

No.28034/25/87-ESIT(A)
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances & Pensions
(Karmik, Lok Shikayat Tatha Pension Mantralaya)
Department of Personnel & Training
(Karmik Aur Prasikshan Vibhag)

New Delhi, the 11th Feb., 1988

OFFICE MEMORANDUM

Subject: Resignation from Service - Procedure in respect of

The undersigned is directed to state that instructions have been issued from time to time on the above subject. These instructions have now been consolidated for facility of reference and guidance of all the Ministries/ Departments of the Government of India.

Format
of
resig-
nation

1. Resignation is an intimation in writing sent to the competent authority by the incumbent of a post, of his intention or proposal to resign the office/post either immediately or from a future specified date. A resignation has to be clear and unconditional.

Circum-
stances
under
which
resigna-
tion
should
be
accepted.

2. It is not in the interest of Government to retain an unwilling Government servant in service. The general rule, therefore, is that a resignation of a Government servant from service should be accepted, except in the circumstances indicated below :

- (i) Where the Government servant concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightway but only when alternative arrangements for filling the post have been made.
- (ii) Where a Government servant, who is under suspension submits a resignation the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as Government servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from a Government servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Government servant is not strong enough to justify the assumption that if the departmental proceedings were continued, he would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the

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the public exchequer to accept the resignation.

In those cases where acceptance of resignation is considered necessary in the public interest, the resignation may be accepted with the prior approval of the Head of the Department in respect of Group 'C' & 'D' posts and that of the Minister in charge in respect of holders of Group 'A' and 'B' posts. In so far as Group 'B' officers serving in Indian Audit and Accounts Department are concerned, the resignation of such officers shall not be accepted except with the prior approval of the Comptroller and Auditor General of India. Concurrence of the Central Vigilance Commission should be obtained before submission of the case to the Minister in charge/Comptroller and Auditor General, if the Central Vigilance Commission had advised initiation of departmental action against the Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

3. A resignation becomes effective when it is accepted and the Government servant is relieved of his duties. If a Government servant who had submitted a resignation, sends an intimation in writing to the appointing authority withdrawing his earlier letter of resignation before its acceptance by the appointing authority, the resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation. In case, however, the resignation had been accepted by the appointing authority and the Government servant is to be relieved from a future date, if any request for withdrawing the resignation is made by the Government servant before he is actually relieved of his duties, the normal principle should be to allow the request of the Government servant to withdraw the resignation. If, however, the request for withdrawal is to be refused, the grounds for the rejection of the request should be duly recorded by the appointing authority and suitably intimated to the Government servant concerned.

Rules governing temporary Government servants

/refer to Rule 5(1) of the CCS (TS) Rules, 1965, or does not

4. Since a temporary Govt. servant can sever his connection from Govt. service by giving a notice of termination of service under Rule 5(1) of the Central Civil Services (TS) Rules, 1965, the instructions contained in this Office Memorandum relating to acceptance of resignation will not be applicable in cases where a notice of termination of service has been given by a temporary Govt. servant. If, however, a temporary Govt. servant submits a letter of resignation in which he does not/even mention that it may be treated as a notice of termination of service, he can relinquish the charge of the post held by him only after the resignation is duly accepted by the appointing authority and he is relieved of his duties and not after the expiry of the notice period laid down in the Temporary Service Rules.

Withdrawal 5. The procedure for withdrawal of resignation after it has become effective and the Government servant had relinquished the charge of his earlier post, are governed by the following statutory provisions in sub-rules (4) to (6) of Rule 26 of the CCS (Pension) Rules, 1972 which corresponds to Art. 418(b) of the Civil Service Regulations:-

statutory rule (4) to (6) of Rule 26 of the CCS (Pension) Rules, 1972 which corresponds to Art. 418(b) of the Civil Service Regulations:-

cases of withdrawal of resignation from Govt. service.

for withdrawal of the resignation has been made as a result

"(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper,

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

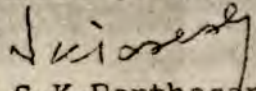
(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service."

6. Since the CCS (Pension) Rules, 1972 are applicable only to holders of permanent posts, the above provisions would apply only in the case of a permanent Government servant who had resigned his post. The cases of withdrawal of resignation of permanent Government servants which involve relaxation of any of the provisions of the above rules will need the concurrence of the Ministry of Personnel, Public Grievances and Pensions, as per Rule 83 of the CCS (Pension) Rules, 1972.

Withdrawal of resignation by Quasi-permanent Govt. servants. 7. Cases of quasi-permanent Government servants requesting withdrawal of resignation submitted by them would be considered by the Department of Personnel and Training on merits.

Release of Govt. servants for appointment in Central Public Enterprises. 8. A Government servant who has been selected for a post in a Central Public enterprises/Central autonomous body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

When resignation a technical formality. 9. In cases where Government servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'.


(S.K.Parthasarathy)

Joint Secretary to the Govt. of India

To
All Ministries/Departments of the Govt. of India

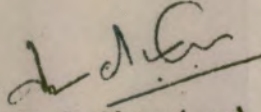
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Copy forwarded to :

1. Central Vigilance Commission, 3 Dr. Rajendra Prasad Road, New Delhi.
2. Comptroller & Auditor General of India.

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3. Secretary, UPSC, New Delhi.
4. Lok Sabha/Rajya Sabha Secretariat, New Delhi.
5. Commissioner for Linguistic Minorities, Allahabad.
6. All Accountants General of States.
7. Director of Audit C.R., AGCR, Building, New Delhi.
8. Director of Audit, Commerce, Works & Miscellaneous, IP Estate, New Delhi.
9. All the attached and Subordinate Offices of MHA and Ministry of Personnel, Public Grievances and Pensions.
10. All Union Territory Administrations.


(V.K. Cherian)
Desk Officer

Copy to :-

PS to Secretary/JS(E)/Dir/AIS III Sec