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GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT.

No. FIN-C-A(3)-8/95

Dated Shimla-171002

18 April, 1998

OFFICE MEMORANDUM

The undersigned is directed to send herewith a copy of Notification No. 14015/2/97-Estt.(L) dated 31st Dec. 1997 received from Govt. of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training) containing amendment in Rule 10 of Central Civil Services (Leave) Rules, 1972. This amendment shall be applicable to the employees of this Government with immediate effect.

Ram Sarup Verma
Deputy Secretary (Finance) to the
Government of Himachal Pradesh.

All Administrative Departments
to the Government of Himachal Pradesh.

FIN-C-A(3)-8/95

Dated Shimla-171002

18 April, 1998

Copy for information and necessary action to:-

1. The Divisional Commissioners, Shimla/Mandi/Dharamshala, HP.
2. The Resident Commissioner, Himachal Bhawan, 27-Sikandra Road, New Delhi.
3. The Resident Commissioner, Pangi (Killar), Distt. Chamba, HP.
4. All Heads of Departments in Himachal Pradesh.
5. The Registrar, H.P. High Court, Shimla-171001.
6. All Distt. and Sessions Judges in H.P.
7. All Deputy Commissioners in H.P.
8. All Distt. Treasury Officers/Treasury Officers in H.P.
9. The Accountant General (Audit), H.P. Shimla-171003.
10. The Sr. Deputy Accountant General (A&E), H.P. Shimla-171003.
11. Guard file- 30 spare copies.

Ram Sarup Verma
Deputy Secretary (Finance) to the
Government of Himachal Pradesh.

/OPS/

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Copy of Notification No. 14015/2/97-Estt.(L) dated 31st Dec. 1997 from the Joint Secretary to the Govt. of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training).

In exercise of the powers (proviso to article 309 read with clause (5) of the Constitution and after consultation with the Auditor General of India in relation to persons serving in the Indian Audit & Accounts Department, the President hereby make-s the following rules further to amend the Central Civil Services(Leave) Rules, 1972, namely:-

1. (1) These rules may be called the Central Civil Services(Leave) (Amendment) Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 10 of the Central Civil Services(Leave) Rules, 1972, after sub-rule (1), the following proviso shall be added, namely:-

"Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned Government servant joining his duty on the expiry of the relevant spell of leave availed of by him."

:-:-:-:-:-

GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT

No. FIN-C-A(3)-8/95 Dated Shimla-171002, the 6th May, 1998

OFFICE MEMORANDUM

Subject : Enhancement of the ceiling on accumulation and encashment of Earned Leave.

The undersigned is directed to say that the Governor, Himachal Pradesh is pleased to order that the decisions taken and conveyed by the Government of India, Ministry of Personnel, PG and Pensions (Department of Personnel and Training) vide Office Memorandum No. 14028/7/97-Estt.(L) dated 7th October, 1997 (Copy enclosed) shall be applicable to the employees of the State Government from the dates as shown hereunder :-

1. The decisions contained in para-1 thereof shall be applicable from 1st July, 1997.
2. The decisions contained in para-3 thereof shall take effect from the date of issue of this Office Memorandum.

Ram Saran Verma
(R.S. Verma)

Deputy Secretary (FIN-REG) to the Government of Himachal Pradesh.

To

All Administrative Secretaries
to the Govt. of Himachal Pradesh.

Endst. No. FIN-C-A(3)-8/95 Dated Shimla-171002, the 6th May, 1998
Copy forwarded to :-

1. The Divisional Commissioners, Shimla/Mandi/Dharamsala.
2. All Heads of the Departments in Himachal Pradesh.
3. The Registrar, H.P. High Court, Shimla-1.
4. All District & Sessions Judges in Himachal Pradesh.
5. All Deputy Commissioners in Himachal Pradesh.
6. The Resident Commissioner, Himachal Pradesh, Himachal Bhawan Sikandra Road, New Delhi.
7. The Pay & Accounts Officer, No.1 Reserve Bank of India Building, Parliament Street, New Delhi-110001.
8. All Treasury Officers/Sub-Treasury Officers/Assistant Treasury Officers in Himachal Pradesh.
9. All Controllers/Joint Controllers/Deputy Controllers/Assistant Controllers (F&A) under the control of Treasury & Accounts Organisation, Himachal Pradesh.
10. The Examiner, Local Fund Audit, Finance Department, H.P.
11. The Inspection Officer, T&A Organisation, I Zone, Civil Bazar, Dharamsala, H.P.
12. The Assistant Director, Financial Administration HIPA, Fair

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- (c) A Government servant who resigns or quits service shall be entitled to cash equivalent in respect of earned leave at credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days (Rule 39(6)(a)(ii)).
2. The above orders shall take effect from 1st July, 1997
 3. The Fifth Pay Commission has also recommended that all employees may be permitted to encash 10 days earned leave at the time of availing of Leave Travel Concession, subject to the conditions that :-
 - (a) the total leave so encashed during the entire career does not exceed 60 days in the aggregate;
 - (b) earned leave of atleast an equivalent duration is also availed of simultaneously by the employees;
 - (c) a balance of atleast 30 days of earned leave is still available to the credit of employee after taking into account the period of encashment as well as leave; and
 - (d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the time of superannuation.

This recommendation has also been accepted by the Government and, accordingly encashment of earned leave may be allowed by the Ministries/Departments subject to the prescribed conditions. The total encashment of Earned Leave allowed to a Government servant alongwith LTC while in service and as per the provisions of the Central Civil Services (Leave) Rules, 1972, should not exceed the maximum limit/ceiling of 300 days or 150 days as the case may be.

4. The order in paragraph 3 above shall take effect from the date of issue.
5. The orders as per paragraphs 1 to 4 above shall also apply to Government servants serving in vacation Departments.
6. Formal amendments to the Central Civil Services (Leave) Rules, 1972 are being issued separately.
7. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.

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(c) A Government servant who resigns or quits service shall be entitled to cash equivalent in respect of earned leave at credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days (Rule 39(6)(a)(ii)).

2. The above orders shall take effect from 1st July, 1997.
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 - (a) the total leave so encashed during the entire career does not exceed 60 days in the aggregate;
 - (b) earned leave of atleast an equivalent duration is also availed of simultaneously by the employees;
 - (c) a balance of atleast 30 days of earned leave is still available to the credit of employee after taking into account the period of encashment as well as leave; and
 - (d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the time of superannuation.

This recommendation has also been accepted by the Government and, accordingly encashment of earned leave may be allowed by the Ministries/Departments subject to the prescribed conditions. The total encashment of Earned Leave allowed to a Government servant alongwith LTC while in service and as per the provisions of the Central Civil Services (Leave) Rules, 1972, should not exceed the maximum limit/ceiling of 300 days or 150 days as the case may be.

4. The order in paragraph 3 above shall take effect from the date of issue.
5. The orders as per paragraphs 1 to 4 above shall also apply to Government servants serving in vacation Departments.
6. Formal amendments to the Central Civil Services (Leave) Rules, 1972 are being issued separately.
7. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.

GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT

No. FIN-C-A(3)-8/95 Dated Shimla-171002, the 6th May, 1998

OFFICE MEMORANDUM

Subject: Enhancement of Quantum of Maternity Leave and to allow Paternity Leave in respect of State Government employees.

The Governor, Himachal Pradesh, is pleased to decide that the existing provisions of the Central Civil Services (Leave) Rules, 1972, may be treated as modified as follows in respect of employees of the Himachal Pradesh Government :-

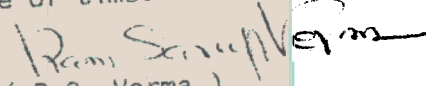
a) The existing ceiling of 90 days maternity leave provided in Rule 43(1) ibid shall be enhanced to 135 days.

b) A male Govt. servant (including an apprentice) with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of maternity Leave). It may not normally be refused under any circumstances.

2. These Orders take effect from the date of issue.

3. In the light of paragraph 2 above, a female Govt. servant in whose case the period of 90 days of Maternity Leave has not expired on the said date shall also be entitled to the Maternity Leave of 135 days. Similarly, paternity Leave to a male Govt. employee may also be allowed in case his wife had given birth to the child on a date not prior to 135 days from the date of issue of this Order.

4. Formal amendments to the Central Civil Services (Leave) Rules, 1972, will be issued in due course of time.


(R.S. Verma)
Deputy Secretary (FIN-REG) to the
Government of Himachal Pradesh.

To

All Administrative Secretaries
to the Govt. of Himachal Pradesh.

Endst. No. FIN-C-A(3)-8/95 Dated Shimla-171002, the 6th May, 1998
Copy forwarded to :-

1. The Divisional Commissioners, Shimla/Mandi/Dharamsala
2. All Heads of the Departments in Himachal Pradesh.
3. The Registrar, H.P. High Court, Shimla-1.

OFFICE MEMORANDUM

SUBJECT:- GRANT OF PATERNITY LEAVE TO MALE GOVERNMENT SERVANTS - CLARIFICATION THEREOF.

The undersigned is directed to invite a reference to this department's Office Memorandum No. Fin(C)A(3)-8/95, dated the 6th May, 1998 regarding enhancement of quantum of maternity leave in respect of female employees and allowing of paternity leave to the male employees and to say that clarifications have been sought by various quarters regarding allowing of paternity leave. The matter has been examined in the Finance Department and the point(s) raised are clarified below:

Sl.No.	Point for clarification	Clarification
1.	What would be the "confinement period" as mentioned in the O.M. referred to above.	It is clarified that the period of confinement will be upto 15 days before the delivery and within six months from the date of delivery of the child. It is, however, made clear that the total quantum of leave will be of <u>15 days</u> which be availed within the specified above.

Upto how many children, the paternity leave can be allowed to the employees.

It is clarified that the paternity leave can be allowed to a male government servant with less than two living children. In other words, in case an employee already has two living children, he will not be entitled to paternity leave.

Above decision may kindly be brought to the notice of all concerned.

(Dr. R.N. Batta)

Additional Secretary (Finance) to the Government of Himachal Pradesh.

To

All Administrative Departments of the Government of Himachal Pradesh.

Endst.No. As above.

Dated: 29.08.02

Copy to:

1. The Accountant General, Himachal Pradesh, Shimla-171003 with 20 Spare copies.
2. The Senior Deputy Accountant General (A&E), Himachal Pradesh, Shimla-171003 with 20 spare copies.
3. The Revenue Commissioner, Himachal Pradesh, Shimla-171002.
4. The Resident Commissioner, H.P. Himachal Bhawan, Sikandra Road, New Delhi.
5. All Heads of Departments in Himachal Pradesh.
6. All Deputy Commissioners in Himachal Pradesh.
7. All Superintendents of Police in H.P.
8. The Registrar, High Court, H.P. Shimla.
9. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
10. All District and Session Judges in Himachal Pradesh.

Government of Himachal Pradesh
Finance(Regulations)Department.

No. FIN-G-A(3)-8/95

Dated Shimla-171002

9 Feb. 2000

OFFICE MEMORANDUM

Subject:

Procedure for advance credit of earned leave over and above the maximum limit of 300 days on its accumulation - Clarification regarding.

The undersigned is directed to invite a reference to this Department O.M. of even number dated 6th May, 1998 and to send herewith a copy of O.M. No. 14028/8/99-Estt(L) dated 6th Jan. 2000 from the Under Secretary to the Govt. of India, Ministry of Personnel, PG & Pensions, Department of Personnel and Training. The clarification with regard to advance credit of earned leave over and above the maximum ceiling of 300 days as contained therein shall be applicable to the State Govt. employees with effect from 1st July, 1997.

lab k
Under Secretary(Finance) to the
Government of Himachal Pradesh.

To
All Administrative Departments,
to the Govt. of Himachal Pradesh.

.....
No. FIN-G-A(3)-8/95 Dated Shimla-171002 9 Feb. 2000

Copy forwarded to:-

1. All Heads of Departments in Himachal Pradesh.
2. The Registrar, H.P. High Court, Shimla-171001.
3. All Distt. & Session Judges in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. The Resident Commissioner, Himachal Bhawan, Sikandra Road, New Delhi-110001.
6. The Resident Commissioner, Pangi, Distt. Chamba, H.P.
7. The Examiner, Local Fund Audit, H.P. Shimla-171002.
8. The Inspection Officer, T&A Organisation, North Zone, Civil Bazar, Dharamshala, Distt. Kangra(H.P.)
9. The Assistant Director, Financial Administration, HIPA, Fair Lawns, Shimla-171012.

lab k
Under Secretary(Finance) to the
Government of Himachal Pradesh.



No. Fin(C)B(12)-4/93
Government of Himachal Pradesh
Finance(Regulations) Department.

From

The FC-cum-Secretary(Finance) to the
Government of Himachal Pradesh.

To

The Secretary(Health/Forests/Agriculture/
Animal Husbandry/Horticulture/Rural Development)
to the Govt. of Himachal Pradesh.

Dated Shimla-171002 19th July, 2000

Subject:

Regarding grant of three years' study leave-
Reversion to rules based system.

Sir,

I am directed to invite a reference to this Department letter of even number dated 22nd August, 1997 on the subject cited above and to say that the Governor, Himachal Pradesh, is pleased to order the withdrawal of this letter with immediate effect in the interest of public service and as also to remain within the ambit of Statutory rules applicable to State Govt. employees. Henceforth, all cases of grant of study leave will be regulated as per provisions of CCS(Leave) Rules, 1972.

The Governor, Himachal Pradesh, is further pleased to order that the cases of the Govt. servants who have been granted study leave or are undergoing study course as per provisions of letter referred to in above para will not be re-opened.

Kindly acknowledge receipt of this letter.

Yours faithfully,

[Signature]
Addl. Secretary(Finance) to the
Government of Himachal Pradesh.

No. Fin(C)B(12)-4/93 Dated Shimla-171002 19th July, 2000
Copy to:-

- 1. The Accountant General, H.P. Shimla-171003.
- 2. The Sr. Deputy Accountant General(A&E), H.P. Shimla-171003.
- 3. Guard file(20 copies)

[Signature]
Addl. Secretary(Finance) to the
Government of Himachal Pradesh.

NO. FIN(O) A (3)-2/2004
GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT

DATED SHIMLA- 171002, THE 5th August, 2005.

From

The Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh.

To

- 1) All Administrative Secretaries of the
Government of Himachal Pradesh.
- 2) All Heads of Departments in Himachal Pradesh.
- 3) The Registrar General, H.P. High Court, Shimla
- 4) All Deputy Commissioners in Himachal Pradesh
- 5) All Distt. & Sessions Judges in H.P.

SUBJECT:- Cash payment in lieu of unutilized leave on retirement etc.

Sir,

I am directed to invite a reference to the provisions of rule 39 of the CCS (Leave) Rules, 1972 which are also applicable to the State Government employees and to say that encashment of unutilized leave is admissible to retiring Government servants in terms of provisions of above rule. Sub-rules 2 & 5 of this rule provide that leave encashment so allowed to a retiring employee is a one time settlement. It is incumbent upon the authority competent to grant leave to *suo- motu* issue an order granting cash equivalent of leave salary for leave, if any, at the credit of concerned government servant on the date of retirement. As such, the verification of record and total accumulation of leave in credit of Government servant is required to be initiated and completed well in advance. It is the responsibility of leave sanctioning authority to maintain the leave record in a proper and updated form and such authority should take every care to ensure that the leave record must be complete and update before sanction is accorded for cash payment in lieu of unutilized leave.

However, some cases have come to the notice of this department wherein the leave record was not completed and updated by the

competent authority before sanctioning cash payment in lieu of unutilized leave. These types of lapses on part of the concerned authority not only cause monetary loss to the concerned employee but at the same time shows negligence on part of authority competent to sanction leave.


Keeping in view the position mentioned above, I am directed to request you to kindly issue suitable instructions to all offices under your control to ensure that leave record of all employees, particularly in respect of those who are retiring from service, is completed and updated well in advance in all respects so as to avoid any hardship to the retiring employee(s). In future, if any case comes to notice of the Government where there is a lapse on part of leave sanctioning authority, such authority will be held personally responsible for the lapse and they will be liable for suitable action. This may kindly be brought to the notice of all concerned under your control for strict compliance. Kindly acknowledge the receipt of this letter.

Yours faithfully,


Deputy Secretary (Finance) to the
Government of Himachal Pradesh

NO. FIN(C)/A (3)-2/2004 Dated the 5th August, 2005.
Copy to:

1. The Accountant General (Audit) H.P. Shimla- 171003.
2. Sr. Dy. A.G. (A&E), H.P. Shimla-171003.
3. All District Treasury Officers / Treasury Officers in Himachal Pradesh.


Deputy Secretary (Finance) to the
Government of Himachal Pradesh

NO. FIN(C(A(3)-2/2004
GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT

DATED SHIMLA- 2, THE 30th, NOVEMBER, 2006.

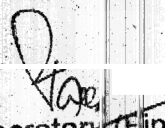
OFFICE MEMORANDUM

SUBJECT:- CASH PAYMENT IN LIEU OF UNUTILIZED EARNED LEAVE ON THE DATE OF RETIREMENT OF STATE GOVERNMENT EMPLOYEES WHO ARE COMPULSORILY RETIRED AS A MEASURE OF PUNISHMENT UNDER DISCIPLINARY RULES.

The undersigned is directed to invite a reference to the subject mentioned above and to say that as per provisions of rule 39(5-A) of the CCS(Leave) Rules, 1972 which are also applicable to the State Government employees, benefit of encashment of earned leave is not admissible in cases where a government servant is compulsorily retired by the government. It has now been decided by the Central Government of encashment of earned leave even to such government servants who are compulsorily retired by the government.

Matter has also been considered by the State Government of Himachal Pradesh and it has been decided to extend this benefit to the State Government employees of Himachal Pradesh. In enclosing a copy each of Government of India's Office Memorandum and notification No. 14028/1/2004- Estt.(L), dated 13th February, 2006, the undersigned is directed to say that the decision contained therein will also be applicable to the State Government employees of Himachal Pradesh.

Encls: As above.


Additional Secretary (Finance) to the
Government of Himachal Pradesh.

To

All Administrative Secretaries of the
Government of Himachal Pradesh.

NO. FIN(C(A(3)-2/2004 dated Shimla- 2, the 30th, November, 2006.

Copy to :

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All Heads of Departments in Himachal Pradesh.
All Divisional Commissioners in Himachal Pradesh.
The Resident Commissioner to the Government of Himachal Pradesh
27, Sikandra Road, Himachal Bhawan, New Delhi.
All Deputy Commissioners in Himachal Pradesh.
The Accountant General (Audit), Shimla-3.

No.14028/1/2004-Estt.(L)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

50172497

6/3/06

New Delhi, Dated 13 February, 2006
5017249

OFFICE MEMORANDUM

7-3-06

Subject:-Cash payment in lieu of unutilized earned leave on the date of retirement to the Central Government employees who are compulsorily retired as a measure of punishment under the disciplinary rules.

In terms of the instructions issued by this Deptt. vide OM No.14028/8/86-Estt.(L) dt.22.6.87; a Government servant, who is compulsorily retired as a measure of punishment under disciplinary rules and the disciplinary authority has imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of the CCS (Pensions) Rules, 72, he is not being allowed encashment of leave on such retirement.

2. The demand of the Staff Side to allow encashment of unutilized earned leave to those Central Government employees, who are compulsorily retired as a measure of punishment and in whose case a cut in pension (including gratuity) has been imposed by the Disciplinary authority, has been re-considered in consultation with the Ministry of Finance. It has now been decided that in such cases where the government servants are compulsorily retired as a measure of punishment and in whose cases even if a cut in pension (including gratuity) has been ordered, the benefit of encashment of earned leave at the time of such retirement shall be allowed. It has accordingly been decided to delete the relevant Rule 39(5-A) of Central Civil Services (Leave) Rules, 1972.

3. In so far as persons serving in the Indian Audit and Accounts Department are concerned, this issues after consultation with the Comptroller and Auditor General of India.

4. These orders will be effective from the date of issue.

(S. Meenakshisundaram)

Deputy Secretary to the Govt. of India

To

All Ministries/Departments of Govt. of India