

**GOVERNMENT OF TAMILNADU**

Personnel and Administrative  
Reforms (FR.III) Department,  
Secretariat, Madras-9.

**Letter No.44890/FR.III/95-1, Dated: 28.8.1995.**

From

Thiru M.B.Pranesh, IAS,  
Secretary to Government.

To

All Secretaries to Government, Madras-9.  
All Departments of Secretariat(OP Sections with a request to communicate these instructions to all concerned sections under their control).  
All Heads of Departments including District Collectors / District Collectors / District Judges.  
The Accountant-General.(Au.I), Madras-35.  
The Accountant-General(A&E), Madras-18  
The Accountant General(CAB), Madras-9.  
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 Pay and Accounts Officer, Madras-9.  
All Treasury Officers.  
The Secretary, Tamil Nadu Public Service Commission, Madras-2.  
The Registrar, High Court, Madras-104.  
The Registrar, Tamil Nadu Administrative Tribunal, Madras-104.  
The Registrar, City Civil Court, Madras-104.  
The Senior Standing Counsel, Tamil Nadu Administrative Tribunal, Madras-6.

Sir/Madam,

Sub : Fundamental Rules / Reporting for duty on expiry of leave or relief from a post – Compulsory wait – Avoidance of – Instructions – Issued.  
Ref: G.O.Ms.No.246, Personnel and Administrative Reforms (FR.III) Department, dated 30.8.94.

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I am directed to invite your attention to the Government Order cited in which guidelines have been prescribed as below to avoid compulsory wait of the Government servants arising due to the delay in issue of postings when they return from leave or on relief from a post:

- (i) The posting orders should be decided in advance and issued at the appropriate time.
- (ii) As far as possible, orders of posting should be finalized at least a month in advance for which the Heads of Departments should take responsibility.
- (iii) In cases where such a recommendation, finalisation could not be done in advance the reasons therefore should be recorded and such proposals should be termed as 'Most Immediate' and personal follow up, in getting orders should be taken.

1. (iv) It will be the duty of the Heads of Departments concerned to keep reminding the persons concerned to finalise the compulsory wait proposals, time and again.

2. Despite the instructions in force, Government had occasions to come across cases of abnormal delay in many cases in giving postings to departmental officials. Further, most of the officials give their willingness to join duty on expiry of leave and also without reporting for duty in person to the appropriate authority on the day following the expiry of leave or on relief from a post, for further postings.

3. It has been legally opined that mere expression of willingness to join duty would not amount to reporting for duty and a Government servant is to physically report himself/herself for duty before the appropriate authority, on expiry of his/her leave either on medical certificate or otherwise. Ruling 3 under Fundamental Rule 9(6)(b) of Fundamental Rules clearly indicates that the period of wait by a Government servant who is waiting for posting shall be treated as compulsory wait. It, therefore, follows that the period of wait would start only when the individual completing the period of his/her leave, reports himself/herself for duty before the appropriate authority.

4. In order to have a uniform procedure in deciding the cases of compulsory wait, the following further instructions are issued :

1. i) The Government servant who desires to join duty on expiry of his/her leave or on relief of disbandment of the post held etc., should report in person to the immediate superior authority under whom he served immediately prior to entering on leave etc., and seek postings. The authorities, in turn, should decide the postings and in respect of Group A and B Officers, should report the fact to the Head of Department / Government for issuing postings at once.
2. ii) Similarly, in the case of Officers for whom further posting orders have not been issued, but substitutes have been posted in their place, they should, immediately on relief, report to the appropriate authority for further postings. The authority who is not competent to issue orders of posting should report the fact of reporting for duty of the individual to the Head of Department / Government as the case may be at once so as to take speedy action to issue postings to the individual and to curtail the period of compulsory wait, taking into account the guidelines already issued in

G.O.Ms.No.246, Personnel and Administrative Reforms (FR.III) Department, dated 30.8.1994. Contingencies of this kind should, however, be avoided.

3. iii) Only in cases of reporting for duty in person before the appropriate authority, the period between the date of reporting for duty to the date of actual joining in a post subsequently will be treated as compulsory wait, under Ruling 3 of Fundamental Rule 9(6)(b).
4. iv) The orders issued in G.O.Ms.No.246, Personnel and Administrative Reforms Department, dated 30.8.1994, based on the observations of the Public Accounts Committee should be followed strictly in cases of regulation of compulsory wait.
5. v) In cases of expiry of Unearned Leave on Medical Certificate, the Government servant should report in person to the appropriate authority on immediate superior authority under whom he served at the time of entering on leave with the physical fitness certificate on the day following the expiry of leave. In case, the next day happens to be a holiday, he/she should report for duty on the afternoon of the day prior to the holiday / holidays.
6. vi) In cases, where the Government servant desires to extend his/her leave, he/she should intimate this fact to the appropriate authority well in advance, i.e., atleast one week before the expiry of leave, failing which posting orders should be kept ready for the Government servant.
7. vii) In cases where there is no vacancy to accommodate the Government servant who reported for duty on expiry of leave or on relief from the post held by him/her, the junior most person should invariably be reverted to the lower post without keeping the person reported for duty unduly on wait. Such a person who is waiting for posting should not also be compelled to go on leave till vacancy arises, allowing the junior most person to continue in the higher post/service.

5. All the Secretaries to Government and Heads of Departments are requested to follow the above procedure scrupulously and bring these guidelines to the notice of all the Subordinate Officers under their control.

Yours faithfully,  
Sd/.

**(R.RANGANATHAN)**  
**SECTION OFFICER**

**FOR SECRETARY TO GOVERNMENT.**

Copy to:

All Sections in Personnel and Administrative Reforms Department.  
Personnel and Administrative Reforms (Rules Cell) Department, Chennai-9