

e.No.11019/06/2022-AIS-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 27th October, 2022

To,

The Chief Secretaries of all the States / UTs,

Subject: Payment of leave encashment in respect of AIS officers who were under suspension or disciplinary / criminal proceeding (s) pending against them at the time of retirement / superannuation - reg.

Sir/Madam,

I am directed to refer to various references received in the Department seeking clarification on the subject noted above and the scope of applicability of 20A(4)(a) of AIS (Leave) Rules, 1955.

2. In this context, it may be noted that 20A(4)(a) of AIS (Leave) Rules, inter-alia, mentions about payment of cash equivalent of leave salary of the applicable leaves standing at the credit of a member of Service (moS), who has been permitted by the State Government to voluntarily retire from service while under suspension or who is retired by the Central Government in public interest while under suspension.

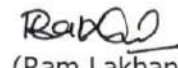
However, reference are being received in this Department seeking clarifications regarding payment of leave encashment to such members of service who were under suspension or against whom the disciplinary/criminal proceeding (s) were pending at the time of retirement / superannuation.

3. In view of the above, the matter has duly been examined under AIS (Leave) Rules, 1955 and other relevant rule provisions / instructions. Accordingly, it is clarified that ***"In case of a moS who is under Suspension or against whom Disciplinary / Criminal Proceedings are pending at the time of his retirement / superannuation, the authority competent to grant leave may withhold whole or a part of leave encashment, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any"***.

4. The aforesaid clarification may kindly be brought to the notice of all officials / authorities concerned for necessary action.

5. This issues with the approval of Competent Authority.

Yours faithfully,


(Ram Lakhani) 27/10/22

Under Secretary to the Government of India
Tel. No. 011-23093479

Copy to:

1. The Secretary, Ministry of Home Affairs, New Delhi.
2. The Secretary, Ministry of Environment, Forest & Climate Change, New Delhi.
3. The Joint Secretary, (UTS – I), Ministry of Home Affairs, North Block, New Delhi.