

GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT
AUDIT BRANCH

Memo No. 10253-F Calcutta, the 29th September, 1988

NOTIFICATION

Before promulgation of the provisions as incorporated in Note-2 of rule 19 as amended in Finance Department Notification No. 10300-F, dt. 1.10.86, temporary Government employees whose applications were duly forwarded by the respective appointing authorities for employment in other Department/ Offices of the State Government were released from the parent Department/ Office without assigning any condition. As a result, their past services rendered in the parent Department/ Offices used to be counted for the purpose of qualifying services for pension, and the accumulation of their leave was duly forwarded to the new Department/ Office.

Now in terms of revised provisions as in clause (iii) of Note-2 rule 19 ibid a temporary Government employee shall as a matter of course, be asked to resign from the parent Department/ Office in order to seek employment in other Department/ Office of the State Government. As a result, a confusion has arisen as to whether the past services rendered in the parent Department/ Office will be forfeited due to tendering of resignation and whether the incumbent will be granted suo motu by the leave sanctioning authority - 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 120 days in terms of sub-rule 5(a) (ii) of rule 168A of W.B.S.R. Part-I as amended in Finance Department Notification No. 11200-F dated 12.10.87.

It has been laid down in rule 33(2) of W.B.S. (DCRB) Rules, 1971, that resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service. So, the resignation as required to be tendered in terms of clause (iii) of Note-2 below rule 19 of W.B.S.R. Part-I as amended is not deemed as resignation for the purpose of pensionary benefit in respect of previous services in view of the provisions of rule 33(2) of W.B.S. (DCRB) Rules, 1972. So in such cases continuity of service will be maintained so far as retiring benefit is concerned.

As regards the continuity of service for the purpose of leave in such cases, there is no specific provision in the rules. It has been laid down in Audit instructions as incorporated in C.C.S. (Leave) Rules, 1972 that in cases where resignation is not deemed as resignation in view of its being covered in Article 418(b) of C.S.R., continuity of service benefit should be allowed in the matter of leave also.

Under the circumstances, the Governor has been pleased to order that in such cases where resignation is required to be tendered to take up another employment under this Government with the proper permission from the competent authority, continuity of service benefit should be allowed in the matter of leave also.

Sd/- Illegible
Joint Secretary to the
Government of West Bengal