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ABSTRACT

Rules - Rule 56(1)(c) of the Fundamental Rules – Not permitting to retire but retaining in service – Amendments to the Fundamental Rules and the Tamil Nadu Leave Rules – Orders – Issued.

HUMAN RESOURCES MANAGEMENT (FR-III) DEPARTMENT

G.O. (Ms.) No. 47

Dated: 29.08.2025

விசுவாச, ஆவணி - 13

திருவள்ளூர் ஆண்டு - 2056

Read :

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

ORDER:

Considering the various demands of the service associations of the Government Employees/Teachers, an announcement was made by Hon'ble Chief Minister on the floor of Assembly on 07.09.2021 under rule 110 of the Tamil Nadu Legislative Assembly Rules as follows:-

“ஓய்வு பெறும் நாளில் அரசுப் பணியாளர்கள் தற்காலிகப் பணிநீக்கத்தில் வைக்கும் நடைமுறை தவிர்க்கப்படும்”.

2. In order to implement the above announcement, in the Government order read above, the Government have issued various guidelines. As per the aforesaid Government order, among others, the disciplinary authorities have to ensure that the suspension orders are not issued on the date of retirement of the Government servants.

3. Rule 56(1)(c) of the Fundamental Rules provides that a Government servant who is under suspension, - (i) on a charge of misconduct; or (ii) against whom an enquiry into grave charges of criminal misconduct or allegations of criminal misconduct, is pending; or (iii) against whom an enquiry into grave charges is contemplated or is pending; or (iv) against whom a complaint of criminal offence is under investigation or trial, shall not be permitted by the appointing authority to retire on his reaching the date of retirement, but shall be retained in service until the enquiry into the charge of misconduct or criminal misconduct or the enquiry into allegations of criminal misconduct or the enquiry into contemplated charges or disciplinary proceeding taken under rule 17(c) of the Tamil Nadu Civil Services (Discipline

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and Appeal) Rules or rule 3(c) of the Tamil Nadu Police Sub-ordinate Service (Discipline and Appeal) Rules, as the case may be, in respect of item (iv) above is concluded and a final order passed thereon by the competent authority or by any higher authority.

4. The Government after careful consideration of the aforesaid issue have decided to make suitable amendments to the Fundamental Rules and the Tamil Nadu Leave Rules, 1933.

5. Accordingly, the following Notification shall be published in the *Tamil Nadu Government Gazette Extraordinary* dated:29.08.2025:-

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and of all other powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendments to the Fundamental Rules :-

AMENDMENTS

In the said Fundamental Rules, -

(1) **in rule 53**, in sub rule (1), in clause (a), the second proviso shall be omitted;

(2) **in rule 56**, -

(a) in sub-rule (1), clause (c) including the Explanation, Instruction and the Ruling thereunder shall be omitted;

(b) after sub-rule (1), as so amended, the following sub-rules shall be inserted, namely:-

"(1-A) Continuation of pending disciplinary proceedings.-

The disciplinary proceedings pending against the Government servants on the date of their retirement shall be continued under clause (a) of sub-rule (2) of rule 9 of the Tamil Nadu Pension Rules, 1978 or under sub-rule (1-B) hereunder, as the case may be.

Provided that the Government servants who were under suspension and not permitted to retire but retained in service beyond the date of their superannuation under the erstwhile clause (c) of sub-rule (1) shall be deemed to have been retired from service on their respective dates of superannuation and the disciplinary proceedings pending against them shall be continued under clause (a) of sub-rule (2) of rule 9 of the Tamil Nadu Pension Rules, 1978 or under sub-rule (1-B) hereunder, as the case may be.

(1-B) Right of competent authority to withhold contribution made by the Government to the pension account.- (1) The competent authority reserves to itself the right of withholding the contribution made by the Government towards the pension account of a Government servant, who was appointed on or after 01.04.2003, either in full or in part and of ordering recovery from such the contribution of the whole or part of any pecuniary loss caused to the Government, if such Government servant is found in a departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Government by misconduct or negligence, during his service:

Provided that before passing an order under this clause, the Tamil Nadu Public Service Commission shall be consulted by the Government in respect of Government servants belonged to State Service and in respect of Government Servant other than the State Service, the Head of Department concerned, after arriving at the amount of recovery, shall refer the case to the Government and the Government, after consulting the Tamil Nadu Public Service Commission, shall intimate the views of the Commission to the Head of the Department concerned for issue of final orders:

Provided further that, -

(a) such departmental proceeding, if instituted while the Government servant was in service, shall after the retirement of such Government servant, be deemed to be a proceeding under this sub-rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if the Government servant had continued in service.

(b) such departmental proceeding, if not instituted while the Government servant was in service before his retirement,

(i) shall not be instituted save with the sanction of the Government in respect of Government servants who belonged to State Service;

(ii) shall not be in respect of any event which took place more than four years before such institution;

(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceeding in which an order of dismissal from service could be made.

(2) where any departmental or judicial proceeding referred to in clause (1) is pending/instituted or where a departmental proceeding is continued under clause (a) of the second proviso thereto against a Government servant who has retired on attaining the age of superannuation or otherwise, the contribution made by the Government towards his pension account shall not be paid to him until conclusion of such proceedings or enquiry by the Director of Vigilance and Anti-corruption and issue of final orders thereon.

(3) For the purpose of this rule,-

(a) departmental proceedings shall be deemed to include the enquiry pending before the Tribunal for Disciplinary Proceedings;

(b) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or if the Government servant has been placed under suspension from an earlier date, on such date; and

(c) judicial proceedings shall be deemed to be instituted,-

(i) in the case of criminal proceedings, on the date of complaint is made or a charge sheet is submitted to the criminal court; and

(ii) in the case of civil proceedings, on the date on which the plaint is presented or an application is made in the court.

(4) For the purpose of this rule, the term 'competent authority' shall mean the Government in respect of the Government servants who belonged to State Service and the Head of the Department concerned in respect of other Government servants.";

(3) in rule 86, in clause (a), for the second proviso, the following provisos shall be substituted, namely:-

"Provided further that, in respect of a Government servant who is under suspension, on the date of his superannuation on a charge of misconduct; or against whom an enquiry into grave charges of criminal misconduct or allegations of criminal misconduct is pending; or against whom an enquiry into grave charges is contemplated or is pending; or against whom a complaint of criminal offence is under investigation or trial and whose suspension is revoked on the date of his superannuation, so as to enable him to retire from service, the encashment of earned leave and leave on private affairs shall be deferred by the competent authority, till the enquiry into the charge of misconduct or criminal misconduct is/are concluded and final order

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passed thereon by the competent authority. The said benefit of encashment of earned leave and leave on private affairs shall be drawn and disbursed to such Government Servant after regulating his suspension period:

Provided also that in respect of Government servant whose case is not covered under the above proviso, the encashment of earned leave and leave on private affairs shall be drawn and disbursed by the competent authority.";

(4) in Appendix-I, in Annexure-III, in the Tamil Nadu Leave Rules, 1933, in rule 7, for the second proviso, the following provisos shall be substituted, namely:-

"Provided further that, in respect of a Government servant who is under suspension, on the date of his superannuation on a charge of misconduct; or against whom an enquiry into grave charges of criminal misconduct or allegations of criminal misconduct is pending; or against whom an enquiry into grave charges is contemplated or is pending; or against whom a complaint of criminal offence is under investigation or trial and whose suspension is revoked on the date of his superannuation, so as to enable him to retire from service, the encashment of earned leave and leave on private affairs shall be deferred by the competent authority, till the enquiry into the charge of misconduct or criminal misconduct is/are concluded and final order passed thereon by the competent authority. The said benefit of encashment of earned leave and leave on private affairs shall be drawn and disbursed to such Government Servant after regulating his suspension period:

Provided also that in respect of Government servant whose case is not covered under the above proviso, the encashment of earned leave and leave on private affairs shall be drawn and disbursed by the competent authority."

(BY ORDER OF THE GOVERNOR)

**C.SAMAYAMOORTHY
SECRETARY TO GOVERNMENT**

To

All Secretaries to Government, Chennai – 600 009.

All Departments of Secretariat, Chennai – 600 009.

All Heads of Departments / District Collectors / District Judges / District Magistrates.

The Secretary, Tamil Nadu Public Service Commission, Chennai – 600 003.

The Registrar General, High Court of Madras, Chennai – 600 104.

The Registrar General, High Court of Madras (Madurai Bench), Madurai.

The Accountant General (A&E), Chennai – 600 018.

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The Pay & Accounts Office (North/East/South), Chennai – 1/8/35.
The Works Manager, Government Central Press, Chennai – 600 079.
(Two copies for publication in the *Extraordinary issue of Tamil Nadu Government Gazette*)

Copy to:

The Secretary – II to Hon'ble Chief Minister, Chennai – 600 009.
The Special Personal Assistant to the Hon'ble Minister
(Human Resources Management), Secretariat, Chennai – 600 009.
The Senior Principal Private Secretary to the Chief Secretary to
Government, Chennai – 600 009.
The Private Secretary to the Secretary to Government,
Human Resources Management Department, Chennai – 600009.
All Officers / Sections in Human Resources Management Department,
Chennai – 600 009.
The Human Resources Management (AR-II) Department, Chennai – 600 009.
(to publish in the Government website www.tn.gov.in/intranet)
The Finance (Public/Pension) Department, Chennai – 600 009.
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29/8/2025
SECTION OFFICER