



**Human Resources Management
(FR-3.Spl.) Department,
Secretariat, Chennai - 600 009.**

Letter (Ms). No.7399/FR-3.Spl./2025-1, dated 09.10.2025

From
Thiru. C. Samayamoorthy, I.A.S.,
Secretary to Government.

To
All Secretaries to Government, Secretariat, Chennai – 600 009.
All Departments of Secretariat, Chennai – 600 009.
All Heads of Department.
All District Collectors.
The Registrar, High Court of Madras / Madurai.

Sir / Madam,

Sub: Rules – Omission of Rule 56(1)(c) of the Fundamental Rules –
Not permitting to retire but retaining in service – Amendments
made to the Fundamental Rules, Tamil Nadu Leave Rules
and the Tamil Nadu Pension Rules, 1978 – Clarifications and
Instructions – Issued.

- Ref: 1. Government letter (Ms). No.35/N/2012-1, Personnel and
Administrative Reforms (N) Department, dated
03.04.2013.
2. G.O. (Ms). No.81, Human Resources Management (N)
Department, dated 04.08.2022.
3. G.O. (Ms). No.111, Human Resources Management (N)
Department, dated 11.10.2021.
4. G.O.(Ms).No.47, Human Resources Management
(FR-III) Department, dated 29.08.2025.
5. G.O.(Ms).No.192, Finance (Pension) Department, dated
29.08.2025.

The Government recognise that it is of paramount importance that the
Government servants who are in service for nearly 25 to 30 years in various capacities
and served the public in large should be allowed to retire peacefully. However, there
are many instances, where the Government servants have been suspended on the
last day of their service or just before their superannuation and not allowed to retire
and retained in service under erstwhile F.R.56(1)(c).

2. In this regard, the Hon'ble Chief Minister has made an announcement on the
floor of the Legislative Assembly on 07.09.2021 that **“suspending the Government
servants on the date of their retirement will be avoided”**. Based on the above said
announcement, the Government have issued orders in the Government order third
cited to the effect that the disciplinary authorities have to ensure that the suspension
orders are not issued on the last date before superannuation of the Government
servants.

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3. In order to ensure strict compliance of the aforesaid announcement, the Government had deleted rule 56(1)(c) of the Fundamental Rules so as to allow the Government servants to retire from service peacefully on the date of superannuation itself. Necessary consequential amendments have been issued to the Fundamental Rules and the Tamil Nadu Leave Rules in the Government Order fourth cited and suitable amendments have also been issued to the Tamil Nadu Pension Rules, 1978 in the Government Order fifth cited.

4. The consequences of the amendments issued to the said Rules are highlighted below:-

(1) Rule 56(1)(c) of the Fundamental Rules which enables the appointing authority to retain a Government servant in service beyond the date of his superannuation has been omitted. Hence, hereafter no Government servant can be retained in service beyond the date of their superannuation and they shall be permitted to retire from service on the date of their superannuation.

(2) Consequently, the disciplinary proceedings for grave charges already initiated and pending against the Government servants cannot be continued under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, after their retirement, since the said Rules will not apply to the retired Government servants.

(3) However, the disciplinary proceedings for grave charges pending on the date of retirement against the pensioners to whom the Tamil Nadu Pension Rules, 1978 apply, shall be continued as deemed proceedings under the said Rules. After their retirement and if they are found guilty in the disciplinary proceedings, final orders such as withholding of entire pension or gratuity or both or withdrawal of pension can be passed, if the gravity of the charges warrants such penalty.

(4) In respect of the Government servants who were appointed into Government service on or after 01.04.2003, the disciplinary proceedings for grave charges pending on the date of their retirement shall be continued as deemed proceedings under F.R.56 (1-B) (provision now inserted in the Fundamental Rules vide Government order 4th cited) after their retirement and if they are found guilty in such disciplinary proceedings, final order withholding of Government contribution to the pension account along with interest of such Government servants either in full or in part can be passed in consultation with Tamil Nadu Public Service Commission.

(5) If any Government servant appointed into Government service on or after 01.04.2003 has caused pecuniary loss to the Government by any misconduct or negligence, during his service, and is found guilty of such misconduct or negligence in a departmental or judicial proceedings, recovery from the Government contribution of the whole or part can be ordered under the said rule F.R.56 (1-B) to make good the pecuniary loss caused to the Government in consultation with Tamil Nadu Public Service Commission.

(6) Further, if disciplinary proceedings could not be initiated before the date of superannuation of the Government servant who were appointed on or after 01.04.2003 for any grave misconduct, four year limitation period as prescribed in F.R.56(1-B)(1)(b)(ii) will be attracted.

(7) In future, in respect of Government servants against whom departmental or judicial proceedings are pending and allowed to retire from service, their terminal benefits have to be disbursed in the manner prescribed in the Annexure-I to this letter.

(8) As per F.R.56(1-A) (provision now inserted in the Fundamental Rules vide Government order 4th cited) the Government servants who were already retained in service beyond the date of their superannuation under the erstwhile F.R.56(1)(c) shall be deemed to have been retired from service on their respective dates of superannuation and the disciplinary proceedings pending against them shall be continued under rule 9(2)(a) of the Tamil Nadu Pension Rules, 1978 in respect of the pensioners to whom the said Rules apply or under F.R.56 (1-B) in respect of the Government servants who were appointed on or after 01.04.2003.

5. In the light of the above amendments, the following clarifications and instructions are issued:-

(1) Even though as per F.R.56 (1-A), all the Government servants who were not permitted to retire and retained in service under the erstwhile F.R.56(1)(c) as on 29.08.2025 shall be deemed to have been retired from service on their respective dates of superannuation, a formal order permitting them to retire from service with effect from the date of their superannuation shall be issued by the appointing authority concerned in the format prescribed in the Annexure-II to this letter.

(2) In such cases, terminal benefits of those Government servants have to be settled in such manner as specified in Serial Number 1 of the Annexure-I. In respect of the Government servants who are governed by the Tamil Nadu Pension Rules, 1978 and in receipt of subsistence allowance, necessary proposal to sanction provisional pension shall be sent to the Accountant General immediately without any delay.

(3) In cases where grave misconduct is alleged to have been committed by the Government servants and they are on the verge of retirement, the disciplinary authorities concerned should complete the disciplinary proceedings as soon as possible and issue final orders thereon before the retirement of such Government servants, so that the delinquents are not spared from the imposition of major penalties they deserve under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. The time limits prescribed in para 12 of the G.O.(Ms).No.81, Human Resources Management (N) Department, dated.04.08.2022 for processing disciplinary proceedings should be followed scrupulously so as to ensure that there is no unwarranted delay in finalizing them and which is reproduced as follows:-

(i)	To complete the investigation by Directorate of Vigilance and Anti-Corruption and to send a report to Government through Vigilance Commission.	One year
(ii)	To complete the enquiry by the Tribunal and to send its findings to the Department of Secretariat.	One year
(iii)	To pass final orders by the Government/Heads of Department on receipt of the report of the Tribunal.	Four months

Time limits for crossing every stage of the departmental disciplinary proceedings:-

(i)	<p>For calling for explanation under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or framing charges under Rule 17(b) of the said rules after the lapse comes to notice.</p> <p>For calling for explanation under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 or framing of charges under Rule 3(b) of the said rules after the lapse comes to the notice.</p> <p>(The choice of the rule under which the disciplinary proceedings should be initiated is very important and the Disciplinary Authorities are expected to take a decision by considering the nature of lapses committed.)</p>	15 days
(ii)	For the delinquent officer to peruse the records and to submit his written explanation.	30 days
(iii)	For appointment of enquiry officer wherever necessary after the receipt of the explanation.	7 days
(iv)	For the enquiry officer to complete enquiry and submit the enquiry report.	30 days
(v)	For the Disciplinary Authority to take a decision, after the receipt of the inquiry officer's Report.	10 days
(vi)	For obtaining the further representation of the delinquent officer on the report of the inquiry officer.	15 days
(vii)	For obtaining the views of Tamil Nadu Public Service Commission, whenever it is consulted.	30 days
(viii)	<p>For issue of final orders on the departmental disciplinary proceedings:-</p> <p style="padding-left: 40px;">(a) By Disciplinary Authority other than Government.</p> <p style="padding-left: 40px;">(b) By Department of Secretariat which have to consult other Departments and obtain orders in circulation.</p>	<p>7 days</p> <p>30 days</p>

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(4) A periodical review of the pending/contemplated disciplinary cases should be undertaken in the following manner:-

- (a) Once in a year – Human Resources Management Department;
- (b) Once in six months – by the Secretariat department concerned;
- (c) Once in three months – Head of the Department concerned;
- (d) Once in a month – District Head concerned.

(5) The particulars regarding disciplinary proceedings should be uploaded in the IFHRMS portal. An online quarterly periodical of pending disciplinary proceedings shall be furnished by each Head of the Department to the administrative Department of Secretariat concerned during the first week of every quarter and such reports shall be consolidated by each department of Secretariat and furnished to the Human Resources Management (N) Department during the second week of every quarter.

(6) The appointing authorities should take special attention and ensure that the final orders are issued in the pending disciplinary proceedings against the Government servants who retire before their superannuation.

(7) Disciplinary action should be taken against the officials responsible for the non-completion of the disciplinary proceedings before the superannuation of the delinquents concerned, due to inordinate delay on their part in processing the disciplinary proceedings.

6. All the departments of Secretariat, Heads of Department and all the District Collectors are requested to follow the above said instructions scrupulously without fail and circulate the same to all officers and staff under their control.

7. The receipt of this letter shall be acknowledged.

Yours faithfully,

श्री. श्री. 09/10/2025
for Secretary to Government
09/10/25

Human Resources Management (FR-3.Spl) Department

Annexure – I to Government Letter (Ms).No.7399/FR-3.Spl/2025-1, dated: 09.10.2025)

Sl. No.	Category of Government servants (2)	Terminal benefits to be settled on superannuation (3)		To be settled after the conclusion of the Disciplinary proceedings / Criminal cases (4)	
		Pensioners to whom the Tamil Nadu Pension Rules, 1978 apply (a)	Government servants appointed on or after 01.04.2003 (b)	Pensioners to whom the Tamil Nadu Pension Rules, 1978 apply (a)	Government servants appointed on or after 01.04.2003 (b)
1.	<p><u>The Government servants who are under suspension, on the date of their superannuation, -</u></p> <p>(i) on a charge of misconduct; or</p> <p>(ii) against whom an enquiry into grave charges of criminal misconduct; or</p> <p>(iii) allegations of criminal misconduct is pending; or</p> <p>(iv) against whom an enquiry into grave charges is contemplated or is pending; or</p> <p>(v) against whom a complaint of criminal offence is under investigation or trial <u>and whose suspension is revoked on the date of their superannuation, so as to enable them to retire from service.</u></p>	<p>1. Provisional Pension</p> <p>2. GPF</p> <p>3. SPF</p>	<p>1. Employees' contribution to the pension account along with interest</p> <p>2. SPF</p>	<p>1. Regular pension</p> <p>2. Commutation of Pension</p> <p>3. Gratuity</p> <p>4. Encashment of earned leave and leave on private affairs</p>	<p>1. Government contribution to the pension account along with interest</p> <p>2. Encashment of earned leave and leave on private affairs</p>

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2.	Government servants who are allowed to retire and against whom disciplinary proceedings/ criminal cases are pending on the date of their superannuation not covered under SI.No. 1 above.	1. Provisional Pension 2. GPF 3. Gratuity less maximum computed financial loss to the Government and un-recovered Government dues, if any 4. Encashment of earned leave and leave on private affairs 5. SPF	1. Employees' contribution to the pension account along with interest 2. Encashment of earned leave and private affairs 3. SPF	1. Regular pension 2. Commutation of Pension	Government contribution to the pension account along with interest
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**C. SAMAYAMOORTHY
SECRETARY TO GOVERNMENT**

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SECTION OFFICER
09/10/2025

Human Resources Management (FR-3.Spl.) Department

Annexure – II to Government Letter (Ms).No.7399/FR-3.Spl./2025-1,

dated: 09.10.2025

**STANDARD FORM OF RETIREMENT ORDER TO ALLOW THE GOVERNMENT
SERVANTS WHO WERE NOT PERMITTED TO RETIRE AND RETAINED IN
SERVICE UNDER THE ERSTWHILE F.R.56(1)(c) BY THE APPOINTING
AUTHORITY**

_____ Department

G.O./Proceedings* No. _____

Date _____

WHEREAS Thiru/Tmt/Selvi*. _____ (Name), _____ (Designation) has attained the age of superannuation on the afternoon of _____ and the disciplinary proceedings were initiated against him/her* in G.O./Proceedings* No.- _____, dated _____ for the lapses (briefly specify the lapses here) and/or criminal action was initiated vide _____.

AND WHEREAS, the said individual was not permitted to retire from service under the erstwhile F.R.56(1)(c) and he/she* was retained in service vide G.O./Proceedings* No. _____, dated _____;

AND WHEREAS, the F.R.56(1)(c) was omitted vide G.O.(Ms).No.47, Human Resources Management (FR-III) Department, dated 29.08.2025;

NOW, THEREFORE, it is hereby ordered that the said Thiru/Tmt/Selvi*.- _____ is deemed to have been retired from service with effect from the date of his/her* superannuation i.e. on the afternoon of _____ and the disciplinary proceedings pending against him/her* shall be continued under rule 9 of the Tamil Nadu Pension Rules, 1978 / rule 56 (1-B) of the Fundamental Rules* in accordance with the procedure laid down in the said Rules.

Signature of the appointing authority

To
Thiru/Tmt/Selvi*. _____ (Name), _____ (Designation)
The Heads of Department concerned
The Pay and Accounts Officer/Treasure Officer* concerned.
The Accountant General, Chennai – 600 018.
[* Strike out whichever is not applicable]

**C. SAMAYAMOORTHY
SECRETARY TO GOVERNMENT**

// TRUE COPY //

SECTION OFFICER
09/10/2025