

Chapter 17

Resignation

17.1 Authority competent to accept resignation.

When a government servant tenders 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.

17.2 Format of resignation

Resignation is an intimation in writing sent to the competent authority by the incumbent of a post, of his intention or proposal to resign the office/post either immediately or from a future specified date. A resignation has to be clear and unconditional.

17.3 Circumstances under which resignation should be accepted.

It is not in the interest of government to retain an unwilling government servant in service. The general rule, therefore, is that a resignation of a government servant from service should be accepted, except in the circumstances indicated below:-

Where the government servant 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 arrangements for filling the post have been made.

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 government servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from a government servant 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 government servant is not strong enough to justify the assumption that if the departmental proceedings were continued, he 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.

(Clarification-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 fulfillment of conditions mentioned at Para.(ii) above.)

In those cases where acceptance of resignation is considered necessary in the public interest,

the resignation may be accepted with the prior approval of the Head of the Department in respect of Groups 'C' and 'D' posts and that of the Minister-in-charge in respect of holders of Groups 'A', 'B' posts. In so far as officers of A, B, 'C' and 'D' cadres of the Indian Audit and Accounts Department are concerned, the resignation may be accepted by the Heads of Departments as designated by the Comptroller and 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.

17.4 Date when a resignation becomes effective and acceptance/refusal of withdrawal of resignation.

A resignation becomes effective when it is accepted and the government servant is relieved of his duties. If a government servant, who had submitted a resignation, sends an intimation in writing to the appointing authority withdrawing his earlier letter of resignation before its acceptance by the appointing authority the resignations will be deemed to have been automatically withdrawn and there is no question of accepting the resignation. In case however, the resignation had been accepted by the appointing authority, and the government servant is to be relieved from a future date, if any request for withdrawing the resignation is made by the government servant before he is actually relieved of his duties, the normal principle should be to allow the request of the government servant to withdraw the resignation. If, however, the request for withdrawal is to be refused, the grounds for the rejection of the request should be duly recorded by the appointing authority and suitably intimated to the government servant concerned.

17.5 Rules governing temporary government servants

Since a temporary government servant can sever his connection from government service by giving a notice of termination of service under Rule 5 (1) of the Central Civil Services (TS) Rules, 1965, the instructions contained in this office memorandum relating to acceptance of resignation will not be applicable. In cases where a notice of termination of service has been given by a temporary Government servant. If, however, a temporary government servant submits a letter of resignation in which he does not refer to Rule 5 (1) of the CCS (TS) Rules, 1965, or does not even mention that it may be treated as a notice of termination of service, he can relinquish the charge of the post held by him only after the resignation is duly accepted by the appointing authority and he is relieved of his duties and not after the expiry of the notice period laid down in the Temporary Service Rules.

17.6 Rule regulating cases of withdrawal of resignation after it becomes effective

The procedure for withdrawal of resignation after it has become effective and the government servant had relinquished the charge of his earlier post, are governed by the



statutory provisions in sub-rules (4) to (6) of Rule 26 of the CCS (Pension) Rules, 1972, which corresponds to Article 418(b) of the Civil Service Regulations.

Since the CCS (Pension) Rules, 1972, are applicable only to holders of permanent posts, the above provisions would apply only in the case of a permanent government servant who had resigned his post. The cases of withdrawal of resignation of permanent government servants which involve relaxation of any of the provisions of the above rules will need the concurrence of the Ministry of Personnel, Public Grievances and Pensions, as per Rule 88 of the CCS (Pension) Rules, 1972.

17.7 Withdrawal of resignation by quasi-permanent government servants.

Cases of quasi-permanent government servants requesting withdrawal of resignation submitted by them would be considered by the Department of Personnel and Training on merits.

17.8 Release of government servants for appointment in Central Public Enterprises.

A government servant who has been selected for a post in a Central Public Enterprise/Central Autonomous Body may be released only after obtaining and accepting his resignation from the government service. Resignation from government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant Rules applicable to him in his parent organization.

17.9 When resignation a 'technical formality'

In cases where government servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'.

[G.I. Dept. of Per. & Trg. OM No. 28034/25/87-Estt.(A), dated the 11th February, 1988]

17.10 In all cases prior vigilance clearance should be obtained before taking decision on the request for resignation-

In recent times, cases have come to notice where resignation of officials not falling in the two categories viz (i) requests from officials under suspension for resignation, (ii) requests from officials against whom inquiry/investigation is pending (whether he had been placed under suspension or not) for resignation, have been accepted without insisting on vigilance clearance and subsequently it comes 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 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.

[G.I. Dept. of Per.&Org. OM No. 28034/4/94-Estt(A) dated the 31st May, 1994.]

17.11 Forfeiture of service on resignation

Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service, i.e. the government servant will not be entitled for any pension, gratuity or terminal benefits. However, he may be granted, suo motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days including the number of days for which encashment of leave was availed along with Leave Travel Concession

[Rule 26(I), CCS (Pension) Rules and Rule 39(6) (ii), CCS (Leave) Rules.]

17.12 When resignation will not entail forfeiture of past service.

A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment under the Central Government where service qualifies. The leave at his credit on the date of resignation will not also lapse; but the lump sum cash equivalent of leave salary in respect of leave at his credit will not be paid to him, The benefit of past service will also be available for the purpose of fixation of his pay on the new post subject to the provisions of FR 22.

The order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits under Rule 26(2) of CCS (Pension) Rules, 1972, will be admissible to him. The contents of the above order should also be noted in the Service Books of the individuals concerned under proper attestation. The issue of any separate sanction is not necessary.

[Rule 26(2), CCS (Pension) Rules, Rule 9(2), CCS (Leave) Rules, and GIO(4) below FR 22, Swamy's Compilation of FR & SR; GID (3) below Rule 26, CCS (Pension) Rules, Swamy's Pension Compilation.]

Detailed guidelines on resignation and check list of points for consideration cases of resignation are as **Appendix-XXIII**.