

No. 5510-2GSI-71/28244

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, the Commissioner Ambala Division, Ambala; All Deputy Commissioners, and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana.

Dated , Chandigarh the 5th September, 1971.

Subject :—Absence from duty by a temporary Government servant on the expiry of maximum period of extraordinary leave admissible to him amounts to automatic resignation.

Sir,

I am directed to invite reference to the provisions contained in note 4 of rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, which provides that "where a Government servant who is not in permanent employ or quasi permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Government servant, who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which, together with the extraordinary leave granted, exceeds the limit up to which he could have been granted such leave under this rule, he shall be deemed to have resigned his appointment and shall accordingly cease to be in Government employ."

2. In this connection I am to forward herewith a copy of the judgement of the Supreme Court delivered in Civil Appeal No. 575 of 1964—Jai Shankar vs State of Rajasthan wherein it has been observed that action taken under similar provisions as contained in Rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, amounts to removal from the service and such an action without affording opportunity of showing cause amounts to violation of clause (2) of Article 311 of the Constitution of India.

3. In view of the legal position indicated above it has been decided that in future no action should be taken under the provisions of note 4 of Rule 8.137 of the Punjab Civil Services Rules Volume I, Part I and, in such cases, action should be taken in accordance with the procedure as prescribed in rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 against the concerned Government Employees.

4. Receipt of this communication may please be acknowledged.

Yours faithfully,

Sd./-

Deputy Secretary Political and Services,
for Chief Secretary to Government, Haryana.

A copy alongwith a copy of the judgement is forwarded for information and necessary action to the :—

Financial Commissioner Revenue, All Administrative Secretaries in Haryana.