

ABSTRACT

Public Services - Regulation of period of absence from duty by Government Employees / Teachers for participating in strike from 1.7.2003 / 2.7.2003 - Reinstated as per orders of the Supreme Court and Panel of Three Judges - Regulation of the period from 1.7.2003 / 2.7.2003 till the date of joining, as Duty - Orders - Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (K) DEPARTMENT

G.O.Ms.No.58.

Dated : 17.5.2005.

READ :

1. Government Letter No.40282A/K/2003-1, Personnel and Administrative Reforms (K) Department, dated 26.8.2003.
2. Government Letter No.40282A/K/2003-2, Personnel and Administrative Reforms (K) Department, dated 3.9.2003.
3. Government Letter No.40282A/K/2003-4, Personnel and Administrative Reforms (K) Department, dated 17.12.2003.
4. Government Letter No.40282A/K/2003-5, Personnel and Administrative Reforms (K) Department, dated 13.1.2004.
5. Government Letter No.40282A/K/2003-6, Personnel and Administrative Reforms (K) Department, dated 24.2.2004.
6. Government Letter No.40282A/K/2003-7, Personnel and Administrative Reforms (K) Department, dated 21.10.2004.

ORDER :

In the references first to fifth read above, orders were issued to regulate the period of absence from duty by Government Employees / Teachers, who participated in the illegal strike for the period from 1.7.2003 / 2.7.2003 to 24.7.2003, and who were subsequently reinstated in service, as per the orders of the Supreme Court of India. The leave periods have been regulated as Extraordinary Leave without Pay and Allowances for the period from 25.7.2003 to till the date of their joining duty i.e. 16.11.2003 / 30.12.2003 as leave, other than Unearned Leave on Medical Certificate, subject to eligibility and that if no leave is available at the credit of the Government Employee, Extraordinary Leave without Pay and Allowances shall be sanctioned.

2. In the reference sixth read above, in partial modification of the orders issued, the period of absence from duty by the Government Employees / Teachers who participated in the strike was ordered to be regulated as follows:-

(i) The period from 1.7.2003 or 2.7.2003 upto and inclusive of 4.7.2003 be regulated as Extraordinary Leave without Pay and Allowances on the principle of "No work - No Pay";

(ii) The period from 5.7.2003 upto and inclusive of 24.7.2003 be regulated as duty.

3. During the Budget Speech for the year 2005-2006 made on the floor of the Assembly, it has been announced as follows:-

"...there are some more employees and teachers who rejoined later, after the findings of the panel of Judges were made known to the Government and the Government passed final orders. It has been represented that the period of absence in respect of these persons may also be treated as duty.

The Hon'ble Chief Minister has decided in a spirit of goodwill that except in respect of those employees and teachers who were dismissed from service and then restored to duty, the period of absence of all others may also be regulated as duty, as for other employees for whom orders have already been issued. This will enable some of these employees who are retiring to get full pensionary benefits."

4. Accordingly, Government hereby Order that the period of absence of the Government employees / teachers who joined duty after enquiry with punishments like stoppage of increments, reduction, censure, etc., in whose case the period from 25.7.2003 to 16.11.2003 / 30.12.2003 was treated as eligible leave other than Unearned Leave on Medical Certificate, be treated as duty. This will not apply to those employees and teachers who were dismissed / removed from service, after enquiry of the Panel of Judges, but later reinstated after 10.2.2004.

(BY ORDER OF THE GOVERNOR)

**N.NARAYANAN,
CHIEF SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Chennai-9.
All Departments of Secretariat, Chennai-9
All Heads of Departments.
All District Collectors/ District Judges.
The Special Commissioner and Commissioner of Treasuries and Accounts, Chennai-15.

Copy to:

All Recognised Service Associations.
The Pay and Accounts Office, Secretariat / East / North / South / High Court / Coimbatore / Madurai.
The Accountant General, Chennai - 9 / 18.

| FORWARDED | BY ORDER |

(P.N. SUBRAMANIAN)
SECTION OFFICER.