

**Reference No:** E109/41/37;     **Date:** 02/07/70

**Circular 23/1970:- Resumption of duty in the Civil Service by persons who tender resignation to follow a Religious Vocation**

A Dhuine Uasail

1       I am directed by the Minister for Finance to refer to this Department's Circular 7/51 and to inform you that further changes are being made in the arrangements under which persons who tender their resignation to follow a religious vocation may subsequently be allowed to resume duty in the Civil Service. For convenience, it has been decided to cancel Circular 7/51 and to issue the following comprehensive instructions.

II       Eligibility for re-admission

2       A civil servant wishing to avail himself/herself of the provisions of this Circular must, before entering the religious life, tender his/her resignation from the Civil Service. Such resignation will be regarded as remaining in suspense and subsequently, if he/she leaves the religious life, the person concerned may be permitted to withdraw the resignation provided the following conditions are fulfilled:-

(a)       The officer must specifically state in writing before tendering his,/her resignation that he/she wishes to do so in order to follow a religious vocation.

(b)       He/she must apply for withdrawal of resignation, to the Department/Office in which he/she formerly served, (i) within twelve years of the date of tender of resignation and (ii) within three months of his/her leaving the religious life. (An application made after three but within twelve months of his/her leaving the religious life may be allowed provided the Head of the Department considers that the circumstances of the case justify this concession).

(c)       Satisfactory evidence must be produced to show that the applicant took practical steps to give effect to his/her intention to enter the religious life.

(d)       The Chief Medical Officer must be satisfied regarding the applicant's health.

(e)       A suitable vacancy must exist in the grade in which the applicant formerly served, or, failing that, in an analogous grade (i.e. a grade carrying a maximum salary equivalent to or lower than that of the grade in which he/she formerly served)

(i)       in his/her former Department/Office

or

(ii)      failing that, in another Department/Office.

In the case of an applicant who immediately before the period of absence served in a temporary capacity, the vacancy must exist in the grade in which he/she served at that time and provision must exist by way of excluding order for the Department/Office concerned to appoint persons to that grade.

(f)       The Department/Office in which a suitable vacancy as at (e) exists must be willing to admit the applicant to the position in question.

(g) Before an applicant can be admitted to a position in a grade other than the grades in which he/she formerly served the Civil Service Commissioners must, where appropriate, first accept him/her as qualified for admission to that position.

### III Re-Admission

3 Provided the conditions in sub-paragraphs (a) to (g), inclusive, of paragraph 2 are fulfilled, Departments/Offices may, without reference to this Department, grant permission to the applicant to withdraw his/her resignation and to resume duty in accordance with the terms of section IV of this Circular. Applications not covered by 2(b)(ii) but which it is felt merit special consideration should be sent to this Department together with a certificate to the effect that the conditions of paragraph 2 have otherwise been complied with.

### IV Conditions applying to Applicants allowed to Resume Duty

4 An applicant allowed to resume duty will be subject to the following conditions

(a) Resumption cannot be in an established capacity if the applicant immediately before the period of absence served in a position which was not an established position. If such service was in a temporary position resumption can only be in a temporary capacity.

(b) The applicant must take up duty at the time and place directed and unless he/she fulfils this condition will forgo all claim to re-admission.

(c) His/her entry pay will be as follows -

(i) The current equivalent of the point he/she had reached on his/her scale before commencement of the period of absence. (In ascertaining this point, any service by the applicant on the maximum of his/her scale before commencement of the period of absence should, where appropriate, reckon for any additional increment in cases where the scale was extended during his/her absence)" or

(ii) If the salary scale appropriate to the position in which he/she is allowed to resume duty is one to which age pay applies, he/she will enter the scale,

(a) at the age point appropriate to his/her age;

(b) if he/she is older than the highest age to which payment is directly related, at the highest age point or at the rate of Pay ascertained under (i) preceding, whichever is the more favourable to him/her.

(iii) He/she will not in any circumstances be placed on a point in excess of the maximum salary of the grade in which he/she resumes duty.

(d) The period of absence will be regarded as special leave without pay and will not reckon for the purposes of superannuation, probation, increment or annual leave. Service before the period of absence will reckon for superannuation as appropriate.

(e) The officer will be subject to any conditions as to probation or Irish tests which attached to him/her immediately before the period of absence and which were undischarged at the commencement of that period. As regards probation, however, if the undischarged portion of the probationary period is less than six months the probationary period should be extended to the extent necessary to bring the undischarged portion to six months.

### V General

5 An officer tendering a resignation to follow a religious vocation should be supplied with a copy of this Circular and should be asked to acknowledge in writing that he/she has read it. The acknowledgment should be retained on the officer's personal file.

6 This Circular takes effect from 1 July, 1970.

Mise le meas  
S OConaill