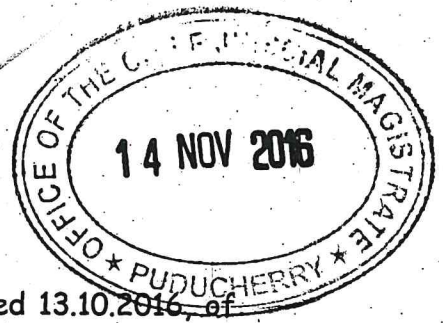


R.O.C.No.77558/2016/C2



Copy of Government letter No.34007/FR-3/2016-1, dated 13.10.2016, of Personnel and Administrative Reforms (FR-III) Department, is communicated for information and taking necessary action.

HIGH COURT, MADRAS.  
DATED: 10.11.2016

*next page*  
*R. Subramanian*  
SUB ASST. REGISTRAR (ADMN.II)

To

- 01.All the Registrars, High Court, Madras & Madurai Bench of Madras High Court, Madurai.
- 02.All the Principal District Judges.
- 03.All the Chief Judicial Magistrates.
- 04.The Principal Judge, City Civil Court, Chennai.
- 05.The Chief Judge, Court of Small Causes, Chennai.
- 06.The Administrator General & Official Trustee of Tamil Nadu, Chennai.
- 07.The Director, Tamil Nadu Judicial Academy, No.30(95), Malligai,  
P.S.K.R. Salai, R.A. Puram, Chennai -28.
- 08.The Chief Metropolitan Magistrate, Egmore, Chennai.
- 09.The Presiding Officers of Labour Courts, Chennai, Madurai, Coimbatore,  
Tirunelveli, Tiruchirappalli, Salem, Vellore and Cuddalore.
- 10.The Presiding Officer, Industrial Tribunal, Chennai.
- 11.The Principal Judge, Family Court, Chennai.
- 12.The Judge, Family Court, Madurai, Coimbatore, Salem & Pudukkottai.
- 13.The Presiding Officer, Special Court for EC & NDPS Act Cases, Chennai,  
Coimbatore, Salem, Madurai, Thanjavur & Pudukkottai.
- 14.The Sessions Judge, Spl Court for Bomb Blast Cases, Chennai @ Poonamallee &  
Coimbatore.
- 15.The Special Judge, Special Court under TNPID Act, Chennai - 104.
- 16.The City Government Pleader, City Civil Court Buildings, Chennai.
- 17.The Sessions Judge, Mahalir Neethimandran, Chennai, Cuddalore,  
Coimbatore, Madurai, Perambalur, Salem, Tirunelveli and Pudukkottai.

Copy to:-

- 01.The Section Officers, "B" Section, Estt. And Bills Section, High Court,  
Madras and Madurai Bench of Madras High Court, Madurai.
- 02.The Librarian, High Court, Madras and Madurai Bench of Madras High Court, Madurai.
- 03.The Record Keeper, A.D. Records, High Court, Madras & Madurai Bench  
of Madras High Court, Madurai.

Spare: + 10 Copies.

*Tryp*  
*S/No.38*



Personnel and Administrative  
Reforms (FR-III) Department,  
Secretariat,  
Chennai – 600 009.

**Letter No.34007/FR-3/2016-1, Dated : 13.10.2016**

From

Dr. S. SWARNA, I.A.S.,  
Secretary to Government.

To

All Secretaries to Government, Chennai - 600 009.  
The Commissioner of Treasuries and Accounts, Chennai - 600 018.  
All Departments of Secretariat, Chennai - 600 009.  
All Heads of Departments including District Collector /  
District Judges / District Magistrates.  
The Secretary, Tamil Nadu Public Service Commission,  
Chennai – 600 104.  
The Registrar General, High Court of Madras, Chennai – 600 104.  
The Registrar, Madurai Bench, High Court of Madras, Madurai.  
The Works Manager, Government Central Press, Chennai – 600 079.  
The Director of Stationery and Printing, Chennai – 600 099.  
The Personnel and Administrative Reforms (AR-II) Department,  
Secretariat, Chennai – 600 009 (to publish in the internet / intranet).

Sir,

Sub: Fundamental Rules - Tamil Nadu Leave Rules, 1933 –  
Unearned Leave on Private Affairs – Payment of Leave  
Salary – Instructions – Issued.

Ref: Audit Slip No.16 of Senior Audit Officer, Office of the  
Accountant General, Chennai-18 received from the  
Public (OP-1) Department on 25.01.2016.

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It has been brought to the notice of the Government, in the reference cited that based on the 'e-payroll system' of the Department of Treasuries and Accounts, an incorrect payment of leave salary in respect of Unearned Leave on Private Affairs was made. In that case, the half pay was correctly taken into account for the purpose of computation of leave salary and the dearness allowances was regulated on full pay which was not in order. This leads to excess payment of leave salary in respect of 'Unearned Leave on Private Affairs', to be recovered from the individual.

2. The Government direct that the following Rules are to be followed in sanction of leave and payment of leave salary and encashment at the time of retirement, in respect of Unearned Leave on Private Affairs.

**(i) Rule 13 of Tamil Nadu Leave Rules, 1933:-**

Leave on Private Affairs may be granted to a permanent Government servant, i.e. approved probationer in superior service for six months in all and up to a maximum of three months at a time for the first ten years of service, which may be carried forward beyond ten years, when alone he shall be eligible for the full period of six months.

p.t.o.

(ii) Rule 28 of Tamil Nadu Leave Rules, 1933:-

A Government servant in superior service, while on leave on Private Affairs, is entitled to leave-salary, equal to half pay.

(iii) Rule 7(iii) of Tamil Nadu Leave Rules, 1933:-

The benefit of encashment of leave on private affairs on the date of retirement or on the date of termination of extension of service as the case may be shall be subject to 50 percent of the leave on private affairs standing to the credit of the Government servant on such date, subject to a maximum of 90 days, with full leave salary, in cash, which shall be based on pay, Dearness Allowance and other allowances. The fraction of a half pay shall be rounded off to one day.

3. In view of the above, a Government servant in superior service, while on Unearned Leave on Private Affairs is entitled to leave salary equivalent to Half Pay and the Allowances payable is in full to the Half Pay (i.e. allowances in full percentage, proportionate to half pay), as illustrated below:-

Illustration:	
No. of Un-earned Leave on Private Affairs sanctioned	30 Days
Pay of Individual	Rs.33,380/- (Pay+GP)
Pay of 30 days	Rs.26,780/- + 6,600/- = Rs.33,380/-
Half of pay	Rs.13,390/- + 3,300/-
Total	Rs.16,690/-
DA for the half pay @ 119%	16,690 x 119/100 = Rs.19,861/-
Hence the leave salary for 30 days of Un-earned Leave on Private Affairs shall be Rs. 16,690/- + Rs.19,861/- = Rs.36,551/- plus 50% of other allowances.	

4. It has been ascertained that the e-payroll developed by the Treasuries and Accounts Department contains a system of payment of Half Pay with Full Allowance for the full pay, in respect of payment of leave salary for Unearned Leave on Private Affairs, which is not in accordance with rules, in force. Hence, the Treasuries and Accounts Department is requested to rectify the defect in the e-payroll system, according to the existing rule, as stated at para 3 above, under intimation to the Government and all the Treasuries and Pay and Account Offices, early.

5. This instruction shall be scrupulously followed without fail, to avoid any excess payments, to the Government servants, and subsequent recovery of the amount from their salary.

Yours faithfully

*[Signature]* 13/10/2016

for SECRETARY TO GOVERNMENT.

*[Signature]*  
13/10/2016

Copy to:-

The Principal Accountant General, Chennai – 600 018.

The Finance (Allowances/Pay Cell-3) Department,  
Secretariat, Chennai – 600 009.