



Rules for Resignation and Reinstatement of an Officer

For Prelims: All-India Services, CVC

For Mains: Rules for Resignation and Reinstatement of an Officer

Why in News?

Recently, an [Indian Administrative Service \(IAS\)](#) officer who resigned from the service in protest against the “unabated” killings in Kashmir in 2019, has been reinstated.

What are the Rules regarding the Resignation of IAS officers?

- The resignation of an officer of any of the three [All-India Services](#) is governed by **Rules 5(1) and 5(1)(A)** of the All India Services (Death-cum-Retirement Benefits) Rules, 1958.
 - **All-India Services includes:** IAS, the Indian Police Service (IPS) and Indian Forest Service (IFS).
- There are **similar rules for resignation of officers** belonging to the other central services as well.

What is the Meaning of Resignation by an Officer?

- **About:**
 - A resignation is a **formal intimation in writing** by an officer of his/her intention or a proposal to leave the IAS, either immediately or at a specified date in the future.
 - A resignation **has to be clear and unconditional**.
 - Resignation from service is **entirely different from accepting the government’s Voluntary Retirement Scheme (VRS)**.
 - Those who take VRS are entitled to pension, whereas those who resign are not.
- **To whom it is Submitted:**
 - **In case of State Deputation:**
 - **The chief secretary of the state.**
 - **If Case of Central Deputation:**
 - The secretary of the concerned Ministry or Department.
 - The Ministry/Department then forwards the officer’s resignation to the concerned state cadre, along with its comments or recommendations.

What is the Process after the Resignation is Submitted?

- **At State Level:**
 - The state checks to see if **any dues are outstanding against the officer**, as well as the vigilance status of the officer or whether any cases of corruption etc. are pending against him/her.
 - In case there is such a case, the resignation is normally rejected.
- **At Central Level:**

- The resignation of the officer is **considered by the competent authority**, i.e., the central government, only after the recommendation of the concerned cadre has been received.
- **The competent authorities are:**
 - Minister of State at the Department of Personnel & Training (DoPT) in respect of the IAS
 - The Minister for Home Affairs in respect of the IPS
 - Minister for Environment, Forest and Climate Change in respect of the Forest Service.
- As Minister in Charge of the DoPT, the **Prime Minister** makes decisions regarding the IAS.

What are the Circumstances for Accepting or Rejecting Resignation?

▪ Regarding Accepting:

- Where a government servant who is under suspension submits a resignation the competent authority should examine, with reference to the **merit of the disciplinary case pending against the Government servant**, whether it would be in the public interest to accept the resignation.

▪ Regarding Rejecting:

- Resignation can be rejected if **disciplinary cases are pending against officers**.
 - In such cases, concurrence of the **Central Vigilance Commission (CVC)** is obtained.
- The government also checks **whether the concerned officer had executed any bond to serve the government** for a specified number of years on account of having received specialised training, a fellowship, or scholarship for studies.

What about the Withdrawal of a Resignation after Submission?

- According to **Rule 5(1A)(i) of the amended DCRB Rules**, the central government may permit an officer to withdraw his/her resignation **"in the public interest"**.
- The **period of absence from duty** between the date on which the resignation became effective and the date on which the member is allowed to resume duty as a result of permission to withdraw the resignation is **not more than ninety days**.
- Request for withdrawal of resignation **shall not be accepted by the Central Government in case:**
 - A member of the Service resigns from his/her service or post with a view to be associated with any political parties or any organisation which takes part in politics,
 - A member is to **take part in any political movement or use his/her influence in connection with**, or take part in, an election to any legislature or local authority.
- The resignation will be **deemed to have been automatically withdrawn**, if an officer who has submitted his/her resignation **sends an intimation in writing withdrawing it before its acceptance** by the competent authority.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. Rajya Sabha has equal powers with Lok Sabha in (2020)

- (a) the matter of creating new All India Services
- (b) amending the Constitution
- (c) the removal of the government
- (d) making cut motions

Ans: (b)

Exp:

- Rajya Sabha enjoys certain special powers compared to Lok Sabha which are as follows:

- Power to transfer a subject from the State List to Union List for a specified period (Article 249).
- To create additional All India Services (Article 312).
- To endorse Emergency under Article 352 for a limited period when the Lok Sabha remains dissolved.
- Other important matters in respect of which both Houses enjoy equal powers are election and impeachment of the President, election of the Vice President, amending the constitution, approving the Proclamation of Emergency, the proclamation regarding failure of constitutional machinery in States and financial emergency.
- The Council of Ministers is collectively responsible to Lok Sabha which means the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha.
- A cut motion is a special power vested in members of the Lok Sabha to oppose a demand being discussed for specific allocation by the government in the Finance Bill as part of the Demand for Grants. If the motion is adopted, it amounts to a no-confidence vote, and if the government fails to jot up numbers in the lower House, it is obliged to resign according to the norms of the House. Therefore, option (b) is the correct answer.

Source: IE

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