

F. No. 28035/2/2007-Estt.(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

New Delhi, the 4th December, 2007

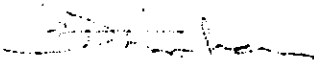
OFFICE MEMORANDUM

Sub:- Referring of cases for withdrawal of resignation by Ministries/Departments- guidelines regarding.

The undersigned is directed to draw the attention of the Ministries/ Departments/ Administrative Authorities to rule 26 of the CCS (Pension) Rules, 1972 wherein it is provided that resignation from service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service. Sub-rule (4) of this rule provides the conditions under which the appointing authority may permit a person to withdraw his resignation in the public interest. One of the conditions is that the period of absence from duty between the date on which resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw resignation is not more than 90 days.

2. The purpose of the aforesaid provision is that once a person has been relieved of his appointment on acceptance of his resignation letter, his relation in that post with the Government gets terminated. An exceptional provision to consider a request for withdrawal of the resignation was made in view of the possibility that the circumstances under which the individual resigned from the post materially changed soon after his resignation, thus making the purpose of his resignation infructuous. The time limit of 90 days between the date on which the resignation became effective and the date on which he is allowed to resume duties after withdrawal of resignation is very sacrosanct to the scheme of acceptance of withdrawal of resignation by the Government. Of late, this Department has been receiving proposals from Ministries/Departments seeking relaxation in the above time limit by invoking rule 88 of the CCS (Pension) Rules. In most of such cases, it was found that not only had the individual not given his application for withdrawal soon after the acceptance of resignation but also did not have convincing reasons for the same. The Administrative Departments have also been forwarding such requests to this Department in a routine manner.

3. The matter has been reviewed in this Department and it has been decided that it is only in exceptional cases, which are properly justified from the point of public interest by the Administrative Department concerned, would this Department entertain any request to relax the above time limit of 90 days. Even in such exceptional cases, proposals will be considered only if the time limit is exceeded only very marginally. The Ministries/Departments are therefore advised to avoid sending such proposals to this Department for relaxation under rule 88 of the CCS (Pension) Rules, 1972 as far as possible.


(C.A. Subramanian)
Director (E-II)
Tel. No. 2309-3180

To

All the Ministries/Departments of the Government of India.

Copy to Comptroller and Auditor General of India.