



R.O.C. No. 104660/2021/C1


OFFICIAL MEMORANDUM

Sub.: Courts - Avoidance of suspension on the date of retirement -
Government Order issued - Copy Communicated - Reg.

Ref: G.O.(Ms).No.111, Human Resources Management (N)
Department, dated 11.10.2021.

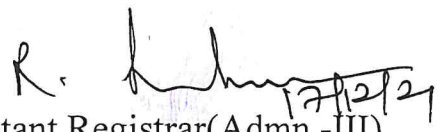
The Government of Tamil Nadu in G.O.(Ms).No.111, Human Resources Management (N) Department, dated 11.10.2021 have issued orders regarding avoidance of suspension on the date of retirement of Government Servants.

A copy of the G.O.(Ms).No.111, Human Resources Management (N) Department, dated 11.10.2021 is communicated for information and taking necessary action.


HIGH COURT, MADRAS.
DATED : 17.12.2021.

Sd/- P.DHANABAL,
REGISTRAR GENERAL.

//true copy//forwarded//by order//


Assistant Registrar(Admn.-III)
S. M. S.

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To:

- 1) All the Registrars, High Court, Madras / Madurai Bench of Madras High Court, Madurai.
- 2) The Additional Registrar General, Madurai Bench of Madras High Court, Madurai.
- 3) All the Principal District Judges/District Judges/District Judge cum Chief Judicial Magistrate.
- 4) The Principal Judge, City Civil Court, Chennai.
- 5) The Chief Judge, Court of Small Causes, Chennai.
- 6) The Presiding Officer, Industrial Tribunal, Chennai.
- 7) The Administrator General & Official Trustee, Chennai.
- 8) The Presiding Officer, Principal Labour Court, Chennai.
- 9) The Presiding Officer, Special Court for EC & NDPS Act Cases, Chennai.
- 10) The Chief Metropolitan Magistrate, Egmore, Chennai.
- 11) The City Government Pleader, City Civil Court Buildings, Chennai.
- 12) All the Chief Judicial Magistrates.
- 13) The Assistant Registrar (Admn-I), (Admn-II), High Court, Madras.
- 14) The Assistant Registrar (Admn-I), Madurai Bench of Madras High Court, Madurai.
- 15) The Section Officer, "B" & "Estt", High Court, Madras / Madurai Bench of Madras High Court, Madurai.

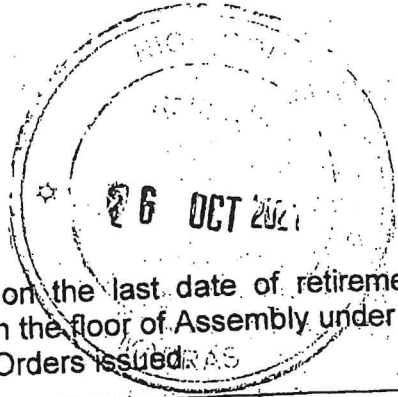
Copy To:

- 1) The Director, Tamil Nadu Judicial Academy, 'Malligai', No.30, Greenways Road, R.A.Puram, Chennai – 28.
- 2) The Librarian, High Court, Madras / Madurai Bench of Madras High Court, Madurai.
- 3) The Record Keeper, A.D. Records, High Court, Madras / Madurai Bench of Madras High Court, Madurai.

* Spare 10 Copies



ABSTRACT



Government Servants – Avoidance of suspension on the last date of retirement – Announcement made by the Hon'ble Chief Minister on the floor of Assembly under Rule 110 of the Tamil Nadu Legislative Assembly Rules – Orders issued

HUMAN RESOURCES MANAGEMENT (N) DEPARTMENT

G.O. (Ms.) No.111

Dated 11.10.2021

பிலை, புரட்டாசி - 25

திருவள்ளூர் ஆண்டு - 2052

Read :

1. Government Order (Ms.) No.768, Personnel and Administrative Reforms (Personnel-N) Department, dated 02.07.1979.
2. Government Letter (Ms.) No.1118/Per-N/1987, Personnel and Administrative Reforms (Per-N) Department, dated 22.12.1987.
3. D.O. Letter No.44626/2004-1, Personnel and Administrative Reforms (N) Department, dated 03.8.2004.
4. Government Order (Ms.) No.144, Personnel and Administrative Reforms (N) Department, dated 08.06.2007.

ORDER:

Considering various demands of the service associations of the Government Employees / Teachers, on the floor of the Assembly on 07.09.2021 under Rule 110 of the Tamil Nadu Legislative Assembly Rules among others the Hon'ble Chief Minister has made the following announcement:-

“ஒய்வுபெறும் நாளில் அரசுப் பணியாளர்கள் தற்காலிகப் பணிநீக்கத்தில் வைக்கும் நடைமுறை தவிர்க்கப்படும்”.

2. Disciplinary action is initiated against the erring Government servants to deter and mend them. On finalization of disciplinary action, appropriate punishment is imposed to the delinquents for the proven charges. In some cases, the disciplinary proceedings are prolonged and dragged till the date of retirement of the Government servants and they are placed under suspension for the pending disciplinary proceedings. To avoid such delay in finalizing the disciplinary proceedings, the Government have issued necessary instructions / guidelines in the references first to third read above.

3. In the Government Order first read above, instructions were issued that the competent authority should personally assess the situation and satisfy himself that the charges pending against the Government servants are serious enough to warrant a dismissal or removal and that there is prima facie to prove such charges, before arriving at a decision to place them under suspension. Even in these cases, it should be possible for the authorities to undertake disciplinary action well in advance of the impending date of retirement, since it is very rare that a person

(P.T.O.)

commits such major irregularities during the last 2 or 3 months of his service. When such a lapse is noticed, the competent authority should pursue the disciplinary action against the person quickly and vigorously so that it may be completed as far as possible by the retirement date.

4. In the letter second read above, time limit have been set for the various procedures to be followed in disciplinary proceedings so as to avoid delay in processing of disciplinary cases against the Government servants.

5. Instructions have also been issued in the D.O. letter third read above to make a bimonthly review of all disciplinary cases pending at all levels including at the Government level, to speed up the disciplinary cases.

6. In spite of the above instructions, it was noticed that in many of the long pending disciplinary cases, the disciplinary authority issues suspension orders on the date of retirement of the Government servants which causes much hardship to them. Therefore, the Government have decided that as a general principle, issue of suspension orders on the date of retirement of a Government servant should be avoided by examination of the cases well in advance (i.e.) three months prior to the date of retirement on superannuation of the Government servant concerned. Accordingly, in the Government Order fourth read above, detailed guidelines were issued to avoid placing the Government servants under suspension on the date of their retirement and to examine each and every case and to take a decision whether the Government servants be allowed to retire or otherwise well in advance (i.e.) 3 months prior to the date of retirement of the Government servants concerned.

7. Now, based on the announcement made by the Hon'ble Chief Minister on the floor of the Assembly on 07.09.2021 under Rule 110 of the Tamil Nadu Legislative Assembly Rules, the Government reiterate the instructions issued in Government Order fourth read above and also direct that the following guidelines be strictly followed to avoid suspension orders on the date of retirement of the Government servants:-

(i) Before initiating disciplinary action under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the competent authorities should personally assess whether the charges / allegations against the Government servants warrant imposition of major penalties such as dismissal or removal from service. Because, proper application of rule reduces unnecessary delay in processing the disciplinary cases.

(ii) The disciplinary authority should follow the time frame stipulated in the Government letter second read above, which ensures, issue of final orders without inordinate delay. The time limit given in the above Government letter is in general. Considering the date of retirement of the Government servant against whom disciplinary proceeding is pending, the concerned disciplinary authority should prescribe suitable calendar of activities subject to principle of natural justice in terms of providing opportunities to defend for each case in line with the general instructions. The reason for non adherence should be recorded in writing by the disciplinary authority and same should be monitored by the Inspection Cell concerned.

(iii) To avoid suspension on the date of their retirement, decision should be taken well in advance (i.e.) three months prior to the date of retirement on superannuation, if final orders could not be issued in a pending disciplinary case against a Government servant retiring from service due to administrative grounds.

(iv) If an irregularity or an offence committed by the Government servant comes to notice within a period of three months prior to the date of retirement, the disciplinary authority shall process the case on war footing manner and take a decision either to permit the Government servant to retire from service so as to continue the disciplinary case pending against him under the Tamil Nadu Pension Rules, 1978 or to place him under suspension based on gravity of the irregularities committed by him.

(v) In cases where charges have been framed and the disciplinary authority is of the view that a pension cut or withholding of pension under the Tamil Nadu Pension Rules, 1978 would suffice for the delinquency committed, the disciplinary authority may allow the Government servants to retire from service so as to continue the same as deemed departmental proceedings.

(vi) Any failure on the part of the disciplinary authority to issue final orders three months before the date of retirement of a delinquent officer will be viewed seriously and it will entail severe action to be initiated against the officials responsible for dragging on the case to the date of retirement of Government servant concerned.

(vii) Where the delinquency committed by a Government servant is very grave which warrant imposition of major penalty such as dismissal or removal from service and if it is not possible to frame charges to initiate action before retirement or to pass final orders in such departmental proceedings, then it is necessary to suspend the Government Servant from service and not to permit him to retire on attaining the age of superannuation under Fundamental Rule 56(1)(c). In such cases also the disciplinary authorities have to ensure that the suspension orders are not issued on the date of retirement of the Government servants.

(viii) In respect of Directorate of Vigilance and Anti-Corruption and Tribunal for Disciplinary Proceedings cases, if any delay on their part, the disciplinary authorities should take up the matter with the Directorate of Vigilance and Anti-Corruption or Tribunal for Disciplinary Proceedings to expedite such cases and issue of final orders within the time limit prescribed. In unavoidable circumstances, if final orders could not be issued, even in such cases, the disciplinary authorities should take a decision well in advance and not to place him under suspension on the date of retirement.

(ix) The above instructions shall not be made applicable to cases of Directorate of Vigilance and Anti-Corruption enquiry and criminal cases.

(BY ORDER OF THE GOVERNOR)

MYTHILI K. RAJENDRAN
SECRETARY TO GOVERNMENT

To
All Additional Chief / Principal / Secretaries to Government,
Secretariat, Chennai – 600 009.
All Heads of Department including District Judges and District Collectors.

(P.T.O.)

The Secretary, Tamil Nadu Public Service Commission, Chennai – 600 003.
✓ The Registrar, High Court, Chennai – 600 104.
The Directorate of Vigilance and Anti-Corruption, Chennai – 600 016.
The Commissioner for Disciplinary Proceedings,
(Chennai / Coimbatore / Madurai / Trichy / Tirunelveli / Nagercoil).
The Human Resources Management (Inspection - I, II & III) Department,
Chennai – 600 009.

Copy to:

The Personal Assistant to Office of the Chief Minister, Chennai – 600 009.
The Personal Assistant to Office of the Minister (Finance and Human Resources
Management), Chennai – 600 009.
The Private Secretary to Chief Secretary, Chennai - 600 009.
The Vigilance Commissioner / Additional Chief Secretary (F.A.C.),
Chennai-600 009.
All Departments of Secretariat. (OP – Sections) (with a request to
communicate the copy of the order to all sections in their departments).
The Human Resources Management (L1, L2, L3 and AR-II) Department,
Chennai- 600 009. (5 Copies each)
The Vigilance Commission, Chennai-600 009. (10 Copies).
The Principal Private Secretary to Secretary, Human Resources Management
Department, Chennai-600 009.
Stock File / Spare Copies.

// Forwarded / By Order //

V. Balaiah
11/10/2021
SECTION OFFICER
8.65
11/10/21

Indra's Beads

Ch. 28