

Important Circular

कार्यालय, प्रधान लेखा नियंत्रक (निर्माणियां)
OFFICE OF THE PRINCIPAL CONTROLLER OF
ACCOUNTS (FYS)

(प्रशा. I अनुभाग/AN- I Section)

10ए, एस के बोस रोड, कोलकाता - 700 001
10-A, S.K. BOSE ROAD, KOLKATA: 700001



No. 158/AN-I/Leave/Misc.-XIII(IDAS)

Date: 25/09/2019

To

All Cs of F&A (Fys)/ The CIA (OFs), Kolkata
All Branch Accounts Offices/

Subject: Authorization of payment of cash equivalent of Earned Leave under Rule 39 of CCS(Leave) Rules, 1972 during pendency of disciplinary or criminal proceedings. - Reg.

Reference: Hqrs. office letter No. AN/XIV/19404/Leave Matter/Vol-III dated 05/09/2019.

Hqrs. office vide letter cited under reference has reiterated the following for information guidance and compliance please.


2. In terms of Rule 39(2) (A), where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall suo moto issue an order granting cash equivalent of leave salary, if any, at the credit of Government servant on the date of his retirement, subject to maximum of 300 days. The sub rule (3) of ibid Rule allows discretion to the authority competent to grant leave to withhold whole or part of cash equivalent of earned leave in case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of proceedings against him. On conclusion of proceedings he becomes eligible to the amount so withheld after adjustment of Government dues, if any.

3. In order to ensure a greater degree of uniformity and fairness in exercising the powers under Rule 39 (3) of the ibid rules, it is considered necessary to issue the following guidelines so as to minimize complaints of harassment to the pensioners.

(i) The purpose of the Sub Rule (3) of Rule 39 is to ensure recovery of Government dues if any recoverable from the retiring Government servant. Therefore, this power should be used only in cases where the Government servant is charged with causing pecuniary loss to the state, either in the department Chargesheet or in the Chargesheet filed against him in the Court by the Govt. Agencies viz. CBI or police authorities etc. and on conclusion of the proceedings to ensure recovery of any Govt dues, that becomes recoverable from the retired Govt. servant. In other words, where there is no charge relating to recovery of the money from the Charged Official, there is hardly any justification for withholding payment on above account, merely for the reason that a disciplinary case or a criminal case is pending against a Govt. Servant at the time of his retirement.

(ii) Similarly, if the criminal case pending against a Govt. servant at the time of retirement is an account of a private dispute or, on account of any criminal misconduct which is not related to his official position or discharge of his official duties, in such cases also the payment of encashment of leaves should be released.

(iii) In respect of cases where the Government servant retires while under suspension, the competent authority has to examine the circumstances, which led to the suspension of the Government servant and consider release of the amount due if the suspension is not connected with discharge or official duties/ official position and there is no likelihood of the Government servant being charged for the recovery of Government dues.


(Praveen Ranjan)
Dy. Controller of Accounts (AN)

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