

Address Ms. Astha Kulkarni

No.28034/4/94-Estt.(A)
Government of India
Ministry of Personnel, Pub. Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 31st May, 1994

OFFICE MEMORANDUM

Subject - Acceptance of resignation - Procedure in respect of.

The undersigned is directed to say that questions have been raised from time to time regarding the requirement of obtaining vigilance clearance in respect of an official, before acceptance of resignation submitted by him from Government service. The matter has been carefully examined and the position is clarified in the following paragraphs.

2(i) Under existing instructions it is provided that where a Government servant who is under suspension submits his 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 the 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 if 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.

(ii) Existing instructions on the subject of acceptance of resignation of officials against whom inquiry/investigation is pending (whether he had been placed under suspension or not) provide that where such an official submits his resignation, such resignation should not normally be accepted. Where, however, acceptance is considered necessary, in the public interest, the competent authority shall examine the case with reference to the fulfilment of conditions mentioned at para 2(i) above.

3. In recent times, cases have come to notice where resignation of officials not falling in the two categories mentioned in the preceding paragraph, have been accepted without insisting on vigilance clearance and subsequently it came to light that the said official while in service had been involved in serious irregularities. In view of this, it has now been decided that in all cases of acceptance of resignation, the competent authority, shall insist, as a mandatory measure, on prior vigilance clearance, before taking a decision on the request for resignation. When an authority refers a case for vigilance clearance, the authority competent to accord vigilance clearance should ensure expeditious consideration of the request.

4. In all cases where acceptance of resignation is considered necessary, the resignation may be accepted with the prior approval of the Head of Department in respect of Group 'C' and 'D' posts and that of the Minister-in-charge in respect of holders of Group 'A' and 'B' posts. In so far as officers of Group 'A', 'B', 'C' and 'D' cadres of the Indian Audit & Accounts Department are concerned, the resignation may be accepted by the Heads of Department as designated by the Comptroller & 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.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions issue after consultation with the Comptroller and Auditor General of India.

Hindi version will follow.

Krishna Menon
(Krishna Menon)

Under Secretary to the Govt. of India.

To

1. All Ministries/Departments
of the Government of India.

2. Comptroller & Auditor General.

3. Central Vigilance Commission.

4. Secretary, Railway Board.