

**GOVERNMENT OF TAMIL NADU**  
**ABSTRACT**

FUNDAMENTAL RULES – Government Servants under suspension – Not permitted to retire on the date of superannuation – Eligibility of Dearness Allowance on subsistence allowance – Orders – Issued.

---

**PERSONNEL AND ADMINISTRATIVE REFORMS (FR.III) DEPARTMENT.**

**G.O.Ms.No.207**

**Dated 8.5.1996.**

**Read:**

1. Govt. Letter No.88099/F.R.III/94-1, P & A.R. Department, dated 24.5.1995.
2. Govt. Letter No.61570/FR.III/95-7, P & A.R. Department, dated 12.3.1996.

.....

**ORDER:**

Rule 56(1)(c) of Fundamental Rules provides that “Notwithstanding anything contained in Clause (a), a Government servant –

- (i) Who is already under suspension on a charge of misconduct; or
- (ii) In respect of whom an order of suspension has been issued and against whom an enquiry into grave charges of criminal misconduct is pending; or
- (iii) in respect of whom an order of suspension has been issued and against whom an enquiry into allegations of criminal misconduct is pending;
- (iv) in respect of whom an order of suspension has been issued and an enquiry into grave charges is contemplated or is pending; or
- (v) in respect of whom an order of suspension has been issued and a complaint of criminal offence is under investigation or trial shall not be permitted to retire on his reaching the date of retirement, but shall be retained in service until the enquiry is concluded and the final orders passed thereon.

2. Accordingly, the Government servant who is under suspension, who has not been permitted to retire on the date of superannuation and who has been placed on extension of service under F.R.56(1)(c) is entitled for subsistence allowance which is restricted to the amount of provisional pension. During the period of extension of service, the service rights which have accrued to the Government servant shall freeze at the level reached on the date of normal retirement.

3. A point has arisen on the entitlement of Dearness Allowance along with the subsistence allowance in their cases as there is no provision in the Fundamental Rules in this aspect.

4. In the Government letter first read above, clarifications have been issued that the Government servants under suspension who are not permitted to retire and are placed on extension of service under F.R.56(1)(c) are entitled for proportionate Dearness Allowance, along with the subsistence allowance. In the Government letter second read above further clarifications have been issued that the Government servants referred to above are entitled to proportionate Dearness Allowance, along with the subsistence allowance, from the date following the date of their superannuation, i.e. the date from which the Government servants are placed on extension of service under F.R.56(1)(c).

5. After careful examination of the various issues involved the Government direct that the Government servant under suspension who is not permitted to retire on reaching the date of superannuation and is placed on extension of service be entitled to for the proportionate Dearness Allowance, along with subsistence allowance, which should not exceed provisional pension and D.A. on provisional pension from the date of following the date of superannuation, i.e. the date from which the Government servant is placed on extension of service, under F.R.56(1)(c).

6. Necessary amendments to Fundamental Rules will be issued separately.

(BY ORDER OF THE GOVERNOR)

**C.K.Sundaravarathan**  
**JOINT SECRETARY TO GOVERNMENT.**

**To**

All Secretaries to Government, Madras-9.

All Heads of Departments including District Collectors / District Collectors / District Judges.

The Accountant-General.(Audit-I), Madras-35.

The Principal Accountant-General(A&E), Madras-18

The Accountant General(CAS), Madras-9.

All Treasury Officers.

The Pension Pay Officer, Madras-6.

The Director of Pension, Madras-4.

The Pay and Accounts Officer(North), Madras-79.

The Pay and Accounts Officer(South), Madras-35.

The Pay and Accounts Officer(East), Madras-5.

The Secretary, Tamil Nadu Public Service Commission, Madras-2.

The Registrar, High Court, Madras-104.

The Registrar, City Civil Court, Madras-108.

The Senior Standing Counsel, Tamilnadu Administrative Tribunal, Chennai-6.

Copy to:

Finance (Pension) Department, Madras-9.

All Sections in Personnel and Administrative Reforms Department, Chennai-9.

All Departments of Secretariat, Chennai-9.