

Copy of Circular letter No. 4971-GII-58/74171, dated the 22nd September, 1958 from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government Punjab, to all Heads of Departments, etc. etc.

Subject :—Resignation by permanent Government servants—Period of notice.

I am directed to invite your attention to the subject of resignation by permanent Government servants and the period of notice required to be given by them when submitting their resignation. Rule 5.9 of the Punjab Civil Services Rules, Volume II, while laying down that a notice of 3 months is to be given to an officer in permanent employ before his services are dispensed with on the abolition of his office, is silent about the notice that is to be given by a permanent Government servant tendering resignation of his appointment. There is no other rule that deals with the subject. This being the position the resignation of a permanent Government servant becomes legally effective only when it is accepted by the appropriate authority. In other words it is not open to the Government servant to tender his resignation and quit service forthwith or at any time afterwards as he will continue to be in Government service until his resignation is accepted and he is relieved of his duties. It is for the appropriate authority to decide on receipt of a letter of resignation from a permanent Government servant whether or not to accept the resignation.

2. While the legal position is as stated above, I am directed to add that resignations should normally be accepted and unless there are specific reasons which would justify the non-possible, as it would not be in the interest of Government to continue to retain by force the services of a reluctant employee. A resignation must in any case be accepted within three months of the date of the receipt of the letter of resignation. In the light of these instructions resignation of temporary Government servants should be accepted even more speedily than in other cases. Exceptions to this general rule could be made in appropriate cases e.g. cases in which Government has already incurred expenditure on the higher education or training of the Government servant is under liability to serve Government for a fixed term of years or cases in which the conduct of a Government servant is under investigation and there is likelihood of the institution of a departmental enquiry against him. These exceptions are by no means exhaustive. Such cases however, in which Government decides to exercise its right to withhold a resignation or refuse acceptance of it should be very rare and should invariably be referred to the Chief Secretary to Government, Punjab, for orders. I am, therefore, to request that in future all cases in which acceptance of resignation by a permanent Government servant is to be refused should be referred to Government i.e., Chief Secretary to Government, Punjab, giving complete justification for the recommended refusal.

3. These instructions do not take away the powers at present enjoyed by an Administrative Department or other competent authority under the Essential Services Act.