

F.No. 11019/05/2015-AIS-III

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi dated the 3rd Nov, 2015

The Chief Secretaries of all the States/UTs

Subject:- Instructions / guidelines under rule 7(2) of AIS(Leave) Rules 1955 to process deemed resignation for being unauthorisedly absent after expiry of Leave / Study Leave/ Foreign Assignment etc.

Sir/Madam,

The following procedure shall be followed in the cases of unauthorized absence and to initiate proceedings of deemed resignation under rule 7(2) of AIS(Leave) Rules 1955:-

(a) A Member of Service (MoS), if remains unauthorisedly absent after the sanctioned period of leave / study leave / tenure of Foreign Assignment as prescribed under rule 7(2) of AIS(Leave)Rules, 1955, there shall be a one month waiting period after the end of leave period / tenure of foreign assignment etc. After that the concerned State Government shall issue a show cause notice, thereby giving an opportunity to the MoS to explain his / her case. Thereafter, if the MoS does not return to duty, the State Government concerned shall initiate proceedings of deemed resignation under rule 7(2) of AIS(Leave) Rules 1955 and forward a complete proposal to the Central Government for effecting deemed resignation within next two months. If the State Government fails to comply with these instructions and does not adhere to the aforesaid timeline, the Central Government shall initiate proceedings of deemed resignation under rule 7(2) of AIS(Leave) Rules 1955 on its own. The term 'Central Government' means the concerned Cadre Controlling Authority, i.e. Department of Personnel & Training for IAS officers, Ministry of Home Affairs for IPS officer and Ministry of Environment, Forest & Climate Change for IFS officers respectively.

(b) However, there is no bar in issuing show cause notice and seek clarification from MoS for being unauthorisedly absent any time during one year period of unauthorised absence or as otherwise provided under rule 7(2)(a) & (b) respectively. But after period of one year of unauthorised absence or as otherwise provided under rule 7(2)(a) & (b) respectively, the whole process of deemed resignation shall be completed within three months as prescribed above.

2. The above instructions / guidelines may please be brought to the notice of all the concerned authorities under your administrative control for strict compliance.

3. This issues with the approval of Competent Authority.

Yours faithfully,

sd/-

(Diwakar Nath Misra)

Director(Services)