

Copy of O.M.No.39/6/57-Ests.(A) dated the 6th May, 1958 from Shri P. Sitaraman, Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi to all Ministries of the Government of India etc.etc.

Subject:- Resignation from service-Procedure in respect of -

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Question have been raised from time to time regarding the authority competent to accept a resignation, the circumstances under which resignation should be accepted, the date when a resignation becomes effective, and the authority competent to permit a Government servant to withdraw a resignation which he has already tendered. The following instructions are, therefore, issued for information and guidance of all Ministries:-

(a) Authority competent to accept resignation:

The appointing authority in respect of the service or post in question is the authority competent to accept the resignation of the Government servant.

(b) Circumstances under which resignation should be accepted:- It is not in the interest of Government to retain an unwilling officers in service. The general rule, therefore, is that a resignation from service should be accepted except in the circumstance indicated below:-

(i) Where the officer 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 straightaway, but only when alternative arrangement 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 officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from an officer 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 officer is not strong enough to justify the assumption that

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the departmental proceedings were continued, the officer 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 public exchequer to accept the resignation.

(c) Date when a resignation becomes effective:  
The competent authority should decide the date with effect from which the resignation should become effective. In cases covered by (b)(i) above the date should be that with effect from which alternative arrangements can be made for filling the post. Where an officer is on leave, the competent authority should decide whether he will accept the resignation with immediate effect or with effect from the date following the termination of the leave. Where a period of notice is prescribed which a Government servant should give when he wishes to resign from service, the competent authority may decide to count the period of leave towards the notice period. In other cases also, it is open to the competent authority to decide whether the resignation should become effective immediately or with effect from some prospective date. In the latter case, the date should be specified.

(d) Authority competent to permit withdrawal of resignation: A resignation becomes effective when it is accepted and the officer is relieved of his duties. Where a resignation has not become effective and the officer wishes to withdraw it, it is open to the authority which accepted the resignation to refuse the request for such withdrawal. Where however, a resignation has become effective the officer is no longer in Government service and acceptance of the request for withdrawal of resignation would amount to reemploying him in service after condoning the period of break. As this would involve financial commitments, concurrence of the Ministry of Finance should be obtained before a request for withdrawal of resignation which has already become effective is accepted.