordinates who resign (voluntarily) either on account of their private circumstance or difficulties in service.

I request therefore that the Government may be pleased to amend the ~~existing~~ orders issued in Government Memo No. 33413-A-42-2 P.H. dated 21-12-1942 suitably at an early date.

K.V.N.13-11-44.

President, District Board, Salem.

Copy of letter No. 25532-42-E.4. dated 10-12-43 from the President, District Board, Salem to the Assistant Examiner of Local Fund Accounts, Salem.

Sub: Establishment - Grant of leave to Local Board Servants - application of G.O. No. 2390 - L.A., dated 12-8-1942. instructions requested.

In G.O. No. 2390, L.A., dated 12-8-1942, it is ~~said~~ stated (1) that under the proviso to Fundamental Rule 81(b) (ii), a servant in superior service governed by ordinary leave rules may be granted leave on average pay to the maximum period of eight months, if the above leave is on medical certificate, but not preparatory to retirement and (ii) that a period of at least three months should intervene between the date of return to duty of an employee of a Local Board in superior service from leave on medical certificate and the date of his retirement.

2. With reference to the instructions laid down in the G.O. referred to above in a case, when a Local Board Servant in superior service governed by ordinary leave rules, after availing the leave on average pay with medical certificate either retires on invalidation by the District Medical Officer or resigns his job while on medical leave or on duty it is doubtful whether such retirement falls within the purview of the G.O. No. 2390 L.A., dated 12-8-1942 and whether the leave previously granted to him is to be revised restricting it to the credit in column No. 6 and the overdrawn leave salary needs to be recovered enforcing the proviso under Fundamental Rule 81(b) (ii) in the view of the following facts.

3. In Government Memorandum No. 5846-2-A-L.A., dated 6th March 1942, copy enclosed it is stated that refund of overdrawn leave salary by an employee should be enforced only when the retirement is voluntary and that if the compulsory retirement is ordered compulsorily by reason of his ill-health in-capacitating him for further service, no refund should be taken notwithstanding the written undertaking. Again in Memorandum No. 33413-A-42-2-P.H. dated 21-12-1942 addressed to the ~~Exst~~ President, District Board North Arcot, copy of which is herewith enclosed it may be seen that the resignation or removal of a Board Servant or his being ousted for want of a vacancy will not amount to retirement referred to in G.O. No. 2390 L.A., dated 12-8-1942.

4. In the face of the Government Memorandum referred to above, I request you to enlighten me whether the cases of retirements referred to by me in para 2 above fall within the scope of the G.O. No. 2390 L.A., dated 12-8-1942 and whether the leave on average pay to be granted

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granted in such cases should be limited to the credit in column 6 of the leave account and whether in cases leave on average pay is already granted on account of the medical certificate furnished against the credit in column 7 of the leave account the leave should be subsequently revised in consequence of the invalidation limiting it to the credit column 6 of the leave account and the excess leave allowance drawn recovered.

(True copy).

Copy of letter L.F.No.202-43 dated 23-12-1943 from the Assistant Examiner of Local Fund Accounts, Salem to the President, District Board, Salem.

Ref: Your letter R.O.C.No.E.4.25532-43 dated 10-12-43.

The cases of compulsory retirement referred to in para 2 of your letter, will not fall under the purview of G.O.No.2390 L.A., dated 12-8-1942.

(True copy).

K.V.N.13-11-44. President, District Board, Salem.

29/12/43 Establishment - Local bodies - Grant of leave
C.No. 59505A/44 From the P.D.B. Salem, R.O.C. No. E.4. 14749/44, d/10.11.44

" " Encl. L.F.A., L.F. 7359, d/13.12.44
Memo: No. 59505A/44-3 Edw., d/13/145

The P.D.B. Salem, is informed that the restrictions imposed in G.O. 2390 L.A., d/12.8.42 should be enforced in the case of local board servants who resign voluntarily.

2. The orders in Memo: No 33413A/42-2 Edw., d/21.12.42 are ~~cancelled~~ to modified to the extent specified in para 1 above.

To The P.D.B. Salem, B
" " " " " " 5/13/45
" Encl. L.F.A. 6/3/45
" L.A. Dept (with copy of pp 1-4 n. 6)

(A) H. 983

Establishment - Local bodies - Grant of leave
C. No. 59505A from the P.D.B., Salem, R.O.C. No. E.4.14749/44, 2/10.11.44

Ex of L.F.A., A.F. 7359, 2/13.12.44

The Memo. at p 10 of (X) was issued in

consultation with the Ex of L.F.A. and the L.A. Dept.

As the P.D.B., Salem, has suggested a review of the

position taken therein so far as it relates to the

voluntary resignation of a Lt. Board servant while

on leave under the proviso to F.R. 81(b)(ii), or at the

end of such leave, the Fin Dept may be consulted

as the rule is the same as in the case of Govt servants

also.

pp 78-79 of
Book No. 154



4745
E.P.H. W.O. 59505A-1

27/1/45

It is submitted that the question mentioned in E. & P.H. note above has not so far been raised in the case of Govt. servants. Resignation seldom takes

(6) Notes E.P.H. (A)

Establishment - Local bodies - Grant of leave

C. No. 59505A from the P.D.B., Salem, R.O.C. No. E.4.14749/44, 2/10.11.44

Ex of L.F.A., A.F. 7359, 2/13.12.44

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on leave under the proviso to F.R. 81(b)(ii), or at the

end of such leave, the Fin Dept may be consulted

as the rule is the same as in the case of Govt servants

also.

It is submitted that the question mentioned in E. & P.H. note above has not so far been raised in the case of Govt. servants. Resignation seldom takes

place in Govt. service, as it involves forfeiture of pension. Local Board servants who are on contributory provident fund system can, however, resign the service, without forfeiture of their provident fund accumulations (except in cases of misconduct) when the contribution ~~can~~ portion of the provident fund can be reduced). Resignation should be treated as retirement for ^{the} purpose of applying the restrictions in G.O. 2390 L.A. dated 12-8-42. E & P.H. may be requested to modify the orders in the Memo at (X) accordingly. ^{if they agree} ^{take action to} L.A. may also see the case.

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E & P.H.

Fin 478758-1
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L.A. for remarks on P above

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L.A. of

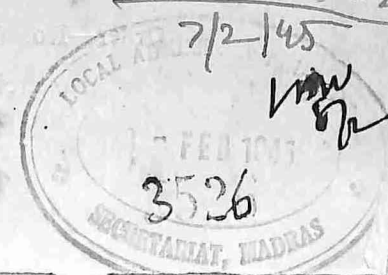
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WWS

It is for consideration whether the views of Fin that resignation which on medical

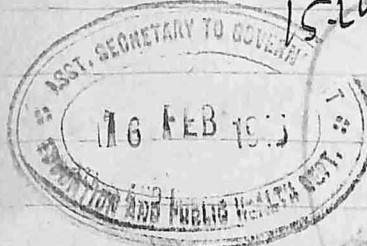


may be concurred in (I)

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For ass.

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have been to be treated for restriction for the purpose of applying for treatment in Feb 1945. It is to be accepted that the restriction should be paid to the service at the rate of the average pay and for periods exceeding four months. The restriction will have to be removed from his P.F. contribution, if he resigns within or leave for a period exceeding four months or within 3 months after return from such leave. will have to be removed from his P.F. A/c (contribution portion). The P.F. A/c will have to be suitably amended for the purpose. With these remarks, the file may be returned to E & P.H. for

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ESP. H. (A) ESPH

For orders whether the views of the Finance Dept will be concurred in in this

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depts. If so, the draft memo below ^{is for} ~~may~~ be approved. An extract of the notes on pp 2-3 ante may also be sent to L.A. dept for ~~amending~~ making suitable amendments to P.F. rules. After ~~one~~ of the Memo, the papers may be recorded.

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S. 3. 45 S We may agree with
L.A.
Issue Memo.
12-3-45

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for review of the rules and orders and
and in the case of the rules and orders and

Establishment -
Local bodies -
Grant of leave -
Resignation - Apply
of 23901 it, at
2.8.42 papers
revised