NOTIFICATION

S.O. In exercise of the powers conferred by the proviso to article 309 and Clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in regard to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely:

1. (1) These rules may be called the Fundamental (1st Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 56 of the Fundamental Rules, after Clause (j) and before Clause (k), the following shall be inserted as Clause (jj), namely:

"(jj) If on a review of the case either on a representation from the Government servant retired prematurely or otherwise, it is decided to reinstate the Government servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies non depending upon the facts and circumstances of the case.

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by a court of law.

(ii) Where the order of premature retirement is set aside by a court of law with specific directions in regard to regulation of the period between the date of premature retirement..."
retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

(S. TRINIA)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

To

DEPARTMENT OF PERSONNEL,


Copy with usual number of spare copies forwarded for information to:

1. All Ministries/Departments of the Government of India.
2. Comptroller and Auditor General of India, New Delhi.
5. Central Bureau of Investigation, New Delhi.
7. All Union Territory Administration.
8. All Zonal Councils.
9. Lok Sabha Secretariat/Rajya Sabha Secretariat.
10. All Attached and subordinate offices of the Department of Personnel and Administrative Reforms and Ministry of Home Affairs.
11. All Sections of the Department of Personnel and Administrative Reforms and the Ministry of Home Affairs.

(S. TRINIA)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.