

ACKNOWLEDGEMENT

Any administration backed by the use of *ad-hoc* measures and whimsical orders from the lack of knowledge of Rules, Regulations and Instructions as also from improper skill to interpret and to execute them is bound to leave the employees discontented. Himachal Pradesh Institute of Public Administration, Shimla (HIPA) has, therefore, always remained in hunt for employing various methods for updating the knowledge and sharpening the skill of the administering officers and assisting staff of the State of Himachal Pradesh.

Under the aegis of UNDP and the Government of India, Department of Personnel and Training, New Delhi, HIPA conducted Training Needs Analysis of various categories of the civil servants in the State of Himachal Pradesh. During the conduct of training needs of the employees, it revealed that personnel matters still find a lion's share. Therefore, it was considered necessary to equip the officers and staff deciding and dealing with the provisions of establishment Rules and instructions on the subjects besides inculcating in them the skill to apply these. However, large number of the civil servants have scarcity of time and means and vastness of the service matters did not allow us to venture into fulfilling whole of such requirements. Obviously, it was also not possible for us to prepare a package of class-room training for all. As a step ahead, HIPA, therefore, decided and prepared training modules in the following three most important aspects of service matters:-

- ⇒ *Pay Fixation,*
- ⇒ *Leave Rules and*
- ⇒ *Pension Rules*

These modules are the outcome of mammoth labour, wide-ranging research and significant care. These modules have been drafted with the belief that these will go a long way in finalizing personnel matters of the civil servants promptly, fairly and in their right perspective.

On the basis of long deliberations during the workshops and suggestions received from the experts and faculty members on Finance and Accounts at HIPA, a module after its validation by a panel of experts, finally prepared a module on "Leave Rules" which is in your hands. The module has been prepared in self-instructional mode and with the belief that time and travel cost would be saved. .

I would like to place on record the appreciation for the excellent work done by Shri B.M. Gupta, Assistant Controller (Finance and Accounts), HIPA who has taken a lot of pains in drafting this module by working day and night for months together in bringing this module out by his hard work. He also deserves my gratitude for the entire word-processing job employed in this task.

I would also like to place on record my appreciations for giving valuable suggestions provided by Sh. V.K. Sood, Retd., Controller, Finance and Accounts, Department of Personnel, HP Government, Shri B.D.Lath, . Audit Officer, National Academy of Audit and Accounts, Shimla and Shri H.R.Verma, Deputy Controller (F&A), H.P.Tourism Development Corporation, Shimla, for validating this module by devoting and sparing their valuable time. I also place on record my

sincere thanks to Dr. Kailash Walia, Retd. Principal for giving his services for editing the module. I am also grateful to Shri A.D. Negi, Deputy Controller(F&A), Shri Moti Ram Verma and Shri K.K. Sharma, Assistant Controllers(F&A) of the Institute for scrutinizing the preliminary draft of the module.

My sincere thanks are also to the participants who attended the Pilot-Run workshops of this module for their hard work while on their job and also suggesting valuable rectifications, language use and filling the gaps in the presentation of the draft module. Names of these valuable contributors are given in the Annexure.

I would also like to place on record my appreciation for the untired efforts, support and contributions made by Shri S.S. Panwar, Programme Officer, UNDP, HIPA at various stages of drafting, editing, preparation, managing and timely presentation of this module. The work was done by him with great devotion to duty.

Last, but not the least, I am extremely grateful to the United Nations Development Programme(UNDP), New Delhi and the Training Division, Department of Personnel and Training, Govt. of India, New Delhi for financing this project as well as their continuous moral and academic support without which the Institute could not have even thought in this direction.

I believe this work of HIPA will prove to be a milestone in handling personnel matters efficiently and effectively in all State and Semi-Government Organisations at various levels of official hierarchy.

Shimla
18th October, 2002

Director,
Himachal Pradesh Institute of Public Administration,
Fairlawn, Shimla-171 012.

INTRODUCTION TO THE PACKAGE AND THE MODULE:

Dear Learner,

Efficiency in Administration is need of the hour. Efficiency can be ensured through constant touch with the latest developments in the related area. We recently conducted a study on training needs of various categories in the government offices. This inter-alia included the ministerial categories of government servants as also the Heads of Offices. We found that their training needs mostly & commonly revolve around the personnel matters. Obviously, we cannot jump into the entire bulk in one go. We sorted out these needs further and found that not less than 75 to 80% of personnel matters in every office relate to three aspects – Pay fixations, Leave cases and Pensionary benefits.

Our study further revealed that the number of persons to be trained is quite large. It was not possible to prepare a package of face-to-face training for all, as that would have taken a long time. As an alternative to face-to-face class-room training, we therefore, decided to launch a training programme through Distance Learning.

And, therefore, we feel immense pleasure in bringing for you a package of three important aspects of personnel matters – Pay Fixation, Pension and Leave. The second in the chain of these - **Module on Leave Rules**, is now in your hands.

For the convenience of study, we have divided the module in two units. In Unit-I, we will discuss different kinds of leave available to the government servants to whom the Central Civil Service(Leave)Rules, 1972 are applicable. Here we have taken care to differentiate between various kinds of leave. We have also focused our attention on actual entitlements of different kinds of leave, method of calculation and leave salary payable for each.

Unit-II of the module takes care of the regulations and procedures governing the leave. Here we have discussed some general regulations pertaining to leave. We have also deliberated on some procedural requirements such as leave applications, leave on medical certificates etc. Maintenance of leave account also finds place in this Unit.

While working on this module, you are to take care of one point. We have used the term ‘quasi-permanent’ while discussing various aspects of leave. With the change in the procedure of declaring a government servant permanent, the term has become redundant. We have not skipped this term since this still appears in the Rules.

We believe that you will find this module quite helpful in processing and deciding the leave cases. This compilation is purely for understanding purposes. We, therefore,

request you to read this with relevant rules and executive instructions. This compilation is not and should not be quoted as an authority anywhere.

Last but not the least, we have taken utmost care in preparing the module. To add to the reliability of the compendium, a Team of Subject-Experts has validated this. An Edit Board has also gone through the language used to make it easily understandable and transferable. Lists of members of Validation Team, Edit Board and Pilot-Run programme are appended at Annexures A, B and C of this module.

Nevertheless, you may find some deviations/mistakes that might have crept in. We look forward for your suggestions in this regard for betterment of the module in future.

Dated 10th October, 2002

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UNIT –I

KINDS OF LEAVE

STRUCTURE

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1.1 INTRODUCTION:

The present unit is the first of the module on Leave Rules. All of us are already aware of the term 'leave'. Have you ever tried to list and count different types of leave including the kinds that are not recognized as leave? At this time, try to recall all the types of leave you know about and list them. Now match it with the list provided at

Appendix –I. Does it surprise you that we are linking as many as 15 types of leave? These are admissible to government servants under different circumstances.

There are three broad groups for these various kinds. For the purpose of an easy understanding, therefore, these three groups have been dealt with in 3 different Sections. Each Section contains one distinct group of the kinds of leave it embraces

Generally, all kinds of leave are subject to certain regulations. These regulations are contained in Unit-II of this module. However, unrecognized kinds of leave are not governed by these regulations and we will discuss this with that particular kind of leave also.

1.2 OBJECTIVES:

After working through the unit, you will be able to:

- list out various kinds of leave;
- explain their method of credit and debit to the leave account of government servants;
- describe admissibility of different kinds of leave to various categories of employees;
- explain why some kinds of leave are treated as unrecognized ones; and
- explain how to calculate the leave salary payable for each kind of leave.

1.3 WHY LEAVE?

Rule 11 of the Fundamental Rules says that services of the govt. servants are always at the disposal of the government. This is because the government is paying them for their services. Can you think of a situation if this rule is followed in rigidity? What will happen? The government servants will never be able to attend to their private affairs. They will have to attend the office even when they are confined to bed. Or else they have to face the consequences of willful absence. You can also realize their fatigue if they go on working continuously like a revolving wheel without any change. Then, what is the alternative?

The Government has taken care of such situations. It has kept definite provisions for leave to meet with them. When the government servants are granted leave, they become free from their official duties. They can refresh themselves during leave and can rejoin duties thereafter with new vigour and strength. They are not treated as absent while on leave. The government wants that everyone in the office should proceed on leave to return to work in a fresh mood. Can you say now that leave is the authorized absence of a govt. servant from official duties?

1.3.1 WHY DIFFERENT TYPES OF LEAVE?

You have listed various types of leave. Give a thought for a while why so many types of leave have been prescribed by the government.

The government has taken care of various situations under which the government servants will not be able to attend their work places. The types of leave have been provided to take care of particular situations e.g. Study leave will be needed only where it is required for higher studies in the public interest. Every kind of leave is admissible under specific circumstances. Different circumstances, therefore, necessitated different kinds of leave.

In this section we will discuss various kinds of leave that are admissible to a govt. servant under various circumstances. As already mentioned above, there are as many as 15 kinds of leave that can be availed by govt. servants under different circumstances. These types can broadly be divided into three major groups:

- Unrecognized kinds of leave;
- Ordinary kinds of leave; and
- Special kinds of leave.

Each of the above groups have been discussed in a distinct Section for the purpose of an easy understanding. Section 1.4 tells us about the unrecognized kinds. We will discuss rest of the two groups in later Sections.

1.4 UNRECOGNISED KINDS OF LEAVE

There are some periods of absence of a govt. servant which are not treated as leave. You must be knowing that the govt. servants are paid their salary for the services they render to the govt. Can they be paid such salary for their leave periods too? Certainly not. Then what is to be paid to them for their leave periods? The amount payable is termed as 'leave salary'. A govt. servant who is on leave is to be allowed 'leave salary' and not the 'salary'. This leave salary is different for different kinds of leave and we will discuss that with the particular kind. However, here you must clearly understand that they are to be allowed *salary* and not the *leave salary*, when they are on any unrecognised kind of leave. Unrecognised kinds of leave include:

- Casual Leave;
- Special Casual Leave; and
- Compensatory Leave.

These kinds of leave are not strictly recognised as leave under C.C.S. (Leave) Rules, 1972. This is because of this reason that govt. servants are treated as on duty even when they are availing leave from any of these kinds. Let's discuss these individually now.

1.4.1 CASUAL LEAVE:

This is the most popular kind of leave and is first one from the unrecognized kinds. You must be knowing about it. The provision for this kind of leave has been made to take care of emergencies. Therefore, provisions for its grant are simple. It is not subject to the regulations of Leave Rules. This is granted and regulated under executive instructions of the State Government as discussed in succeeding paragraphs.

Meaning:

Literally saying, the term 'casual' means 'sudden'. Therefore the term Casual Leave means availing of leave in emergent cases when one does not have time to wait for the sanction by his superior Officer. However, it should not be construed to mean that one could always avail casual leave without having prior sanction of one's superior or without intimation/application about one's absence. Casual leave should be applied for on a plain paper giving therein the brief details of the grounds upon which you intend to avail it. The need for Casual leave may arise:

- Due to the reasons beyond one's control e.g. self-illness, illness in the family etc. In this type of cases, casual leave may be allowed to be applied for and availed without prior sanction since the government servant could not help without it. You would notice in this case that there is no way of knowing the circumstances in advance. The leave sanctioning authority, in its discretion, may however, call for certain evidence of emergency.
- For reasons, which could be foreseen e.g., marriage in the family or even any other pre-fixed event. In this type of cases, casual leave should be applied for in advance and should be availed only after it has been sanctioned.

Regulation of Casual Leave

Admissibility of casual leave to a govt.servant is:

- 12 days for those who are in service on 1st January of a calendar year and will remain in service till 31st December of that calendar year. The credit of entire amount of leave is to be afforded on 1st January itself.
- For those who join govt. Service during the currency of a calendar year, remaining months of that calendar year are to be calculated. They will be

entitled to casual leave @ 1 day for each such remaining month. Let's understand this with the help of following example:

EXAMPLE:

A male govt. servant joins service on 18th March 2001. As he was not in service on 1st of January, 2001, he is not entitled to full credit of 12 days casual leave for 2001. We will calculate the months of service he will be rendering during 2001. These are from April to December 2001 i.e. 9 months. He will be entitled to 9 days casual leave for the year 2001. In all such cases, the credit is to be afforded on the day of joining govt. service.

- Another case may be of those govt. servants who are in service on 1st of January but will retire during that year. They will also be entitled to casual leave credit @ 1 day for each month of service they will render during the year of their retirement. In such cases also, the credit is to be afforded on 1st January.

ACTIVITY:

Go through service books of 5 employees of your office and note down their joining dates. Now calculate the casual leave they were to be credited for the year of their joining the service.

Grant of Casual Leave:

Casual Leave can be granted immediately after one has become entitled to its credit. In any one spell casual leave for more than 8 days is not to be allowed. However, this condition is not to be applied rigidly in cases where leave-sanctioning authority finds special circumstances to relax it.

Combination of Casual Leave

Casual Leave can be combined with Sundays and other holidays. These can be prefixed¹, suffixed² or intermixed with casual leave. Casual Leave can also be combined with Restricted Holidays, Special Casual Leave and Compensatory leave. However, its combination with Special Casual Leave and Compensatory leave is subject to certain conditions that have been discussed while discussing these two kinds in succeeding Sub Sections. Casual Leave under no circumstances, barring one case as discussed in Earned Leave, can be combined with ordinary kinds of leave or special kinds of leave. The following example will help you in understanding the combination of casual leave with Sundays and holidays:

¹ Day(s) coming immediately before leave

² day(s) coming immediately after leave

EXAMPLE:

The office remains closed on 12th, 13th and 16th of September. The govt. servant applies for casual leave for 14th & 15th September. He can be allowed to prefix 12th and 13th September to his casual leave. Likewise, he can also be allowed to suffix 16th September. Thus by taking two days casual leave, he can remain out of his duties from 12th to 16th September.

The above example must have made it clear to you as to how you will process/decide the cases of casual leave where the government servants apply for casual leave in combination with Sundays and other holidays.

DO YOURSELF-1:

21st October 2001 is Sunday. 26th (Friday) of the same month is Dussehra – a gazetted holiday. The office remains open on 27th October, 2001 (Saturday). Determine and specify the dates he will need casual leave to make a spell of leave from 21-28 October 2001.

Sanction:

Casual Leave is to be applied for on a plain paper giving the duration of leave required and briefly the purpose for which it is required. Casual Leave can also be sanctioned for ½ day. When it is sanctioned for half a day, the lunch hours are the dividing line for determining the half-day. A govt. servant, who applies for half-day casual leave for the forenoon, should be present in the office at the time when office re-opens immediately after the lunch break. A govt. servant, who requires ½-day casual leave for the afternoon, can leave office immediately at the commencement of lunch break.

Deduction for Late attendance:

You are aware that govt. servants on one or the other occasion come late to the office or leave office before closing hours, on the pretexts of extraneous grounds. You also know that the govt. has already made ample provisions to take care of leave requirements of govt. servants. In view of availability of different kinds of leave, it is always expected of a govt. servant to devote full time to his duty towards the govt. Late attendance or early leaving the office is, therefore, not a healthy practice even with the permission from superiors. Of course, a person may be late to office due to late running of transport, or sudden break down of his conveyance. Such type of exigencies is always casual and you cannot expect them to occur frequently. Therefore, when the government servants come late to office or want to leave the office early, 1/3rd day's casual leave should always be deducted from their Casual Leave account for each late arrival or early departure up to 2 hours. . However, this deduction should not be made where govt. servants attend the office late up to 1 hour due to reasons beyond their control. But this late attendance should not be for more than two occasions in a month. Suitable disciplinary action should also be taken in addition to deduction of Casual leave, in the case of late-comers.

Conversion into regular kind

We have already discussed the combination of Casual leave with Special Casual Leave, Compensatory leave and gazetted holidays & Sundays. Instances may occur when govt. servants apply for Casual leave, proceed on leave but find after the expiry of leave unable to rejoin duties on the due date because of certain unavoidable circumstances. They apply for extension of leave and their total absence on leave exceeds the maximum limits for which casual leave could be sanctioned. Alternatively they may not have sufficient Casual leave in their account. In such cases, the govt. servants should be asked to apply for leave from amongst regular kinds of leave i.e. ordinary kinds of leave or special kinds of leave as the case may be. Their entire absence, including the casual leave already sanctioned, will be treated as regular leave. This is because of the reason that casual leave cannot be combined with regular kinds of leave.

Lapse:

You are aware that provision for casual leave has been kept by the govt. to take care of emergent requirements of leave by a govt. servant. This kind of leave is also not strictly recognized as leave and a govt. servant while on this kind of leave, is treated as on duty. Therefore, govt. servants must avail the casual leave at their credit during the year for which it is meant. In case the govt. servant does not avail it by 31st December of the respective year, the balance of casual leave is not carried forward. It will lapse on the closing day of the year itself.

Do yourself-2:

Fill in the Blanks:

1. A government servant is entitled to _____ days casual leave for one calendar year.
2. A person on casual leave is paid _____ and its period is treated as _____.
3. Unavailed casual leave lapses at the end of the _____ year.

Do Yourself-3:

Write in the space provided whether the following statements are true or false:

1.	Casual Leave is an unrecognized kind of leave.	
2.	Unrecognized kinds of leave are subject to the regulations of leave rules.	
3.	For new entrants to government service, credit of casual leave is to be afforded @ 1 day for each remaining calendar month of service of that calendar year.	
4.	Casual Leave can ordinarily be combined with earned leave	
5.	Government servants become entitled to avail casual leave from the next day of their entry to service and entire casual leave credited can be sanctioned in one go to them subject to a maximum of 8 days.	

1.4.2 SPECIAL CASUAL LEAVE:

In Section 1.4.1, we have seen that casual leave is admissible to the govt. servants to meet with their emergent needs of leave. Govt. has kept yet another type of leave known as 'special casual leave'. This kind of leave is admissible to the govt. servants to take care of special kinds of unofficial duties expected from them e.g. to sports persons, trade union leaders. This kind of leave is also admissible as an incentive to promote family welfare programme of the government.

Special Casual Leave also falls in the category of 'unrecognised kinds' and is, therefore, not subject to the regulations of C.C.S.(Leave)Rules contained in Unit-II of this module. When a govt. servant is on Special Casual leave, he is to be treated as on duty. Therefore, he is allowed 'salary' and not the 'leave salary' for such absence.

The govt. has not prescribed a uniform pattern for the grant of this kind of leave. Therefore, we have discussed its admissibility individually for each purpose as follows.

1) FOR SPORTING EVENTS:

Special Casual leave for sporting events is admissible:

- For attending coaching or training camps under Rajkumari Amrit Kaur Coaching Scheme or similar All India Coaching or Training Schemes;
- Attending coaching or training camps at the National Institute of Sports, Patiala;

- Participating in mountaineering expeditions;
- Attending coaching camps in sports organized by National Sports Federation/Sports Boards recognized by All India Council of Sports;
- Participating in trekking expeditions; and
- Participating in inter-ministerial and inter-departmental tournaments and sporting events.
- For participation in Ski Training/ Meets/ Competitions organized or approved by the Mountaineering Institute and Allied Sports, Manali.

Quantum for Sporting Events:

Admissibility of Special Casual Leave for various Sporting events is as under:

- For participating in inter-ministerial and inter-departmental tournaments, maximum amount of Special Casual Leave should not exceed 10 days in a year Special Casual Leave admissible for other sporting events is 30 days in a calendar year. The facility of Special Casual Leave includes the time spent in journey for participating in such events.. Technical officials who are concerned with the administration of these events are also entitled to equal number of special casual leave.
- Government servants who are selected for participating in sporting events of national/international importance, the period of actual days on which they participate in the events is to be treated as duty. Period of actual days here means the duration of the event. To and fro journey days will be a part of his duty. If some coaching camps are organized prior to such participation, the duration of such coaching camps will also be treated as duty.

2) FOR FAMILY PLANNING:

Quantum of Special Casual leave for promoting the small family norms/family welfare programme of the govt. is as under:

- When a male govt. servant undergoes vasectomy operation for the first time, he is entitled to a maximum of 10 working days special casual leave. If his first operation fails and he goes for the operation for second time, another 10 days special casual leave will be granted to him. Holidays and Sundays will not be counted for calculating the number of working days on either of the occasions. However, application for the grant of such leave should be supported with a medical certificate. If the leave is granted for the second time, the second medical certificate should have a mention that the operation was necessitated for the second time due to failure of the first one. Another point that needs to be understood is that the concept of working days is applicable only in the cases of vasectomy operations and that too for the first vasectomy

operation only. In all other cases, the number of days of Special Casual Leave will include the Sundays and intervening holidays.

- For availing Special Casual Leave, it is not necessary that the male employee himself should undergo family planning operation. In case his wife undergoes tubectomy, leproscopy or salpingectomy operation, even then the male employee will be entitled to a maximum of 7 days Special Casual Leave. This facility is admissible even for the second time where his wife has to undergo such operation for the second time due to failure of the first operation. It has to be certified by the Medical Officer that the wife of the government servant has undergone such operation for the second time due to failure of the first operation. It need not to be stated in the certificate that presence of the government servant was required to look after his wife. Another condition to avail this facility of Special Casual Leave is that the leave should follow the date of such operation. This leave will be in addition to the Special Casual Leave admissible to his wife, if she be a government servant.
- A male government servant, whose wife undergoes tubectomy/salpingectomy operation after Medical Termination of Pregnancy is also entitled to Special Casual Leave maximum for 7 days. This facility is available subject to the production of medical certificate to the effect that his wife has undergone such operation after medical termination of pregnancy. It need not be stated in the certificate that the presence of the government servant was required to look after his wife.
- To female government servants, the maximum quantum of Special Casual Leave admissible for undergoing Tubectomy/laproscopy operation is 20 days. Another 20 days Special Casual Leave can be sanctioned to her where she has to undergo such operation for the second time due to failure of the first operation. She will also be entitled to 14 days of Special Casual Leave if she undergoes salpingectomy operation after Medical Termination of Pregnancy.
- One day Special Casual Leave is admissible to female govt.servants for the purpose of insertion or re-insertion of IUCD.
- If the female govt.servant has to undergo re-canalisation operation, she will be entitled to maximum 21 days of Special Casual Leave. This number of 21 days is to be restricted by the actual days for which she remained hospitalized for this purpose.
- In case the husband of a female govt. servant undergoes vasectomy operation, she will be entitled to one day Special Casual Leave for the day of such operation.

- There may be a case that a govt. servant has to undergo recanalization operation due to the death of his/her child(ren). For this purpose, the government has kept a provision of Special Casual Leave, subject to the recommendations of the doctor. The quantum of leave available for this purpose is up to 21 days or the period for which the govt. servant remains hospitalized, whichever is less. In addition to this, the government servants are also entitled to and from journey days as Special Casual Leave, for undergoing this operation. The facility of Special Casual Leave for recanalisation operation, is subject to the following conditions:
 - The recanalization operation should be performed in a hospital /medical college/ Institute where such facility exists. Alternatively, the operation should have been performed in a private hospital who is duly nominated by the State Governments/Union Territories for performing recanalisation operations;
 - The attending Medical authority should certify the period for which hospitalization of the govt. servant was essential for performing operation and post-operation recovery.
 - The government servant should either be unmarried or should not have more than two children at the time of conduct of this operation. However, this facility is also admissible to those government servants who desire recanalisation for substantial reasons e.g. a person who has lost all male children or all female children after undergoing vasectomy/tubectomy operation.

Additional Special Casual Leave for Family Programme

You know that complications may arise as a result of operations taking place. The government has already taken stock of such situations. That is why the government has kept provision for the extended/additional Special Casual Leave for the government servants undergoing such operations. Extension of Special Casual Leave/Additional Special Casual Leave will be allowed in the following cases

- Where the hospitalization of the government servants is necessitated as a result of such operation, beyond the maximum amount of Special Casual Leave as discussed earlier in this Sub-Section, the entire period of their hospitalization caused due to post operation complications will be treated as Special Casual Leave;
- Where the employee concerned is not fit to resume duty after the vasectomy operation but does not remain hospitalized and needs more rest, additional 7 days Special Leave can be sanctioned in his favour; and

- Where the employee has undergone tubectomy operation and is not fit to resume duty after the expiry of normal Special Casual Leave admissible, additional 14 days Special Casual Leave can be sanctioned to her if she does not remain in hospital.

3) FOR POETICAL SYMPOSIA

Government servants invited by the Himachal Pradesh Academy of Arts and Culture for attending poetical symposia, are entitled to Special Casual Leave up to a maximum of 30 days in a year. This will include the time spent in attending the symposia and to and fro journey time. This facility is available only in those cases where the employee has received a formal invitation from the said Academy. This facility is not available if the symposia are being organized at the place of posting of the government servant beyond normal working hours. This implies that if the symposia are being organized during office-hours, the government servant will be entitled to Special Casual Leave. This facility is also not available if the symposia are being organized by any other agency. The authority that is competent to sanction Casual Leave can also sanction this Special Casual Leave .

4) FOR PARTICIPATING IN ACTIVITIES OF THE ASSOCIATIONS

Giving due regard to the additional work which has to be performed by the office bearers of N.G.O.'s Federation, the government has allowed the concession of Special Casual Leave to them. The concession is granted to enable to participate in the executive meetings, conferences and other activities related to the Association. The facility is admissible to the State/District Units of N.G.O.'s Federation as under:

- 20 days in a calendar year to the State Level Office bearers of the State N.G.O.'s Federation;
- 10 days in a calendar year to the District Level Office bearers of the State N.G.O.'s Federation; and
- 5 days in a calendar year to the local delegates and local members of the State N.G.O.'s Federation.

Combination:

Special Casual leave can be taken in combination with other regular leave. It can also be combined with casual leave. Care should be taken to see that it is not sanctioned when combined both with casual leave and regular leave together. To make it clearer, if a person is on casual leave, he can be sanctioned Special Casual Leave in addition, without asking to return to duty. Similarly, when a person is on Special casual leave, he can be granted casual leave without returning to duty. But when govt. servants are on casual leave and are sanctioned Special Casual leave in combination, they cannot be sanctioned any other kind of leave thereafter. Similarly, when they are on regular leave, they can be sanctioned Special Casual Leave but cannot be sanctioned casual leave thereafter. In simple words, you can say that govt servants can be allowed to combine either Casual leave or regular leave with Special Casual Leave. However, they can

combine more than one kinds of **regular** leave with Special Casual Leave. Special Casual leave, like casual leave, can also be prefixed and suffixed with Sundays and other holidays.

Sanction:

No Performa is prescribed as an application for the grant of Special Casual Leave. It should be applied on the plain paper. It should be supported with the necessary documents e.g. Medical Certificate or invitation to participate in a sporting event etc. It should be submitted to and sanctioned by the authority that is competent to sanction Casual Leave for the person seeking the grant of Special Casual Leave.

Do Yourself-4:

Write whether the following statements are true or false:		
1	Special Casual Leave is admissible to all government servants alike casual leave.	
2	Special Casual Leave can be combined with unrecognized (regular) kinds of leave.	
3.	Quantum of special casual leave is different for different purposes.	
4.	Special Casual leave is sanctioned by the authority competent to sanction casual leave	
5.	Special Casual leave can be granted for contagious diseases.	

1.4.3 COMPENSATORY LEAVE

The third and the last kind of leave from amongst the unrecognized kinds of leave is Compensatory Leave. As per Fundamental Rule 10 of the Fundamental and Supplementary Rules, the whole time of a government servant is at the disposal of the government. Despite this provision in the Rules, the government has prescribed the office hours to be from 1000 to 1700 on all the working days. Granting leave in lieu thereof compensates government servants, who are required to attend the office before the commencement or after the close of office hours due to certain exigencies in public interest. This kind of compensation in terms of leave is termed as ‘Compensatory Leave’. Similarly, Compensatory Leave is also admissible for working on Sundays and holidays.

Entitlement:

The provisions relating to Compensatory Leave are applicable only to a part of the non-gazetted staff of the State Government. These are not applicable to:

- The Gazetted Government Servants;

- Those government servant who are entitled to over-time allowance in lieu of putting extra duty;
- Field, Technical and Inspection Staff of the government. However, Drivers are allowed Compensatory leave if deployed on duty before or beyond office hours or on holidays etc.
- Chowkidars working in government offices are required to be given weekly offs by putting other class-IV on their duty. However, where weekly off cannot be given, Chowkidars will be entitled to one day Compensatory Leave in lieu thereof.

Credit

The authority that is competent to sanction Casual Leave to that category of employees maintains the compensatory leave account. The account is to be maintained only in respect of those employees who are entitled to the grant of Compensatory Leave.

No compensatory leave is to be granted if the employees are deployed for duty for a period not exceeding one hour before the commencement of office hours. This credit is also not to be given if they are deployed for duty for a period not exceeding one hour after the close of office hours. The credit of Compensatory leave is to be afforded on the following conditions:

- If the government servants are deployed for duty officially by the authority that is competent to sanction casual leave to them;
- The extra duty is performed to dispose of certain work of emergent nature and not to clear the pending work/arrears;
- One compensatory Leave is allowed for working on a Sunday/Holiday for full day. In cases where government servants are asked to work for half a day on Sunday/Holiday, they will be entitled to half-a-day Compensatory Leave. Lunch break is the dividing line for finding out whether they have performed duty for half-a-day or for full day. In other words, if they are asked to perform duty in the forenoon, before lunch break, they will be entitled to half-a-day Compensatory Leave. Likewise, if they are required to perform duty in the afternoon after lunch break, they will be entitled to half-a-day Compensatory Leave. Two credits of half-a-day Compensatory Leave will constitute one day Compensatory Leave.
- Compensatory leave is also earned when one performs emergent duties before the commencement or after the close of office hours. The credit account of such extra-duty performed, is to be maintained in hours. However, no credit is to be given for the first hour before the commencement and after the close of office hours. To take an example if

the official is asked to sit in the evening up to 1930 hours and the office hours close at 1700 hours, he will be entitled to the credit of only 1.5 hours Compensatory Leave. This is so because no credit is to be afforded for the extra duty performed by him from 1700 to 1800 hours. The government servant will be entitled to one compensatory leave for each such 6.5 hours of duty.

DO YOURSELF-5:

A government servant on a working day is detailed for duty from 0700 hours in the morning to 1800 hours in the evening. For how many hours, the Compensatory Leave account of the Government servant will be credited? The normal working hours in the office are from 1000 to 1700 daily.

Sanction and Debit:

As compensatory leave is not a recognized kind of leave and is to be allowed sparingly under emergencies, it should not be allowed to accumulate. The person, who has earned it, must be granted the same immediately thereafter. If this is not practicable, Compensatory Leave should be allowed at the earliest convenient time to ensure that it does not accumulate. Compensatory Leave should not be allowed to exceed 3 days at a time. Compensatory leave is to be applied for on a plain paper and is to be sanctioned by the authority that is competent to sanction Casual Leave.

Combination with other kinds:

Compensatory leave can be allowed to combine with Casual Leave or with Sundays and holidays. However, it should be ensured that total absence of an official from his duties, does not exceed 10 days where he has been sanctioned Compensatory Leave in combination with Casual Leave and/or Sundays and Holidays. It can also be prefixed or suffixed to regular kinds if it was earned by performing duty on Sundays and Holidays. But leave earned by performing extra duty on working days can not be so suffixed or prefixed to regular leave.

Lapse:

You know that Compensatory Leave is to be allowed immediately after it has been earned. However, if it is not found practicable to grant leave on certain occasions, the government servants must avail the Compensatory Leave in their credit, before the 31st December of that calendar year. In case they do not avail the same by this date, the Compensatory leave to their credit will lapse. There is, however, one exception where Compensatory Leave does not lapse on 31st of December. When a government servant earns Compensatory Leave during the month of December but cannot be granted Compensatory Leave during that December itself, such Compensatory Leave will be allowed to be carried forward and allowed to be availed in the next calendar year. It should be carefully noticed that this exception applies in respect of the Compensatory Leave earned only during the month of December itself.

Do Yourself-6:

Strike out the wrong alternative:

1. Compensatory Leave is admissible to *all/specific* categories of government servants.
2. Compensatory Leave is admissible *to clear the arrears/to dispose of emergent work*.
3. Compensatory Leave can generally be availed only during the calendar *month/year* in which earned.
4. A government servant on Compensatory leave is paid *salary/leave salary*.

1.5 INTRODUCTION TO CENTRAL CIVIL SERVICE (LEAVE) RULES, 1972:

You have gone through the provisions relating to Casual Leave, Special Casual Leave and Compensatory leave. All these three types of leave fall under the category of Unrecognized Kinds of Leave. Strictly speaking, these are not leave and a person availing such leave is treated to be on duty. Unrecognized kinds of leave are also not subject to any rules. These are regulated under the executive instructions of the State Government. That is why these are termed as unrecognized kinds. We have already seen that a government servant when avails these kinds of leave, is to be paid salary for the period of leave.

Apart from Unrecognised kinds, there are certain other kinds of leave also which are available to the government servants. For these kinds, they are allowed ‘**leave salary**’ and not the ‘**salary**’ when they are on leave of these kinds. These kinds of leave are incorporated in a special set of rules known as Central Civil Service (Leave) Rules, 1972. When Himachal Pradesh was granted the status of a full-fledged State of the Union of India, the State Government adopted the Leave Rules as were applicable to the Central Government employees. It is to be clearly understood here that this was the status of Leave Rules on the date of such adoption. Any amendments made by the Central Government to these Rules are not applicable to the Government servants of Himachal Pradesh unless adopted by the State Government. However, till now the State Government has adopted all the amendments made by the Central Government to these Rules. Therefore, these rules, as amended till date, are 100% applicable to the employees of H.P.Government. However, the State government has made an addition in Extra-Ordinary Leave. It has allowed its employees to seek employment elsewhere by proceeding on EOL of 5 years. This addition to the C.C.S.(Leave)Rules has been discussed later under ‘Extra-Ordinary Leave’.

Central Civil Service (Leave) Rules 1972 incorporate various kinds of leave. These kinds of leave are grouped under two major categories i.e. Ordinary kinds of leave and Special Kinds of Leave.

Both these categories of leave are subject to the conditions/regulations as contained in the Rules themselves. We will discuss the various kinds of leave included under each of these groups in the following two Sections.

1.6 ORDINARY KINDS OF LEAVE:

As stated above, there are two categories under which the various kinds of leave can be grouped. This Section deals with the first group i.e Ordinary Kinds of Leave.

The Central Civil Service (Leave) Rules, 1972 provide for the following ordinary kinds of leave:

- Earned Leave for non-vacational staff;
- Earned Leave for vocational staff.
- Half Pay Leave
- Commuted Leave
- Leave Not due
- Extra-ordinary leave

You would have observed that there are 6 kinds of leave that are grouped as Ordinary Kinds. Factually, government servants earn during their service, only the first two kinds of leave i.e. Earned Leave (which is different for Non-vacational staff and vocational staff) and the Half-Pay Leave. By Non-vacational staff, we mean that the staff that is not entitled to vacations in the vacation Departments and also the government staff serving in Non-vacation departments. By vocational staff we mean those government servants serving the vacation departments and are entitled to regular vacations notified for that Department.

The next two kinds i.e. Commuted Leave and Leave Not Due can better be termed as the branches of Half-pay Leave as these are only the converted kinds of Half-Pay Leave. These are debited to Half-Pay Leave Account and no separate account is kept for them. The last kind i.e. Extra-Ordinary Leave is the leave that carries no leave salary and only an entry is made in the service records whenever a government servant is sanctioned such leave. This is also because of the reason that government servants do not earn this kind of leave. They are instead granted this mainly for the regularization of those periods of absence which otherwise cannot be regularized by the grant of leave. We will discuss all these six kinds in the following sub-sections.

1.6.1 EARNED LEAVE FOR NON-VACATIONAL STAFF:

First in the series of Ordinary kinds of Leave is 'Earned Leave. This is a very popular kind of leave and you must be knowing about it. This kind of leave is subject to regulations contained in 2nd unit of this module. This can be availed both by temporary and permanent govt. servants. This is called Earned Leave because in the past it had to be earned by duty. At those times, it could only be availed after it had been earned. You would like to know as to how it was being earned by duty. For that you will have to go to the Rules that remained prevalent till 1974. Till then, the credit of Earned Leave was made generally @ 1 day for every 11 days of service. Whenever government servants wanted to avail Earned Leave, their days of duty between the periods of their previous return to duty from leave and till the date from which they wanted to avail it afresh, had to be counted. These duty days were then used to be divided by 11 and the resultant figure was credited to their earned leave account. You would see that this was quite a cumbersome process and maintaining and checking of leave accounts was not easy. But now the government has simplified the procedure for the credit of Earned Leave. Can you think of other aspects of Earned Leave that we must know so that we become fully acquainted with the ins and outs of Earned Leave? It is not only the credit but also other aspects of Earned Leave that we are required to know. You cannot think of dealing with or deciding the cases of Earned leave unless you know fully about:

- How Earned leave is Credited
- What is the maximum limit for its accumulation;
- How it is debited; and
- What is the longest spell for which it can be granted?

Our following discussion embraces all these aspects in detail.

You should keep in mind that in the present Sub-section, we will discuss the provisions relating to the Earned Leave for government servants serving in the Non-vacation Departments as also to the Non-vacational staff of the Vacation departments. These provisions do not apply in their totality, to the vacational staff of the Vacation Departments. Provisions relating to the vacational staff have been discussed in the next sub-section of this Unit.

METHOD OF CREDIT

As stated earlier the credit of earned leave was being made after it had been earned by duty. However, the position has changed now. The credit of Earned Leave is being allowed in lump sum and in advance twice during a year. For the purpose of credit of earned leave, a calendar year is divided in two half years. The first half-year commences from 1st of January and ends on 30th of June every year. Likewise, the 2nd

half-year commences from 1st of July and ends on 31st of December every year. The provisions with regard to credit and debit of Earned Leave are identical for both the half years. We will discuss provisions relating to one half year. You can apply those for the 2nd half-year by making necessary changes in the names of the months. For the purpose of credit of Earned Leave, we will divide the employees in three groups:

- Employees entitled to full gross credit of earned leave;
- Employees entitled to proportionate credit of earned leave-I
- Employees entitled to proportionate credit of earned leave-II

Full Gross credit:

The first group consists of those employees who are in service on the commencement of a half-year and will also remain in service till the end of that half-year. We can say that in this group we include those employees who will render complete 6 calendar months of service during that half year. Employees retiring on 30th June or 31st December of any year will also fall under this category. To understand the credit of Earned Leave in all such cases, we will take the example of first half year of the year 2002. This group will consist of those employees who will be on the rolls on 1st January, 2002 and will not superannuate (attain the age of retirement) before 30th June, 2001. To such employees, we will give gross credit of 15 days Earned leave. It has already been stated that Earned Leave credit is now given in advance, Therefore, credit for the first half-year of any calendar year, will be given on 1st of January itself.

Proportionate Gross Credit for retiring government servants:

If we exclude the employees who will be in service for full 6 months of the half year, the next group will comprise of those employees who although are in service on the first day of the half year but will retire on superannuation in-between. In their case we will work out the complete calendar months (January, February and so on) for which they will remain in service. Complete Calendar month means from 1st forenoon of the month to the Afternoon of the last day of that month. Take an example of the government servants who were in service on 1st January 2002 and will retire on 31st March 2002(AN). In their case the gross credit of Earned leave will be calculated for 3 months because they will complete only 3 complete months of service of that half year and then will retire. To calculate the gross credit of earned leave we simply multiply these complete calendar months by 5/2. This figure of 5/2 has been obtained from 15/6(Proportionate credit for one month). We will not round the figure of gross credit because gross credit is not to be rounded.

Proportionate Gross credit for new entrants:

At this stage we have excluded two categories of employees i.e. (i) employees who will remain in service for full 6 month of a calendar half-year and (ii) the employees who will retire in-between that half year. In the third group we will keep those employees

who were not in service on the first day of the half-year but who have joined govt. service after the commencement of that half-year. This means that they are entirely new to the govt. service. In their case also the gross credit of earned leave is to be determined on the very first day of their service. This will be done by calculating the number of complete calendar months for which they will be in service during remaining months of the half-year. Let's take an example:

EXAMPLE:

A govt. servant joins service on first appointment on 1st March 2001(FN). He/She will get the gross credit of earned leave on 1st March 2001. The quantum of gross credit will be determined by multiplying the number of completed months of service by 5/2. So in present case, the employee will get gross credit of 10 days i.e.

March, April, May & June = 4 complete months

Credit of Earned Leave = 4 x 5/2 = 10 days.

You may carefully note that the month of March 2001 has been taken as full month as the government servant had joined duty on the very first day and that too in the Forenoon. In all other cases where the employees would have joined their duty on any day of March 2001, including the cases of those who would have joined on 1st March 2001 in the Afternoon, the month of March would not have been counted. This is because in that case the month of March would have been an incomplete month. Therefore, you must keep in mind that in the case of fresh entrants to government service, the month of entry will never be counted unless they join the duty in the forenoon of the first day of that month.

Do yourself-7:

Had the employee in above case joined on 1st May, 2001(AN) or anytime thereafter during May, how much leave would be credited to his/her earned leave account on the date of joining?

Ans.: _____

_____.

Reduction from gross credit:

By now you are able to determine the periods of gross credit of earned leave for each employee in your office. You can now decide how much gross credit is to be afforded to the Earned Leave account of the following categories of employees:

- Who remain in service for the whole of a half-year;
- Those who are due to retire in-between that half-year; and
- Those who enter the service during that half-year.

Are you not thinking at this stage as to why the term ‘Gross credit’ has been used? The credit given by the above provisions is not complete and is subject to certain adjustments/reductions. These adjustments/reductions are to be made only in respect of those government servants who either have availed Extra-Ordinary Leave during the immediately preceding half-year and/or any of their periods has been treated as *dies non* during the same period. Extra Ordinary Leave is a distinct kind of leave and has been discussed in a separate Sub-section. The periods of *dies non* have been discussed in Module on Pension Rules. Extra-Ordinary Leave or the treatment of certain period of service as Dies Non, are two events during which the government servant does not earn Earned Leave. Do you know how this is given effect? Reducing the periods of gross credit does this. Let us now see how the period of gross credit is reduced. For this purpose we have to go to the leave account of the half-year which immediately precedes the half-year for which gross credit has been determined. We presume that we have determined on 1st of January 2002, the gross credit to be given to the earned leave account of a particular govt. servant at 15 days for the half year ‘1st January 2002 - June 2002’. The half-year immediately preceding this half year is ‘July 2001 – December 2001’. Count the no. of days of EOL or Dies-non periods, if any during the period July 2001- December 2001. Divide your counts by 10. Do not round the figure. Reduce the gross credit by this figure i.e. dividend obtained. Now the last outcome i.e. Gross credit minus reduction will be the net credit of earned leave. If it contains a fraction that is to be rounded to the nearest complete day as under:

- The net credit is to be increased by one day if the fraction is equal to or more than 0.5;
- If the fraction is less than 0.5, it is to be ignored;

Let us take up an illustration to be clearer about what we have discussed above.

ILLUSTRATION:

A govt. servant availed extra-ordinary leave for 35 days from 1st October, 2001 to 4th November, 2001. Calculate the period of net credit to be given to him on 1st January, 2002. The person will retire in February 2010.

Calculation of Net credit:

• Gross credit(1-1-2002 to 30-6-2002)	= 15 days
• Periods of Ext.Ord.leave/dies non	
between 1-7-2001 to 31-12-2001	= 35 days
• Reduction to be made from gross credit i.e. 1/10 th of 35 days	= 3.5 days
▪ Net credit	=11.5 or 12 days (Rounded)

While reducing the periods of gross credit by the 1/10th of the periods of Extra-Ordinary Leave or that of Dies Non, one point needs attention. Rules provide that the net credit will not be any negative figure. In other words, you can say that the figure, by which the gross credit is to be reduced, should not be a greater figure than the period of gross credit. However, this may work out to be a greater figure in certain cases. In that event, you should restrict the same to be equal to the figure of gross credit. We can discuss this through the following illustrations:

ILLUSTRATIONS:

(1) A government servant remained on Extra-Ordinary Leave from 15-1-2001 to 27-5-2001. Also, his period of service from 28-5-2001 to 30-6-2001 was treated as dies non. His net credit of Earned Leave on 1-7-2001 for the half-year July-December, 2001 will be calculated as follows.

a) Gross credit to be given on 1-7-2001 = 15.0 days

b) Reduction to be effected on a/c of:

(i) Extra Ordinary Leave

15-1-01 to 27-5-01 = 133 days

(ii) Dies Non Period

28-5-01 to 30-6-01 = 34 days

1/10th of 167 days

=16.7 days Restricted to = 15.0 days

c) Net credit = NIL

(2) Continuing the above illustration, we presume that the government servant is to retire on superannuation on 31-7-2001. In this case the period of net credit will be worked out as under:

a) Gross Credit (only for July, 2001) = 2.5 days

b) Reduction to be effected = 16.7 days Restricted to = 2.5 days

c) Net Credit = NIL

In our above discussion, we have seen that the periods of EOL or that of dies non of the preceding half-year only, are considered for reduction from the gross credit. We have to keep in mind two other aspects at that time. If any of these two events extends beyond that preceding half-year i.e. starts in one half-year and ends in another, we will count only those days which fall in that half-year. You can say that our count will commence either from 1st January or from 1st July as the case may be. Similarly, our count will end with the end of that preceding half-year i.e. on 30th June or 31st December according to the circumstances in each case.

Further, the government servants may retire under the provisions of rules before attaining the age of superannuation. They may die. They can be dismissed or removed or they may resign. Any of these contingencies can happen during the middle of a

calendar year. They might have taken EOL or some of their periods might have been treated as dies non in respect of this half-year also. If this is so, that period is also to be added to our count for the preceding half-year. The sum of the counts is then to be divided by 10 to find out the period of reduction.

Do Yourself-8:

A government servant remained on extra-ordinary leave from 15-12-2000 to 31-1-2001. Determine the period of net credit of earned leave to be afforded on 1-1-2001.

Ans. _____

_____.

Accumulation:

You have seen that the unrecognized kinds of leave do generally lapse at the end of the year i.e. leave credits of one year cannot be availed in the next year. But, like other kinds of Regular Leave, credits of Earned Leave do not lapse at the end of the year. These go on accumulating. Alternatively, you can say that its unspent balance of any half-year is added to the new credit. But this is not unlimited. Having determined the periods of net credit of earned leave, we will now discuss the extent to which the earned leave goes on accumulating i.e. we remain adding the net credits to the periods of leave which he is having in his account on the closing day of the immediately preceding half year. We will just determine the balance of the govt. servant on the last day of December, 2001 and add to it the net credit to be given on 1st January, 2001. We will continue this process. One thing is to be taken care of here. If the closing balance lies between 286 to 300 days and the net credit amounts to 15 days, the credit in the leave account will be shown as $300 + (\quad)$. In the bracket we will show the figure by which the total of the two i.e. closing balance + net credit exceeds 300 days. This is due to the fact that the government has kept the accumulation limit of earned leave at 300 days. The figure remaining inside the bracket must be availed by him in the half year itself in which this was created. If the government servant does not avail it by the last day of the half year, this figure in the bracket will not be carried forward. This will lapse. Only the figure of balance earned leave as is outside the bracket will be carried over as the balance of that half-year. We will discuss this with the help of an illustration:

ILLUSTRATION

(i) The closing balance of earned leave account of an employee is 200 days on 31-12-2001. He is to be given 15 days net credit of earned leave on 1-1-2002. His balance of leave on 1-1-2002 will be $200+15=215$ days.

You will see here that there is no need to put any figure in the bracket. This is because the total of closing balance of previous half-year + net credit determined for the current half-year, does not exceed 300 days.

(ii) In the above case if the closing balance is 290 days, the balance on 1-1-2002 will be $290+15 = 300+(5)$ days.

The government servant can avail these 5 days by 30-6-2002. If these are not availed, the closing balance on 30-6-2002 will be 300 days. If fresh net credit of Earned Leave on 1-7-2002 is determined to be 15 days, the total Earned Leave balance at the credit of the government servant on 1-7-2002, will be $300+(15)$ days.

Credit of Unavailed joining time as earned leave:

Dear Learner, when a government servant is transferred from one station to another or from one office to another, the government gives him time to join the new assignment. This time is dependent of the distance between two stations. However, only one day joining time is allowed when transfer is at the same station. We are not to discuss these provisions in detail here. You should only understand that if a government servant does not avail full joining time admissible on transfer from ONE STATION TO ANOTHER, in public interest, the Unavailed joining time is credited as Earned leave to his/her Earned leave account if either of the following conditions is fulfilled:

(I) The government servant is ordered to join at the new station without availing full joining time in public interest. The transfer orders should clearly state that the government servant will join the new assignment without availing full joining time in public interest. Or

(II) The family of the government servant does not accompany the government servant when the government servant proceeds to join the new assignment. However, it (family) must join the government servant at the new station within the maximum permissible period i.e. within 6 months.

If any of the above two conditions are fulfilled, the Unavailed joining time is added to the Earned Leave account of the employee to the extent it does not take total accumulation of Earned leave beyond 300 days. Did you observe here that such Unavailed joining time can not be kept in brackets. Further if a government servant does not avail the joining time admissible on transfer at the same station., that is not credited to earned leave account and instead that lapses.

EXAMPLE:

A government servant is having 297 days of earned leave at credit on a particular date. He is ordered transfer to a station to which he is entitled to 10 days of joining time. However, the transfer orders clearly stated that the government servant should join the new assignment after availing on 3 days of joining time.

The rest of the 7 days will be credited to the earned leave account. However, since the government servant is having 297 as balance in that account and 297+7 will go beyond 300 days, the accumulation will be restricted to 300 days. Rest 4 days will lapse.

Debit

You have so far become familiar with the provisions relating to:

- The determination of net credit of Earned Leave; and
- Accumulation of Earned Leave; and
- Carry forward of leave from one half-year to the other.

Now we will discuss how the leave account of government servants is effected when they avail Earned leave. This is quite simple. We may have the two type of balances in the Earned Leave account. Can you find them yourself? These are:

- Where the balance of Earned Leave does not exceed 300 days; and
- Where the balance exceeds 300 days and the figure over and above 300 has been kept in the bracket.

In the first type of cases, whenever a government servant avails leave during that half year, the balance is reduced by the number of days for which Earned Leave has been availed. In the second type of cases, whenever the Earned Leave is availed during that half year, the debit will first go to the figure in the bracket. If the leave availed is more than the figure in the bracket, the main balance i.e. balance outside the bracket will be reduced by the number of days which are in excess of the balance in the bracket.

Credit of a half year always precedes the debit. Therefore, where the leave availed by him falls between two half years i.e. June-July or December-January, the number of days of each half year are to be worked out separately. The number of the current half year will be reduced from the balance on the date of proceeding of leave. But the number of days of leave which fall during the next half year are not to be deducted. Reduction on that account will be made only after the close of the account of current half year and adding thereto the net credit of the next half year. This can be illustrated with the following example.

EXAMPLE:

A govt. servant's leave account on 20th June,2001 shows earned leave balance of 200 days. He proceeded on leave for 30 days from 21st June. Debit in his earned leave account will be shown as under:

➤	Balance on the date of proceeding of leave	200
➤	Leave availed (21-6 to 30-6)	10
➤	Balance on 30-6(Close of half year)	190
➤	Fresh credit on 1-7	15
➤	Total leave at his balance on 1-7	205
➤	Leave availed 1-7 to 20-7	20
➤	Balance leave as on 21-7	185

Thus the debit is to be split up in two half years if the leave availed falls between two half years i.e. it commences in one half-year and ends in another.

Do Yourself-9

A government servant is having 249 days earned leave at credit on 21-6-2001. He proceeds on earned leave from 22-6-2001 to 15-7-2001. Neither any other leave was availed by him during this half-year nor any period was treated as dies non How the debit will be reflected in the earned leave account.

Ans. _____

Maximum single spell:

You have seen that the Earned Leave can accumulate up to 300+(15) days. Can the government servants avail all Earned Leave at their credit in one spell? Certainly not. The government has laid down certain restrictions upon availing of Earned Leave in one spell. Government servants can generally be sanctioned Earned Leave maximum for a spell of 180 days and not beyond that. Do you know in certain cases this limit can be crossed? In case of Class I & II government servants, Earned Leave up to 240 days can be sanctioned in one spell. However, this will be sanctioned only if they require it to be spent outside India, Bangladesh, Bhutan, Sri Lanka, Nepal and Pakistan. They are not required to spend the entire leave outside these countries but they must spend at least

that period of leave which is in excess of 180 days, outside these countries. For example if a Class-I government servant is sanctioned 210 days of Earned Leave, he/she must spend at least 30 days of leave outside the above named countries.

Earned Leave up to 300 days can also be sanctioned in one spell if it is required as Leave Preparatory to Retirement. This means that the last day of leave should include the date of retirement also, so that the government servant does not turn up to duty after the commencement of leave.

Leave Salary:

Government servants availing Earned Leave are entitled to leave salary equal to the pay they are drawing on the date of proceeding on Earned Leave. Pay here means the Basic Pay and allowances attached to pay such as Personal Pay, Special Pay, Non Practicing Allowance etc. It does not include those allowances like C.C.A., Capital Allowance, H.R.A., Permanent Traveling Allowance etc., which are granted to government servants under Supplementary Rules. The payment of such allowances will depend upon the fulfillment of conditions, which are laid down for their payment.

Do Yourself-10:

A government servant is drawing basic pay of Rs.9200/- and DA at 40% of basic pay. Determine the leave salary.

Ans: _____

ENCASHMENT OF EARNED LEAVE:

You have seen that if the government servants do not avail entire Earned leave at their credit, this leave goes on accumulating. Such accumulation benefits the employees at the time of their quittal of service/retirements etc. An employee can also get cash in lieu of salary while availing Leave Travel Concession. Let us now see how much amount of Earned leave can be allowed to be encashed and for what purposes.

You know that government servants are entitled to two Leave Travel Concessions every four years – Home Town and Anywhere in India. Under the scheme of Leave Travel Concession, the government reimburses them only the amount of fair to their destinations. Naturally, they need more money at that time to cover their incidentals. As a welfare measure, therefore, if Earned Leave is at their credit, 10 days out of their account have been allowed to be encashed at the time of availing Leave Travel Concession. In all, the government servants can avail the benefit of such encashment 6 times in their entire service career. Thus, you can see that at best 60 days Earned Leave can be allowed to be encashed during service of the government servants. The encashment of Earned Leave for Leave Travel Concession purposes is subject to certain restrictions and for that you should refer the relevant provisions while processing or deciding any such case.

At the end of the service career of the government servants or at the time of death of the government servants, they/their families are allowed the encashment benefit of unutilized Earned Leave at credit of the Government servant on the day of quittal/death. You may recall that while accumulating the Earned Leave, we had kept the accumulation restricted up to 300 days. In certain cases, we had also kept the amount of Earned leave in a bracket. For the purpose of encashment we are concerned with the balance of Earned Leave in the main account only. The amount kept in bracket is not encashed at all.

The amount to be encashed is to be worked out by applying the following formula:

$$\begin{array}{l} \text{Cash} \\ \text{Equivalent of} \\ \text{unutilized} \\ \text{Earned leave} \end{array} = \begin{array}{l} \text{Last Pay admissible +} \\ \text{Dearness allowance} \\ \text{admissible on that} \\ \text{date} \end{array} \times \begin{array}{l} \text{No. of days of} \\ \text{unutilized Earned} \\ \text{Leave restricted to} \\ \underline{\underline{300 \text{ or } 150 \text{ days}^{\bullet}}} \\ \mathbf{30} \end{array}$$

Barring the case of resignations and quittal of service by the government servants, the government servants are to be granted encashment for the entire amount of Earned Leave up to 300 days. While allowing this encashment, it is to be ensured that the maximum amount of leave which can be allowed to be encashed does not exceed 300 days including the Earned leave encashed for L.T.C. purposes. The orders for encashment are to be issued *suo moto*[♦] by the authorities that are competent to grant such leave

The cases where such encashment is allowed should fall in any one of the following:

- Compulsory Retirement on attaining the age of superannuation.
- On pre-mature retirement under Pension Rules/Fundamental Rules/H.P.Civil Service (Pre-Mature Retirement) Rules, 1976. The pre-mature retirement may be the voluntary retirement by the government servants or by the government.
- When a government servant is retired compulsorily as a measure of penalty under Central Civil Service (Classification, Control and Appeal) Rules, 1965 provided the disciplinary authority has not ordered any reduction in pension or gratuity.

[•] Reduced by the days allowed to be encashed for LTC

[♦] At own motion (without calling for applications)

- When a government servant is declared permanently incapacitated for further service and is sent on Invalid Pension.
- On retirements after service extended beyond the age of superannuation.
- On termination of services of government servants in accordance with the terms and condition of appointment.
- Where the government servants have been re-employed after retirement, after termination of their service during their service on re-employment. In their case, however, the total of Earned leave encashed i.e. during L.T.C. + At the time of 1st retirement + encashment now to be allowed, is to be restricted to 300 days.
- Earned Leave encashment in lieu of unutilized amount of Earned leave is restricted to 50% of the amount of Earned Leave at credit or 150 days (including the amount of Earned Leave allowed to be encashed for LTC), whichever is less, for those government servants who resign or quit the service at their own.

Leave encashment of Earned leave on the above terms is also admissible to those government servants who superannuate from service while under suspension. This may also be allowed in case of those government servants against whom disciplinary or criminal proceedings are pending. However, the payment of leave encashment should be withheld wholly or partly, where in any of such cases the disciplinary authorities feel that some money can become recoverable from the government servant after such proceedings are finalized/concluded. If on finalization of such proceedings some amount becomes recoverable, that will be adjusted against the amount withheld on this account. The rest of the amount (whole of amount withheld where nothing is found to be recovered on conclusion) will be paid to the government servant.

We have discussed the various aspects of Earned Leave as applicable to the non-vacational staff of the vacation departments as also to government servants of the non-vacation departments. We can summarize our discussion on Earned Leave to these categories of government employees, as under:

- A calendar year is divided in two Half-years i.e. (i)January-June and (ii)July-December for accounting purposes of Earned Leave.
- Government servants are entitled to 15 days of Earned leave in each Half-year.
- Earned Leave to fresh entrants and to those who will retire during the Half-year, is to be credited at the rate of 2 ½ days per complete month of service to be rendered in that Half-Year.
- The period of 15 days or the period as determined for new entrants or for government servants to superannuate during the Half-year, is to be

reduced by 1/10th of the periods of Dies Non or E.O.L. in the immediately preceding Half-year; The credit rounded to the nearest day, is to be made on the first day of commencement of each Half Year.

- Accumulation of Earned Leave, exceeding 300 days is to be kept in bracket. This excess can be availed by the government servants before the expiry of the Half-year. The bracketed Earned Leave lapses on the last day of that Half-year.
- Earned Leave availed if falls in two Half-years, is to be split up and the debit of each Half-year will go only to the Half-year to which that pertains.
- Earned Leave can be sanctioned for a maximum period of 180 days or 240 days depending upon the purpose for which it is required as also keeping the group of the Government servants in view.
- Encashment of Earned Leave remaining at credit of government servant is to be allowed to be encashed by the leave sanctioning authority at the time of quittal/retirements/deaths etc.

Do yourself –11:

Match the following:			
1	An unrecognized kind of leave	a	Earned Leave
2	Credited in advance every half-year	b	Resignations
3	1/10th is deducted from gross credit of earned leave	c	Bracketed Earned leave
4	Half amount of earned leave is encashed	d	Compensatory Leave
5	Not encashed	e	Periods of dies non and EOL of immediately preceding half-year

1.6.2 EARNED LEAVE FOR GOVERNMENT SERVANTS ENTITLED TO VACATIONS:

In Sub-section 1.6.1, we have discussed the provisions of the Leave Rules applicable for the persons serving in the non-vacation departments of the Government. You know that there are certain departments of the government where some categories of employees are entitled to vacations during the year. Such government servants have to proceed on forced leave during certain periods of the year. This forced leave is necessitated because their services are temporarily not required in the Departments where they are posted. The best example of such a category you will find is that of Teachers posted in various Educational Institutions. When such Institutions remain closed due to vacations to the

pupils, the services of Teachers are not required. Therefore, they are also sent on vacations. This period of vacation is treated as duty. Other employees posted in those Departments are not entitled to avail these vacations. The best example of such a category is the ministerial staff posted in the Directorate of Education. Unlike Teachers, they are not entitled to any vacation. You also know that on the other hand, government servants posted in many of the departments are not entitled to vacations at all.

We have already discussed the Earned Leave provisions relating to the government servants posted in non-vacation departments. These provisions are equally applicable to the employees of vacation departments who are not entitled to vacations.

Do you know that the government servants posted in vacation departments were not entitled to regular Earned leave at all till 1984. This was solely for the reason that such government servants were entitled to vacations in lieu of Earned leave. They were, however, entitled to Half-Pay leave on same conditions as is admissible to the government servants serving in non-vacation departments. The government reviewed the position and at present, Teachers, Principals, Headmasters, Librarians, Laboratory Assistants and Watermen working in schools are also granted certain regular amount of Earned Leave. This credit of Earned leave has been provided in lieu of the Half-Pay leave. Half-Pay leave credit is not admissible to them.

Since no Half-Pay leave is to be credited to the Half-Pay leave account of such government servants, they automatically become non-entitled to the grant of Commuted Leave and Leave Not due – another two kinds of ordinary leave discussed later in this Unit. However, Half-Pay leave which was in balance in their accounts on the date of application of this provision, can be allowed to be converted into Commuted Leave or can be availed as Half-Pay leave.

Barring above six categories of government servants, persons entitled to vacations still do not get any regular Earned Leave. They are entitled to Half-Pay leave as earlier. Consequently they can also avail Commuted leave and Leave Not Due, if otherwise due and admissible under the provisions of those kinds of leave.

Further, it is only the credit that is different for vacational and non-vacational government servants. Rest of the provisions i.e. accumulation, maximum spell of Earned leave and debit of Earned leave are similar to all categories of employees – vacational and non-vacational. Therefore, we will discuss only about the credit. We have already discussed rest of the provisions.

Government servants entitled to vacations and earned leave, are entitled to two types of credit – general and proportionate. We will take up both kinds of credits of Earned leave available to them in our succeeding discussion:

General Gross Credit of Earned Leave:

You are aware that for the purpose of credit of Earned Leave in Earned Leave accounts of those government servants who are not entitled to vacations, a calendar year is divided in two half-years – ‘January-June’ and ‘July-December’. While discussing days of earned leave to be credited in their case, we grouped the employees as:

- Government servants who serve for full six months;
- Government servants who will retire during that half-year; and Government servants who will enter the government service for the first time on any day during that half-year.

For the first type of cases, we determined the gross credit at 15 days and for other two categories we credited the Earned leave account for complete calendar months of service @ 2.5 days for each such month. All these provisions are equally applicable to the Teachers, Principals, Headmasters, Librarians, Laboratory Assistants and Watermen serving in the schools. However, rate at which the earned leave is to be credited in their account is different. The amount of Earned Leave to be credited to the first group i.e to those government servants who will serve for full six months in their case is only 5[□]. For those who will serve for a part of the half-year i.e retiring government servants and new entrants to service, the gross credit of Earned Leave is at the rate of 10/6 per complete calendar month of service during that half year. You can now yourself work out the gross credit to be afforded to them.

After determining the gross credit to the government servants not entitled to vacations, we reduced that figure by 1/10th of the amount of Extra-Ordinary leave and that of *dies-non* periods in the immediately preceding half-year. This is equally applicable here also. However, the rate of deduction of gross credit is 1/30th of the periods of Extra ordinary leave and that treated as *dies-non*. We have also discussed in the Earned leave that in certain cases, this reduction is to be effected in respect of the periods of dies non or those of EOL in respect of the preceding half-year together with those in the half-year of dismissals, removals, compulsory retirements, deaths etc. That provision is also to be applied in totality here. Other provisions with regard to maximum reduction from gross credit and those relating to the rounding of net credit are also similar. We hope you are now able to find out the gross and net credits of earned leave to these categories of government servants.

□ The government has curtailed the vacations and ordered simultaneously the earned leave to be 10. However, since the orders are not clear, we have kept the advance credit to be at 5 in each half-year. We expect early clarification from the government regarding effect of dies non/EOL periods on earning those 10 days as also the rate of earning per month, whether that is to be credited in advance like regular earned leave or is to be treated otherwise. We expect of you to keep a constant watch on these clarification and update your knowledge as soon as these are issued.

Proportionate gross credit.

Dear Learner, in our preceding discussion, we have seen that 6 categories of government servants serving in the schools are now entitled to Earned leave credit of 5 days in each half-year or say 10 days every year. Can you think of a situation that they can get Earned leave up to 40^v days in a year under certain circumstances?

You are aware that vacations are in lieu of Earned leave. If the government servants entitled to vacations are not allowed to avail them, they become entitled to Earned Leave. However, they do not get one day Earned Leave for each day of vacation under such circumstances. Instead the numbers of days of vacations available to them during a year are equated with 30 days of vacations. Government servants who are ordered to remain on duty for whole or part of their vacations are allowed Earned leave proportionate to these 30 days. Thus, government servants who are not allowed to avail vacations even for a day during any year, become entitled to 30 days Earned leave. Government servants who are deprived of enjoying more than 15 days of vacations in any year are also treated not to have enjoyed any vacation and they are also entitled to 30 days of Earned leave. Those who have enjoyed more than 15 days of vacation and have also been ordered to perform duty for a part of vacations will get proportionate credit of Earned leave. The proportion will be worked out:

$$\frac{\text{Number of days of vacations not availed}}{\text{Number of vacations in one year}} \times 30$$

A government servant who is ordered to remain on duty for 32 days and the total vacations available in a year are 70, will get credit of $(32/70) \times 30 = 13.7$ or 14 days of Earned leave as a compensation for working during vacations. While affording credit we have to keep in mind the following points:

- Year for this purpose does not mean a calendar year. It constitutes of 12 months of actual duty. Date of joining of the government servants as a vocational staff, therefore, becomes important.
- Temporary government servants, who are in the first year of their service, are not entitled to this proportionate credit of Earned leave.

Proportionate credit is available only if the government servants are ordered to remain on duty during vacations. Superior authorities should have issued these orders.

^v please observe that these categories can earn earned leave up to 50 days a year. 10 as per provisions of the rules + 10 on increase in the number of teaching days + 30 days if they avail vacations for a period not exceeding 15 days. However, virtually, these should not exceed 40 i.e. 30 days of earned leave at par with the non-vocational staff + 10 days in lieu of half-pay leave. The proportionate credit, therefore, needs amendment in view of 10 days of earned leave allowed on increase in teaching days.

Different departments have designated different officers to issue such orders. Therefore, while affording credit, it should always be seen that an authority that is competent to do so issues the orders.

ACTIVITY:

Go through the Records of a District Education Office and find out who is competent to deploy vocational staff for duty during vacations.

Government servants desirous of availing Earned leave in between a duty year will get credit proportionate to the number of days of duty during that year. This will also be applicable where actual period of duty in a year falls short of 365 or 366 days. It should be clear in your minds that credit of 30 days Earned leave is for a year of duty i.e. for 365 or 366 days of duty including vacations. Therefore, we must convert the duty days to one year i.e. if a government servant has performed duty for 278 days in a year, we will convert that into a year by dividing it by the number of days of that year. Let us take an illustration for this:

ILLUSTRATION:

A teacher working in a school continuously from 15-12-1998 is entitled to vacations from 1st January to 14th February and again from 16th September to 30th September every year. During the year 2001, he was detailed for duty from 15th January to the 14th February. His duty days from 15th December, 2000 to 14th December, 2001 were worked out to be 270 including the vacations he availed during this year. How much Earned leave is to be credited to his Earned Leave account for the duty he performed during vacations?

1)	No. of duty days in a year	=270
2)	No .of days in a year	=365
3)	Proportion of duty days to year	= 270/365
4)	No. of days of duty during vacations	= 31
5)	Total vacations during the year	= 60
6)	Earned leave to be credited	
		$=(270/365) \times (31/60) \times 30 = 11.47$ or 11 days

Other features

You should also keep in mind that:

- To Teachers, Headmasters, Principals, Librarians, Laboratory Assistants and Watermen working in the schools, proportionate credit is in addition to the regular credit of Earned leave.
 - Proportionate credit of Earned leave also admissible to all categories of government servants categorized as vocational staff.
- Vacation is treated as duty. It can be combined with regular leave or casual leave but not with both.

- ‘Compulsory recall from vacations’ is treated as ‘compulsory recall from leave’ for the purpose of Supplementary Rules i.e. for the grant of T.A./D.A. etc.
- Conditions of encashment, accumulation, debit and availing of maximum Earned leave in one spell and leave salary, as discussed in the previous Sub-section, do equally apply to the Earned leave under this Sub-Section also. However, for the purpose of combination with Earned leave, the total spell will include the number of days of vacations also. In other words, the maximum spell of 180 or 240 days will mean vacations + Earned leave.

Do Yourself-12:

Write True or False. Use the space provided for writing your answers.

1. **Proportionate gross credit is available to all categories of vocational staff deployed for duty during vacations.**
2. **Authorities competent to grant casual leave can deploy vocational staff for duty during vacations.**
3. **Principal s of schools are entitled to full credit of earned leave.**
4. **Proportionate gross credit is equal to the number of days for which duty is performed during vacations.**
5. **Proportionate gross credit is not admissible during first year of service to temporary government servants.**

Answers::

(1)_____ (2) _____ (3)_____ (4)_____ (5)_____.

1.6.3 HALF PAY LEAVE

Dear learner, you are now familiar with the first of the regular Kinds of leave i.e. Earned Leave. You know how it is credited, what is the maximum limit for its accumulation, how it is debited and to what extent can it be sanctioned and availed in one spell. We have also discussed as to how it differs in its application to vocational and non-vocational staff.

In the present Section, we will discuss another kind of leave from amongst the regular kinds, which a government servant earns during his service career. This is Half-Pay Leave. This leave is admissible to all government servants whether vocational or non-vocational. However, this is not admissible to Teachers, Principals, Headmasters, Librarians, Laboratory Assistants and Watermen working in the schools. This is so

because they have been allowed the benefit of regular credit of Earned leave as we discussed in our preceding Sub-section.

Half-Pay leave can be availed on any grounds even when Earned Leave is due. It is not a requirement of the Rules that this leave can be availed only on medical grounds. Did you know about this fact?

To make ourselves well acquainted with the Half-Pay Leave, we have to discuss the provisions regulating its Credit, Accumulation, Debit and the maximum limit for which it can be availed in one spell. All these aspects of Half-Pay Leave have been discussed in the succeeding paragraphs.

Credit:

You know that the government servants earn Half-Pay Leave. They can avail it only if its account shows credit balance. We must, therefore, know how this kind of leave is credited to its account. For this purpose, the government has prescribed more or less similar provisions as are for Earned Leave and which we have discussed in detail in sub-sections 1.6.1 & 1.6.2. For the purpose of credit of Half-Pay Leave also, a calendar year is divided in two half years. The first half year commences from 1st of January and ends on 30th of June every year. Likewise, the 2nd half-year commences from 1st of July and ends on 31st of December every year. Like for Earned Leave, the provisions with regard to credit and debit of Half-Pay Leave are also identical for both the half years. We will discuss provisions relating to one half year. You can apply the same for the 2nd half- year by making necessary changes in the names of the months. For the purpose of credit of Half-Pay Leave, we will again divide the employees in three groups:

- Employees entitled to full gross credit of Half-Pay leave;
- Employees entitled to proportionate credit of Half-Pay leave;
- Employees entitled to proportionate credit of Half-Pay leave-II;

Full Gross Credit:

Like Earned Leave, the first group here also consists of those employees who are in service on the commencement of a half-year and will remain in service till the end of that half-year. We can say that in this group we include those employees who will render complete 6 calendar months of service during that half year. Employees retiring on 30th June or 31st December of any year will also fall under this category. To understand the credit of Half-Pay Leave in all such cases, we will take the example of first half-year of the year 2001. This group will consist of those employees who will be on the rolls on 1st January 2001 and will not superannuate before 30th June 2001. To such employees, we will give gross credit of 10 days Half-Pay leave. As is in the case of Earned Leave, credit of Half-Pay Leave is also now given in advance for one half-year. Therefore, credit for the first half-year of any calendar year, will be given on

Ist of January itself. Similarly, credit for the 2nd Half-Year or any calendar year will be given on Ist July of that year.

Proportionate Gross credit for retiring govt. servants.

If we exclude the employees who will be in service for full 6 months of the half year, the next group will comprise of those employees who although are in service on the first day of the half-year but will retire on superannuation in-between. In their case we will work out the complete calendar months, as we did for Earned Leave, for which they will remain in service. ‘Complete Calendar month’ here also means from forenoon of the Ist day of the month to the Afternoon of the last day of that month. Take an example of the government servants who were in service on Ist January, 2001 and will retire on 31st March, 2001(AN). In their case the gross credit of Earned leave will be calculated for 3 months because they will complete only 3 complete calendar months of service of that half year and then will retire. To calculate the gross credit of Half-Pay leave we simply multiply these complete calendar months by 5/3. This figure of 5/3 has been obtained from 10/6(Proportionate credit for one month). We will not round the figure of gross credit because gross credit is not to be rounded.

Proportionate gross credit to new entrants:

At this stage we have excluded two categories of employees i.e. (i) employees who will remain in service for full 6 month of a calendar half-year and (ii) the employees who will retire in-between that half year. In the third group we will keep those employees who were not in service on the first day of the half-year but who have joined govt. service after the commencement of that half-year. This means that they are entirely new to the govt. service. In their case also the gross credit of Half-Pay leave is to be determined on the very first day of their service. This will be done by calculating the number of complete calendar months for which they will be in service during remaining months of the half-year.

Example:

A govt. servant joins service on first appointment on 1st March, 2002(FN). He/She will get the gross credit of Half-Pay leave on Ist March, 2002. The quantum of gross credit will be determined by multiplying the number of completed months of service by 5/3. So in present case, the employee will get gross credit of 6.66 days i.e.

March, April, May & June = 4 months

Credit of Half-Pay Leave = 4 x 5/3 = 6.66 days.

You may note that the month of March 2002 has been taken as full month as the government servant had joined duty on the very first day and that too in the Forenoon. In all other cases where the employees would have joined their duty on any day of March, 2002, including the cases of those who would have joined on Ist March, 2002 in the Afternoon, the month of March would not have been counted. This is because in

that case the month of March would have been an incomplete month. Therefore, you must keep in mind here that in the case of fresh entrants to government service, the month of entry will never be counted unless they join the duty in the forenoon of the first day of that month.

REDUCTION FROM GROSS CREDIT:

By now you are able to determine the periods of gross credit of Half-Pay Leave for each employee in your office. You can now decide how much gross credit is to be afforded to the Half-Pay Leave account of the following categories of employees:

- Who remain in service during the entire half-year;
- Those who are due to retire in-between that half-year; and
- Those who enter the service during that half-year.

Here again we have used the term 'Gross credit'. The credit given by the above provisions is not complete and is subject to certain adjustments/reductions. These adjustments/reductions are to be made only in respect of those government servants whose period of duty during the immediately preceding half-year, might have been treated as Dies-non. You know that in the case of Earned Leave, we reduced the gross credit by 1/10th of the periods of Dies Non and/or Extra-Ordinary Leave during the immediately preceding half-year. But in the case of Half Pay Leave, we will count only the periods treated as *dies non* during the immediately preceding half year and reduce the periods of gross credit by 1/18th of such periods. Extra-Ordinary Leave has no effect on the earning of Half-Pay Leave. We presume that we have determined on 1st of July 2002, the gross credit to be given to the Half-Pay leave account of a particular govt. servant at 10 days for the half year '1st July 2002 – 31st December 2002'. The half-year immediately preceding this half year is 'January 2002 – June. 2002'. We will count the no. of days of *Dies non* periods, if any during the period January 2002 – June. 2002'. We will then divide the counts by 18. We will not yet round the figure obtained by us. This is to be reduced from the periods of gross credit that we have determined. Now the last outcome i.e. Gross credit minus reduction will be the net credit of Half Pay leave. If it contains a fraction, that is to be rounded to the nearest complete day as under:

- The net credit is to be increased by one day if the fraction is equal to or more than 0.5;
- If the fraction is less than 0.5, it is to be ignored;

However, while reducing the periods of gross credit by 1/18th of the periods of *Dies Non*, Some points need attention. These are:

- Rules provide that the net credit will not be any negative figure.. In other words, you can say that the figure, by which the gross credit is to be reduced, should not be a greater figure than the period of gross credit. However, this may work out to be a greater figure in certain cases. In

that event, you should restrict the same to be equal to the figure of gross credit. We can discuss this through the following illustrations:

ILLUSTRATIONS:

(a) A government servant remained on Extra-Ordinary Leave from 15-1-2001 to 27-5-2001. Also, his period of service from 28-3-2001 to 30-6-2001 was treated as dies non. His net credit of Half Pay Leave on 1-7-2001 for the half-year July-December, 2001 will be calculated as under:

- **Gross credit to be given on 1-7-01** = 10 days
- **Reduction to be effected on a/c of Dies Non Period 28-3-01 to 30-6-01[♦]** = $95/18=5.3$ days
- **Period of Net credit** = 4.7 or 5 days

(b) Continuing the above illustration, we presume that the government servant is to retire on superannuation on 31-7-2001. In this case the period of net credit will be worked out as under:

- **Gross Credit (only for July, 2001)** = 1.6 days
- **Reduction to be effected = 5.3 days** = 1.6 days (Restricted)
- **Net Credit** = NIL

- we have seen that the periods of dies non of the preceding half-year only, are considered for reduction from the gross credit. We have to keep in mind two other aspects at that time. If any of these two events (dies non or EOL) extends beyond that preceding half-year i.e. starts in one half-year and ends in another, like for Earned Leave, we will count only those days which fall in that half-year. You can say that our count will commence either from 1st January or from 1st July as the case may be. Similarly, our count will end with the end of that preceding half-year i.e. on 30th June or 31st December according to the circumstances in each case.

[♦] Extra ordinary leave does not affect credit of Half Pay Leave.

ILLUSTRATION

The period of service of a government servant from 1-5-2001 to 31-7-2001 was treated as dies non. Work out the number of days to be reduced from gross credit of half-pay leave on 1-1-2001.

**Total period treated as dies non during the half year= 61 days•
Therefore, gross credit is to be reduced by = $61 \times 1/18 = 3.4$ days**

- Further, the government servants may retire before attaining the age of superannuation. They may die. They can be dismissed or removed or they may resign. Any of these contingencies can happen during the middle of a calendar half-year. They might have taken EOL or some of their periods might have been treated as dies non in respect of this half-year also. If this is so, the procedure here is also not different from that for Earned Leave. We will count these periods also and add these to our count for the preceding half-year. Thereafter, we will divide the sum by 18 to find out the period of reduction.

Accumulation:

You know that Earned Leave can at best accumulate unto 300+(15) days. However, there is no such restriction of maximum accumulation in respect of Half-Pay Leave. A government servant may remain earning Half-Pay Leave and that goes on accumulating without any limit as to its maximum.

Maximum single spell:

Do you remember that Earned Leave generally cannot be sanctioned and availed for more than 180 days in one spell? At this stage, also try to recollect as to whom and on what condition it can be sanctioned in excess of this limit. These provisions of rules are the restricting provisions under which Earned Leave cannot be sanctioned beyond above limits. Do you know about any such restriction in case of the Half-Pay Leave? Half-Pay Leave does not have any such restrictions. Therefore, a government servant can avail, if sanctioned, the entire Half-Pay Leave in his account in one spell. However, there is a general condition in the Leave Rules under which any government servant cannot be sanctioned leave beyond 5 years in any one spell. We will discuss in detail about this condition and other general conditions upon which different kinds of leave are dependant, in the next Unit of Leave Rules. This condition is applicable to the Half-Pay Leave also. Therefore, not only while processing the cases of Half-Pay Leave or while sanctioning it but also while considering the grant of all kinds of leave, this condition should always be kept in mind.

* period from 1-5-2001 to 30-6-2001 will not affect the gross credit on 1-1-2002. Please observe that this period would have affected the credit on 1-7-2001.

Half-pay leave to temporary government servants:

Dear Learner, you are aware that the appointment status of the government servant has the following three categories:

1. Permanent Government servants;
2. Quasi-Permanent Government servants; and
3. Temporary Government servants.

We have not so far made any distinction between any of these categories while discussing the grant of leave to them. That comes now. Grant of half-pay leave to temporary government servants is subject to one additional condition. In their cases, Half-Pay leave is to be sanctioned only and only if the Leave Sanctioning Authority is satisfied that the temporary government servants in whose favour the leave is to be sanctioned, will be returning to duty after the expiry of this leave. If the Leave Sanctioning Authority is satisfied of the circumstances that the temporary government servants will not be able to resume duty after the expiry of Half-Pay leave, it is not to be sanctioned. You must, therefore, ensure while processing the cases or sanctioning of Half-Pay Leave that the posts against which the appointment of temporary government servants have been made, are likely to continue till their return to duty after the expiry of Half-Pay leave. As an exception, this condition is not to be enforced to a temporary government servant who has been declared by the medical authority to be permanently unfit for government service.

Leave Salary:

You are already able to calculate the amounts payable as Leave Salary when a government servant happens to be on Earned Leave. Do you know how the Leave Salary of a person who is on Half-Pay Leave, is to be calculated? Just work out 50% of the Leave Salary payable on Earned Leave. The resultant figure is the Leave Salary payable for Half-Pay leave. You can say Leave Salary payable for Half-Pay leave is just half of the Leave salary payable for Earned Leave. Is it not so easy to calculate it?

The constituents of Leave Salary in case of Half-Pay leave are again the same as are in the case of Earned Leave. Allowances payable under Supplementary Rules do not fall in the definition of Leave Salary. Therefore, if these are payable during leave, these will not be divided by 2. The rate of payment will be equal to 100 percent of what was being paid to the government servants at the time of commencement of leave.

Encashment

You know that Earned Leave remaining unavailed by the government servants is allowed to be encashed under certain conditions at the time of their quitting service by retirement/resignation, death etc. Likewise, the Half-Pay leave that is in the balance of

the Half-Pay leave account of government servants is also allowed to be encashed in the following cases

- (i) On retirement after attaining the age of superannuation
- (ii) On premature/voluntary retirements under Fundamental Rules/Pension Rules.
- (iii) In case of death of a government servant.
- (iv) To permanent/quasi-permanent government servants who are retired on invalidation.

You have seen that there is no bar as to the remaining service while encashment of Earned leave is allowed. In other words, encashment of Earned leave is to be allowed even to a person retiring on superannuation. However, half-pay leave encashment is to be restricted here. Days of Earned Leave encashed(including that encashed for LTC) + days of Half-Pay leave encashed + Date of retirement (other than superannuation retirement) should not go beyond the normal date of superannuation. This condition is not applicable in case of superannuation retirements and Half-Pay leave can be allowed to be encashed though it will take them beyond the date of superannuation. Further, while calculating the leave salary payable for Half-Pay leave encashment, D.A. is to be added only for such number of days as fall short of 300 days of Encashment of Earned Leave. Say if a government servant has been allowed earned leave encashment for 260 days, the D.A. will be paid for the encashment of 40 days of Half-Pay Leave only.

While allowing encashment of Earned leave, no deduction on any account was effected from the amount of leave encashed. However, from the amount of Half-Pay leave encashment, we are to deduct the following components:

- Pension/Family Pension for the corresponding period; Enhanced portion of family pension is to be ignored and only ordinary portion is to be taken into account.
- Relief on Pension/Family Pension for the corresponding period; and
- Pension equivalent of gratuity/Death Gratuity to be calculated as under:

Retirement/Death gratuity divided by (12 x Commutation factor)

Only the amount remaining after deducting the above components from the amount of half-pay leave encashment is to be paid. If the amount of deduction is more than the amount of encashment, nothing is to be paid on this account

DO YOURSLF-13

Write whether the following statements are true or false

1	Leave salary for half-pay leave is just equal to 50% of leave salary payable on Earned leave.	
2.	Compensatory allowances payable on half-pay leave are paid at full rates as were being paid prior to proceeding on such leave, subject to certain conditions.	
3.	Half-Pay leave is admissible to all employees in vacation and non-vacation departments.	
4.	A government servant continues to earn half-pay leave when on extra-ordinary leave.	
5.	Half-pay leave is not encashed	

1.6.4 COMMUTED LEAVE:

We have seen during our discussions on Earned Leave and Half-Pay leave that these are the only regular/recognized kinds of leave that are earned by a government servants. It is as a result of this fact that we maintain credit account of these two kinds of leave. You may also remember that although Commuted Leave and Leave Not Due are another two distinct kinds of leave under the Central Civil Service (Leave) Rules, 1972, yet factually these are two branches of Half Pay Leave as these are also debited to Half Pay Leave account.

In the present sub-section, we will discuss various aspects of Commuted Leave which include:

- Commuted Leave on Medical Certificate;
- Commuted leave for other than on Medical Certificate;
- Maximum single spell for its grant; and
- Leave Salary payable during Commuted Leave.

Commuted leave on medical certificate:

As stated above, commuted leave is a branch of Half-Pay leave. When government servants request for the grant of this leave, double the amount of leave availed by them is debited to the Half-Pay leave account. Commuted Leave is generally granted against the production of Medical Certificate of self-illness of the government servants.

Commuted leave other than on medical certificate:

We have seen above that Commuted leave can be granted only on the production of Medical certificate. There are certain exceptions to this general rule. Commuted leave for the following purposes is admissible even without the production of Medical certificate:

- (i) Commuted leave is also admissible for approved courses of higher studies certified to be in the public interest. The maximum limit for the grant of Commuted Leave for higher studies is 90 days (equal to 180 days Half-Pay Leave).
- (ii) Commuted Leave can also be sanctioned without the production of Medical certificate yet in another one case. Female government servants are entitled for the grant of Maternity Leave. In continuation of this maternity Leave they can take another one year leave which is debited to their leave account. We will discuss this in detail in the next section. In this extended tenure of one-year leave, if the female government servant wants to avail commuted leave up to 60 days (equal to 120 days Half-Pay leave), she is not required to produce the Medical certificate. This exception of one year-leave is also applicable to an adoptive mother subject to certain conditions. We will discuss those while we take up maternity leave.

Return to duty from leave:

It is an important condition for the grant of Commuted Leave that the government servants will be returning to duty after its expiry. Can you think what will happen if the government servants do not return to duty after availing Half Pay Leave? There are different circumstances under which it may happen. They may resign or retire voluntarily without returning to duty. The government may retire them while on leave. Since while on Commuted Leave, they will generally be on leave on Medical certificate, they maybe declared permanently incapacitated for further service or even they may die while on this kind of leave. In the cases of resignations or voluntary retirements or retirements by the government, the entire period of Commuted Leave shall automatically be treated to have been converted into Half-Pay leave. When this is done, the balance of leave salary i.e. Leave salary payable for Commuted Leave and the Leave salary payable for half-pay leave, shall be recovered from them. However, no such recovery is to be made where the government servants are not able to resume duty after the expiry of leave owing to their permanent incapacitation for service or due to their death.

Since it is a pre-condition to rejoin duty after the grant of Commuted leave, this leave cannot be granted as Leave Preparatory to Retirement*.

* leave up to and including the day of retirement.

Maximum single spell:

You have seen that the Commuted leave is debited to the Half-Pay leave account. You also remember that the entire Half-Pay leave at the credit of the government servant can be availed in one spell. This is, however, subject to the general condition that leave beyond five years is not admissible to any government servant in any one spell. Can you now find out the maximum limit for which Commuted leave can be sanctioned in one spell? You may observe now that since there is no limit to the availing of Half-Pay leave, there is also no limit to the availing of Commuted leave in one spell. However, this is again subject to the general condition as discussed above. One point needs attention here. Since double of the amount of Half-Pay leave is to be debited when Commuted leave is availed by the government servants, only $\frac{1}{2}$ of the amount of Half-Pay leave at their credit, can be sanctioned as Commuted leave e.g. if the Half-Pay leave account of an employee shows credit balance of 440 days, only 220 days of Commuted leave can be sanctioned. If 220 days are availed by the government servant, entire 440 days of Half-Pay leave will be consumed.

Leave Salary:

Government servants during Commuted leave are entitled for the payment of leave salary equal to the leave salary as on Earned leave. The definition of leave salary also remains the same.

You may observe the following points from the above discussion :

- Commuted Leave is granted generally on Medical certificate;
- It can be granted without the production of medical certificate for higher studies certified to be in the public interest. It can also be granted up to 60 days without the production of medical certificate in continuation of maternity leave or to adoptive mothers subject to certain conditions[⊗].
- Double the amount of Commuted Leave is debited to the Half-Pay Leave account;
- It is a pre-condition that the government servant will return to duty after the expiry of Commuted Leave. If he does not return, this leave will be treated as Half-Pay Leave and the difference of leave salary between both of these kinds will be recovered. This recovery will not be made in cases of permanent incapacitation or deaths.
- As the government servant will not be able to return to duty after its expiry, Commuted leave cannot be granted as Leave Preparatory to Retirement.

[⊗] please see Maternity leave under Special kinds of leave.

Do Yourself-14:

Strike out the odd one from the given alternatives given in italics.

1. Commuted leave *has/does not* have credit account.
2. Commuted leave carries *full/half* leave salary
3. Commuted leave *can be/cannot be* granted without medical certificate for prosecuting higher scientific and technical studies.
4. *Double/half* the amount of commuted leave is debited to half-pay leave account.
5. Commuted leave *can/cannot* be granted as Leave Preparatory to Retirement.

1.6.5 LEAVE NOT DUE:

Dear Learner, by now you are aware of different provisions relating to the grant and admissibility of the following kinds of regular leave:

- Earned Leave for Non Vacational Staff ;
- Earned Leave for Vacational Staff;
- Half-Pay Leave; and
- Commuted Leave

In the present section we are taking up another kind of leave out of the ordinary kinds - Leave Not Due. As the name implies, this kind of leave is granted though it is not due. We have already discussed in Section 1.4 that Commuted Leave and Leave Not Due are not factually independent kinds of leave. These are the branches of Half-Pay Leave and are debited to the Half-Pay leave account. Leave Not Due is granted and availed in advance of earning of leave in the account to which it is debited – Half-Pay leave. So this kind of leave can never be sanctioned as Leave Preparatory to Retirement. Do you know why the government has kept a provision for the grant of Leave not Due?

You know that the human body is prone to various ailments and the government servants are also human beings. In certain cases, the ailment may be so prolonged as may render a government servant unable to resume duties for long periods. To cover such contingencies, the government has kept the provision of this kind of leave so that the period of absence during illness of the government servant is regularized by the grant of leave. This also mitigates their financial hardships to some extent. How?

You will see later in this Section that this kind of leave also carries some leave salary. The miseries of the ailing government servants aggravate had they been forced to be on leave without pay i.e. Extra-Ordinary leave. The government has, therefore, kept the provision that under certain circumstances Half-Pay leave can be sanctioned in advance of earning. Grant of this kind of leave, therefore, pre-supposes that there is no Half-Pay leave at credit of the government servant on the day of commencement of leave. It

should carefully be noted that the condition of non-existence is only in respect of Half-Pay leave. Leave Not Due can be sanctioned even when other kinds of leave are due and admissible to the government servants but they specifically request for the grant of this kind of leave. You should note carefully that Leave Not Due is actually the Half-Pay leave granted in advance of earning yet it cannot be allowed to be commuted. Therefore, it cannot be sanctioned as Commuted Leave.

Having understood the nature and admissibility, we will now take up other conditions and aspects of Leave Not Due.

Maximum single spell:

Grant of Leave Not Due is limited. In the entire service of government servants, this leave can be granted up to 360 days. They can avail it either in one spell or in different spells. You have seen in our earlier discussion in this sub-section that Leave Not Due is the advance sanction of Half-Pay leave. Therefore, ultimately this is to be debited to his earnings of leave in that account. This necessitates another restriction for the grant of this leave. It cannot be granted for more days than the government servants will earn Half-Pay leave in their remaining service. Let us take the following illustration to understand these two conditions regarding the grant of Leave Not Due:

ILLUSTRATION:

A permanent government servant is to retire on 31-12-2025. On 31-1-2001, he applies for the grant of 450 days of Leave Not Due on medical grounds. No Half-Pay leave is due at his credit on 31-1-2001. Determine the no. of days for which Leave Not due can be sanctioned in his favour.

ANS:

Remaining Service in Half years = 49
Half-Pay leave to be earned in remaining service = $49 \times 10 = 490$ days.

Period for which Leave Not Due can be sanctioned = Half Pay leave to be earned in remaining service or 360 days, whichever is less = 360 days.

DO YOURSELF-15:

In the above illustration, the government servant is to retire on 31-12-2010 instead of 31-12-2025. Other facts remain the same. Determine the maximum period for which Leave Not Due can be sanctioned in favour of the government servant.

Admissibility:

To Permanent Government servants:

We know that the appointment of government servants carries three types – Permanent, Quasi Permanent and Temporary. Leave Not Due is generally admissible to the

government servants holding their posts either in permanent capacity or in quasi-permanent capacity. They can be sanctioned Leave Not Due on medical certificate, irrespective of the type of illness if the Leave Sanctioning authority is reasonably satisfied that they will be returning to duty after the expiry of leave. You know that any kind of leave or total spell of leave, besides specific conditions attached to that kind, is subject to the general condition that leave cannot be sanctioned beyond 5 years to any government servant. This general condition applies here also.

To Temporary Government Servants

Leave not Due on same terms and conditions as are applicable to permanent and quasi-permanent government servants, can also be granted to Temporary government servants, if they fulfill the following conditions:

- They have completed one year of service; and
- The temporary post that they are holding should last till their return to duty.
- Leave sanctioning authority has reasons to believe that the government servant will be returning to duty after the expiry of leave.
- They are suffering from T.B., Leprosy, mental Illness or Cancer and are undergoing treatment for:
 - Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognized sanitarium.
 - Pulmonary tuberculosis or pleurisy of tubercular origin, at his residence under a tuberculosis specialist recognized by the State government for the treatment of such disease. The specialist should also certify that there are reasonable chances of recovery on the expiry of the leave recommended.
 - Tuberculosis of any other part of the body, by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon; or
 - Leprosy, in a recognized leprosy Institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognized as such by the Health Department of the State government ;
 - Cancer or for mental illness, in an institution recognized for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such diseases.

Admissibility other than on Medical Certificate

So far we have discussed the admissibility of Leave Not Due only on the production of medical certificate. Leave Rules also provide for the grant of Maternity leave to female government servants as a special kind of leave. We will take up the details of this

special kind in our next section of this Unit. Here we will discuss the provisions of maternity leave that are relevant to the grant of Leave Not Due.

In continuation of Maternity leave, female government servants are entitled to take one year leave of the kind due and admissible from amongst the ordinary kinds. They can, therefore, be granted Leave Not Due even up to one year without the production of medical certificate if this kind of leave is admissible to them i.e. they are a permanent or a quasi permanent government servant. Can you bring out why Leave Not Due without medical certificate cannot be granted to temporary female government servants. This is because Leave Not Due is admissible to temporary government servants only for the treatment of T.B., Leprosy, Mental Illness and Cancer which require the production of specific medical certificate. Since in continuation of maternity leave, they will not be fulfilling this condition, they cannot be granted Leave Not Due without the production of medical certificate.

Provision of maternity leave also provides that the leave up to one year of the kind due and admissible can also be granted to in continuation of maternity leave, to adoptive mothers. Therefore, adoptive mothers can also be sanctioned Leave Not Due without production of medical certificate if this kind of leave is due and admissible to them. We will be taking up detailed provisions of maternity leave in the next section of this Unit.

Leave salary:

We know that Leave Not Due cannot be allowed as a Commuted leave. We also know that it is debited to the Half-Pay leave account. Therefore, leave salary for Leave Not Due is equal to the leave salary for Half-Pay Leave.

Effects of non-earning of half-pay leave:

You have seen that Leave Not Due is nothing else but the grant of Half-Pay leave in advance of earning. Therefore, government servants who are granted Leave Not Due must earn equal amount of Half-Pay leave in their subsequent service to set off the leave granted to them in advance. There may be circumstances where the government servants will not be able to earn Half-Pay leave at all or they may not earn Half-Pay leave equal to the number of days of Leave Not Due availed by them. Can you think of such circumstances? They are:

- Resignation;
- Voluntary Retirement;
- Retirement as a measure of penalty;
- Pre-mature retirement by the government;
- Permanent incapacitation for further service; and
- Death.

We will now discuss effects of Leave Not Due under different circumstances when it is either not earned or if earned, is not equal to the number of days of Leave Not Due.

- When a government servant who has been granted Leave Not Due, resigns or seeks voluntary retirement without returning to duty from leave, it is to be presumed that Leave Not Due was never sanctioned in favour of that government servant. As a result of this the resignation or voluntary retirement will become effective from the date of commencement of Leave Not Due. Any leave salary paid on this account will also become recoverable. This will also apply to those government servants who are retired compulsorily as a measure of penalty under Central Civil Service (Classification, Control and Appeal) Rules.
- When a government servant who has been granted Leave Not Due, resigns or seeks voluntary retirement after returning to duty but before earning Half-Pay leave equal to the number of days of Leave Not Due granted, leave salary equal to the number of days which have not been earned, becomes recoverable from such a government servant. This will also apply to those government servants who are retired compulsorily as a measure of penalty under Central Civil Service (Classification, Control and Appeal) Rules.
- If a government servant becomes permanently incapacitated for further service or dies or is retired prematurely by the government under the Fundamental Rules or the Pension Rules, on attaining requisite age or after completion of minimum requisite qualifying service, no recovery on account of Leave Not Due is to be made. This will apply irrespective of the fact whether the government servant returned to duty or not. We will discuss in detail these provisions of pre-mature/voluntary retirements in a separate module titled as Module on Pension Rules.
- To have a clearer concept of the effects of above events on Leave Not Due, we will take up some illustrations:

ILLUSTRATIONS:

(1) A government servant is granted Leave Not Due on Medical certificate for 240 days commencing from 1-11-2001. The government servant is allowed to seek voluntary retirement from 1st April, 2002. What happens to the Leave Not Due?

Ans. Since the government servant has been allowed to retire while on Leave Not Due and without returning to duty, the retirement will come into effect from the date of commencement of Leave Not Due. Therefore, the government servant will be deemed to have retired from 1-11-2001 instead of 1-4-2002. The leave salary paid for the period of 1-11-2001 to 31-3-2002 will be recovered.

(2) The government servant in illustration (1) above, returns to duty after the expiry of leave but resigns w.e.f. 1-10-2003. Determine the effect of Leave Not Due.

ANS:

(a) Leave Not Due availed from 1-11-2001 = 240

(b) Less credit of Half-Pay leave on:

I) 1-1-2002 = 10 Balance 230

ii) 1-7-2002 = 10 Balance 220

iii) 1-1-2003 = 10 Balance 210

iv) 1-7-2003 = $3 \times 5/3 = 5$ Balance 205

The Government servant has to refund leave salary for 205 days.

DO YOURSELF-16:

(a) A government servant who was on Leave Not Due for 100 days w.e.f. 26-12-2001 on medical certificate, dies on 31-1-2002 without returning to duty. How is the period of Leave Not Due to be treated in this case?

(b) If instead of the death of the government servant, he would have been retired as a measure of penalty under C.C.S.(C.C.A.)Rules, 1965 w.e.f. 31-1-2002, would your answer have been different?

1.6.6 EXTRA-ORDINARY LEAVE:

Dear Learner, we are now in the last leg of our present Section of this Unit on Leave Rules. You have already become familiar with different ordinary kinds of leave. The present sub-section brings to you the last kind of leave from amongst the ordinary kinds – Extra-Ordinary Leave. This kind of leave is popularly known by many of us as Leave Without Pay. This is again a regular kind of leave under the Central Civil Service(Leave) Rules, 1972.

When granted?

Extra-Ordinary Leave is granted to government servants when:

- Other kinds of leave are not due and admissible; or
- Other kinds may be due and admissible, but the government servant specifically requests for the grant of this kind of leave.

It must be clear in your minds that Extra Ordinary leave can be granted on the request of the government servant even when other kinds of leave are available to him. In our

Unit – II of this module on Leave Rules, we will discuss about another general condition. It says that the Leave Sanctioning authorities cannot change the title of leave applied for by the government servants. Since extra-Ordinary Leave is also one of the regular kinds of leave, it cannot be converted to any other kind by the Leave Sanctioning authority on their own.

When not granted:

There is a provision in the C.C.S.(Pension)Rules, 1972 that government servants can seek voluntary retirement after certain length of service specified in those rules. Fundamental Rules also contain a provision for voluntary retirement by the government servants on attaining certain age specified under the Rules. H.P. Civil Service(Premature Retirement)Rules, 1976 also provide for voluntary retirements by the government servants. One provision is common in all these rules on voluntary retirements. The government servants who want to seek retirement before they attain the age of superannuation, are required to give three months notice to the government of their intention. During the period of such notice, they can apply for and be granted leave of the kind due and admissible. However, Leave Rules specifically exclude the grant of Extra-Ordinary leave during such notice period. Therefore, this kind of leave cannot and should not be sanctioned concurrent with the period of notice for voluntary retirement.

Maximum limit:

To Permanent and Quasi-Permanent government servants

You may recollect the general condition that leave beyond 5 years cannot normally be granted to the government servants. Subject to this general condition, Extra-Ordinary Leave of any duration can be sanctioned to the permanent and quasi-permanent government servants.

To Temporary Government Servants:

Temporary government servants do not enjoy the privilege of Extra-Ordinary leave of any duration up to five years. In their case, the grant of this kind of leave is restricted and is dependent upon their length of service as also on the purpose for which it is required. We will discuss later about specific provisions made by the government of Himachal Pradesh regarding grant of Extra-Ordinary Leave for a specific purpose. That provision does not differentiate between the employees on the basis of their appointment status and is equally applicable to all of them. Barring that provision, Temporary government servants can be sanctioned Extra-Ordinary leave up to a maximum limit of:

- a. three months without linking it to the length of service. This leave is admissible with or without the production of medical certificate. You should note that the leave sanctioning authorities are competent to sanction Extra-Ordinary leave up to three months for any purpose to all categories of temporary employees. This leave is admissible even

immediately after the entry of the government servant to government service.

- b. when the temporary government servants complete one year of service, they become entitled to Extra-Ordinary leave for 6 months. However, this admissibility is only for the purpose of self-illness of common nature and they are required to produce medical certificate. While counting the completion of one-year service, three months Extra-ordinary leave which we have discussed in (a) above, will also count.
- c. Temporary government servants who are suffering from any of the four major ailments – T.B., Leprosy, Cancer or Mental Illness can be sanctioned Extra-Ordinary leave for 18 months, if they have completed one year of service. For the grant of leave under this provision, the government servants must be undergoing treatment for:
 - Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanitarium.
 - Pulmonary tuberculosis or pleurisy of tubercular origin, at his residence under a tuberculosis specialist recognised by the State government for the treatment of such disease. The specialist should also certify that there are reasonable chances of recovery on the expiry of the leave recommended.
 - Tuberculosis of any other part of the body, by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon; or
 - Leprosy, in a recognised leprosy Institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the Health Department of the State government;
 - Cancer or for mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such diseases.
- d. Government servants who have completed 3 years of service, can be sanctioned Extra-Ordinary leave up to 24 months for the purpose of prosecution of higher studies. The sanctioning authority must certify that the higher study for which such leave is sanctioned, is in the public interest. While counting the length of service, any leave of the kind due and admissible, granted to the government servants also counts. Extra-

ordinary leave of 3 months as discussed in (a) above, will also count, as this is one of the kinds of leave due and admissible. The limit or conditions prescribed for the grant of this leave can be relaxed. However, where such leave is sanctioned in relaxation of the provisions, the government servant in whose favour the leave has been sanctioned, is required to execute a bond on the prescribed form [Form No.6 of C.C.S (Leave) Rules, 1972]. This form provides for an undertaking to refund the expenses incurred by the government plus the expenditure incurred by any other agency during such leave, together with interest, if the Government servant does not return to duty after the expiry of leave. This amount is also payable if the government servant quits the service within 3 years from the date of his return to duty. Thus, where leave was sanctioned by relaxing the provisions of rules and the government servant does not return to duty or quits service within 3 years of his return to duty after the expiry of leave, he is required to refund to the government:

- Expenses incurred by the government during the leave period of the government servant; plus
- Expenses incurred by any other agency on the government servant during such leave; plus
- Interest on the expenses incurred by the government and any other agency.

Form No.3 is in the nature of a bond. The execution of bond by the government servant is required to be supported with two sureties. These sureties must be of equal or higher status as compared to the government servant.

- e here is a special provision of Extra-Ordinary leave to Scheduled Castes and Schedule Tribe government servants. If the government servants belonging to these categories require this kind of leave to attend Pre-Examination Training Course, they can be granted Extra-Ordinary leave for full duration of such course irrespective of their length of service. However, the government should have approved the center for such a course, where they want to undergo this training programme.
- f In case of temporary employees, if two spells of Extra-Ordinary leave are intervened by other kinds of leave, maximum limit prescribed, will apply taking both the spells together. In other words, leave other than extra-ordinary leave will be deducted from the total spell of leave availed by the government servants and the limits prescribed for maximum grant of Extra-Ordinary leave applied thereafter. Counting the entire Extra-Ordinary leave together.

Extra-ordinary leave for employment elsewhere:

The government of Himachal Pradesh has introduced a special scheme of Extra-Ordinary Leave to its employees. This scheme envisages attracting the government servants to seek employment in private sector or to engage themselves in other occupations etc. The scheme is applicable to all the employees of the state government. Main features of the scheme are as under:

- Serving government servants will be allowed 5 years Extra-Ordinary Leave for securing employment in the private sector or for any other purpose. It is a pre-condition that the employees should not have any official dealings with the prospective employer in cases where they want to avail the benefit of the scheme for employment in private sector.
- Extra-Ordinary leave for 5 years can be granted to them either in one spell or on year to year basis. This provision has been kept to provide the employees with ample time to settle down in his private employment or other occupations etc. At the same time it takes care of the fact that different employees will require different time for settlement. Therefore, the provision of year to year basis has also been kept so that in case the employees, if settled elsewhere, do not have to wait for his quittal of government service unnecessarily.
- Extra-Ordinary leave under this scheme will count as qualifying service neither for the purpose of pensionary benefits nor for any other service benefit like annual increments etc. However, this will not be treated as a break-in-service. Qualifying service rendered by the employees before the commencement of this scheme will be added to the qualifying service rendered after return to duty from such Extra-Ordinary Leave. In other words, the period of such Extra-Ordinary Leave will be given the effect of *dies non* for the purpose of pensionary and all other service benefits. We will discuss the effect of periods of service that are treated as *dies non*, in our module on Pension Rules in detail.
- As discussed above, as the entire period of Extra-Ordinary leave is to be treated as period not qualifying for any service or pensionary benefits, the employee has not to deposit any money towards Pension and Leave contributions.
- Entire earnings made during such Extra-Ordinary leave out of such private employment/occupation etc. are to be retained by the government servants. They will not have to deposit any part of it into government treasuries.
- Repayment of loans and advances taken by the government servant is to be ensured by the respective departments.

- The posts so vacated as a result of government servants proceeding on Extra-Ordinary leave under this scheme are not to be filled up by the departments/offices by any means of recruitment or appointment or promotions.
- Extra-ordinary leave under this scheme is to be granted only to those government servants whose services can be spared. The scheme does not apply to those government servants whose services cannot be spared by the government/department in public interest. The fact whether the services of a particular government servant can be spared or not, is to be determined by the Administrative Secretary of the respective departments.

Leave Salary:

You would have observed above that all kinds of leave carry leave salary with them. For Earned Leave and Commuted leave government servants are allowed leave salary equal to the pay they drew immediately before proceeding on such leave. For Half-Pay leave and Leave Not due, the government servants are paid as leave salary which is equal to 50% of pay they were getting immediately before availing these kinds of leave. However, grant of Extra-Ordinary leave does not carry any leave salary and the govt. servants are to be paid nothing on this account whenever they be on this kind of leave – whether on medical certificate or on some other ground. . Allowances payable under Supplementary Rules, however, do not fall in the definition of Leave Salary. Therefore, if these are payable during leave under those Rules, the rate of payment will be equal to 100 percent of what was being paid to the government at the time of commencement of leave.

Effects of extra-ordinary leave:

As a general principle, leave carrying leave salary – full or half, qualifies for all service and pensionary benefits. Therefore, leave with leave salary will count as service while calculating the periods for the grant of pensionary benefits. These are also treated as qualifying for the grant of annual increments. In other words, all kinds of leave for which leave salary is payable do not effect the service and pensionary benefits, where qualifying service is needed. Extra-ordinary leave does not carry any leave salary. Therefore, this is treated as qualifying neither for incremental nor for the pensionary benefits as a general rule. There are certain exceptions to this general rule. If Extra-Ordinary leave falls under any of such exceptions, then it will qualify for all purposes including the grant of increment. These exceptions are:

- Extra-Ordinary leave granted on medical certificate; or
- Extra-Ordinary leave granted due to civil commotions whereby the government servants are rendered unable to join or re-join their duty. This provision includes Extra-Ordinary leave granted only due to law and order problems. It does not include leave necessitated due to natural calamities; or

- Extra-Ordinary leave granted for the purpose of higher scientific and technical studies certified to be in the public interest by the leave sanctioning authority.

Dear Learner, with this, we have come to an end of Ordinary Kinds of Leave. You must have enjoyed while working on different ordinary kinds of leave. In the next section, we will take up Special Kinds of Leave admissible to the government servants under special circumstances. We do hope that you will go on working through those kinds too.

Do Yourself-17:

Write whether the following statements are true or false:

1	Extra-ordinary leave under general provisions of the rules is admissible up to 5 years (including other kinds of leave)both to temporary and permanent government servants	
2	Extra ordinary leave carries leave salary equal to 50% of pay	
3.	Compensatory allowances are payable during extra-ordinary leave as on Earned leave.	
4	Extra-Ordinary leave is admissible even when other kinds of leave are due	
5.	Under special extra-ordinary leave, the government servants are free to seek employment elsewhere	

1.7 SPECIAL KINDS OF LEAVE

Dear Learner, in the previous Section of this Unit on Leave Rules, we discussed with you different Ordinary Kinds of Leave. We hope that you have worked on them and are by now are able to differentiate between each one of them.

The objective of the present Section is to make you fully aware with certain special kinds of leave that are also admissible to government servants. These kinds are not granted to every government servant but are available only under special circumstances to individuals. That is why these kinds have been grouped as ‘Special Kinds of Leave’. These are:

- Maternity Leave;
- Leave to female government servant on adoption of a child;
- Paternity Leave;
- Special disability leave for injury intentionally inflicted:

- Special disability leave for accidental injury;
- Hospital Leave; and
- Study Leave

We will take up these kinds one by one in the following discussions:

1.7.1 MATERNITY LEAVE:

This kind of leave is admissible to the female government servants for the purpose of delivery of a child or for the purpose of abortions. The rules do not make any distinction on account of marital status of the female. Therefore, even unmarried female government servants are also entitled to this kind of leave.

Maternity leave for delivery:

As stated above, Maternity leave is admissible for two purposes:

- For delivering a child; and
- For abortions.

The condition for the grant of delivering a child is that the female government servant must not be having more than one surviving child at the time of commencement of this leave. How do you interpret this condition? Many of us do feel that this kind of special leave can be availed only twice by a female government servant. But this is not true. A female government servant can avail this leave any number of times or she may be able to avail it only once. There is no restriction as to how many time this can be availed. The condition is only with regard to the surviving children at the time of commencement of leave. It may happen in a particular case that a female government servant might have availed this leave twice but a child delivered by her might have not survived. Thus, she can avail maternity leave for the third time also. On the other hand, a female government servant might deliver twins at the time of her first delivery and both of them may survive. She can not avail maternity leave for delivery second time because she will be having more than one surviving children and the condition will not be fulfilled.

The quantum of Maternity leave for delivering a child is 135 days from the date of commencement of leave. The delivering mother can combine this special leave with other regular/ordinary kinds of leave which may be due and admissible to her. You may recall that at the time of our discussions on Commuted leave and on Leave Not Due, we had remarked on Maternity Leave. Generally, both these kinds of leave are granted to a government servant on the production of Medical certificate. However, both these contain an exception that these can be granted without the production of medical certificate, if these or either of these are/is required in continuation of maternity leave. Maximum limit for the grant of Commuted leave in continuation of maternity

leave is 60 days(equal to 120 days Half-Pay leave) under this provision whereas there is no such limit for the grant of Leave Not Due. If the delivering mother is a permanent government servant, she can take Leave Not Due for any period but when combined with other kinds, total period of leave should not exceed one year. One year period does not include the period of Maternity leave.

For abortions:

Maternity leave is admissible not only for delivering a child. It is also admissible to female government servants for abortions. Abortions include miscarriages, induced abortions under Medical Termination of Pregnancy Act. But these do not include threatened abortions. The leave is to be sanctioned only after the production of medical certificate by female government servants.

Grant of this leave does not have any condition as to the number of surviving children. Therefore, this leave is admissible irrespective of the number of children that female government servant may be having on the date of commencement of this leave.

The quantum of Maternity Leave for abortions is 45 days during the entire service of the female government servant. She can avail it in more or any number of spells. While counting 45 days, any period of maternity leave for abortions, which might have been availed by the female government servant prior to 16-6-94, will not count. Alternatively, we can say that female government servants who were in service on 16-6-94 or those who join government service after 16-6-94, are entitled to 45 days of maternity leave for abortions.

Maternity leave for this purpose can be combined with any other kind of regular leave. However, the facility of availing Commuted leave or that of Leave Not Due without the production of medical certificate is not available in these cases.

For adoption of a child:

In our foregoing discussions, we have seen that Maternity leave is admissible for pregnancy/delivery as well as for abortions. Leave Rules also take care of the requirement of leave by adoptive mothers i.e. female government servants who want to adopt a child. If a female government servant does not have more than one surviving child and wants to adopt a child of less than one year old, she can take leave of the kind due and admissible up to one year. Thus two conditions must be satisfied on the date of adoption of a child:

- The female government servant should not have more than one surviving child; and
- The age of the child to be adopted should be of less than one year.

If both the conditions are satisfied, the adoptive mother will be entitled to leave of the kind due and admissible for a period by which the age of the child falls

short of one year. The facility of this leave up to one year is the same as is for delivering mothers. Here also, if the female government servant wants to avail commuted leave up to 60 days or Leave Not Due, that will be granted without the production of medical certificate. If it is otherwise due and admissible.

Leave salary:

Maternity leave – may be for pregnancy or for abortions, is not to be debited to the leave account of the female government servants. An entry only is required to be made in the service records.

Maternity leave carries leave salary as is admissible on Earned Leave i.e. salary equal to the ‘pay’ drawn immediately before proceeding on leave. If any compensation for the corresponding period is payable under Employees’ State Insurance Act, 1948, leave salary so payable is to be reduced by the amount of compensation. Compensation payable for the period intervening with the Maternity leave is only to be reduced. If any compensation extends beyond the period of Maternity leave, that is not to be adjusted against the leave salary.

For any leave in continuation or combination with Maternity leave or for leave granted to adoptive mothers, leave salary will be paid according to the kind of leave applied for and sanctioned.

Do Yourself-18:

Strike out the odd one from the alternatives given in italics:

1. Maternity leave is admissible up to *one/two* children.
2. If twins were born during first delivery and both are surviving, maternity leave is *admissible/not admissible* for the 2nd delivery.
3. Maternity leave carries leave salary equal to that of leave salary payable on *Earned Leave/Half-Pay leave*.
4. Maternity leave is *admissible/not admissible* for abortions.
5. Commuted leave *can be/cannot* be prefixed to maternity leave without medical certificate.

1.7.2 PATERNITY LEAVE:

Dear Learner, you are well aware of the change that has occurred in our social system of living. The joint family system has almost disappeared now and we are well ahead of nucleus family system in which there is none else than the husband who could take care of his pregnant wife. Viewing this, the 5th Central Pay commission has recommended the grant of Paternity leave to the government servants to look after their wives during the pre/post natal periods. Central Government has adopted the recommendation of Pay Commission. This has also been adopted by the Government of Himachal Pradesh and

consequently the Paternity leave is now admissible to the government servants serving the State of Himachal Pradesh.

This provision provides for the grant of 15 days Paternity leave to male government servants who may be having less than two surviving children. There is, however, one ambiguity. It may happen that the male government servant may be having one child. He may need Paternity leave after his wife has delivered the 2nd child. Then at the time when he avails paternity leave, this condition is not fulfilled. Let us wait for a clarification from the government in this regard. Till then we have to go by the spirit of the provision. We will not count the newly born baby while determining eligibility of the government servant for the grant of this leave.

Paternity leave is admissible for 15 days from the date of commencement. Since the main purpose behind the grant of this leave is to enable the male government servants to look after their wives at the time of delivery, this leave is to be granted only during the confinement of wife of the government servant. This leave can be availed 15 days before or within 6 months from the date of delivery by his wife. For the grant of this leave, it is not a requirement of rules that the wife of that government servant should be a government servant. This leave is not generally to be refused under any circumstances.

It is also permissible to combine this leave with any other regular leave due and admissible..

Leave salary:

During Paternity leave, the government servants are entitled to a leave salary that is equal to the 'Pay' drawn immediately before proceeding on such leave. In cases of combination with other kinds of leave, leave salary for other kinds will be according to the kind of leave granted.

Paternity leave is not to be debited to the leave account of the government servant.

Do Yourself-19:

Write whether the following Statements are true or false:

1	Paternity leave is admissible to those government servants whose wives are in government service/	
2.	The quantum of paternity leave is 15 days	
3.	Paternity leave can be availed within 1 year from the date of delivery of the child.	
4.	Paternity leave is to be debited to the Earned Leave account of the employee.	
5.	Paternity leave is to be granted in exceptional circumstances	

1.7.3 SPECIAL DISABILITY LEAVE FOR INJURY INTENTIONALLY INFLICTED:

It may happen sometimes that the government servants may confront themselves with disability as a result of injuries:

- Inflicted upon them in due performance of their official duties; or
- Caused to them in the due performance of their official duties; or
- Inflicted upon them in consequence of their official position; or
- Caused to them in consequence of their official position;

Since the disability in the above circumstances would be the result of the performance of official duties or that of official position of the government servants, the Leave rules provide for a special kind of leave to meet with above exigencies of public service. Leave sanctioning authorities are competent to grant leave in such cases which will not be more than the period recommended by the medical authorities. The maximum limit for the grant of such leave is 24 months. It can also be combined with regular kinds of leave.

This leave can be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date. However, total leave on this account will cumulatively (leave granted on earlier occasions for that disability and the grant of leave under consideration), should not exceed 24 months for any one disability.

Manifestation of disability:

You will agree that the disability caused by the events explained above, should manifest within a reasonable time from the date of occurrence of such an event. Disability cannot be presumed to have manifested after an indefinite period. Therefore, the Leave Rules take care of only those disabilities, which manifest within three months of the occurrence to which it is attributed. However, where leave-sanctioning authority has reasons to believe that the disability has actually manifested after the expiry of three months, it may permit the government servant to avail this kind of leave. Further, when the disability manifests, the government servants should immediately bring this to the notice of the leave sanctioning authority. They should report the manifestation of disability promptly after they are in a position to report. Leave sanctioning authorities should satisfy itself that the government servant has acted with due promptitude in bringing it to notice.

Leave salary:

Government servants who are granted Special Disability leave under this provision are entitled to leave salary as under:

- If the leave availed is up to 120 days, they will get leave salary as admissible on Earned Leave i.e. equal to 'pay' drawn immediately before proceeding on such leave;
- If the leave availed exceeds 120 days, they will get leave salary as admissible on Earned Leave for the first 120 days of such leave. For rest of the period of Special Disability Leave, leave salary will be equal to the leave salary as admissible on Half-Pay leave i.e. 50% of leave salary for Earned Leave;
- Government servants who avail Special Disability Leave exceeding 120 days have one more option. They can get leave salary as for Earned Leave up to another 120 days. For this purpose, equal number of Half-Pay leave in their account will be debited.
- While counting the above periods, leave granted on earlier occasions for the same disability will be treated as a continuing one. The government servants will get full leave salary only once or cumulatively for 120 days for the same disability. Similarly, the option to convert another 120 days of half leave salary to full leave salary is to be availed once or cumulatively for the same disability. We hope you are able to interpret the term 'cumulatively'. Remember that Special Disability leave under this provision is admissible for the same disability on more than one occasion also.

Let us take a few illustrations to understand the above implications:

ILLUSTRATIONS:

(A) A male government servant is sanctioned 110 days of Special Disability Leave for a disability caused in the performance of his official duties. Determine his leave salary.

(B) Continuing illustration (A) above, what will be his leave salary in case the period of leave granted is 220 days?

(C) Determine leave salary in (A) above if the period of leave availed is 700 days.

(D) The government servant was sanctioned Special Disability leave for 230 days earlier. The same disability recurs and he is again granted such leave for another 345 days. On earlier occasions, he was paid full leave salary for the entire period by debiting 110 days to his Half-Pay leave account.

ANS:

- (A) The period of leave in this case is less than 120 days. Therefore, the government servant is entitled to full leave salary for the entire leave period of 110 days.
- (B) The period of leave in this case exceeds 120 days. Therefore, government servant will get full leave salary for first 120 days and for remaining period of leave of 100 days, he is entitled to half leave salary. Since the remaining period is also less than 120 days. He has, therefore, the option to convert this entire remaining period of 100 days into leave with full leave salary.
If he opts, 100 days Half-Pay leave will be debited to his account.
- (C) The period in this case again exceeds 120 days. Therefore, for the first 120 days, the government servant will get full leave salary. For remaining 580 days, he is entitled to half leave salary. However, out of these 580 days, he can get full leave salary for another 120 days. This is possible only if he requests that his Half-Pay leave account be debited by 120 days. Thus the government servant can get full leave salary for 240 days in all. For rest of 460 days, he is entitled to half leave salary.
- (D) The government servant on earlier occasion of the same disability was granted full leave salary. It means that he has availed the entire benefit of full leave salary admissible for Special Disability Leave i.e. 120 days. On that occasion, he was paid full leave salary for 230 days which further means that for another 110 days, full leave salary was paid to him by debiting 110 days to his Half-Pay leave account. Therefore, when his disability has recurred, at best he can get full leave salary for another 10 days(120 days –110 days), by debiting 10 days to his Half-Pay leave account. For rest of the period of 335 days (345 days-10 days),he is entitled to half leave salary.

If any compensation under Workmen Compensation Act, or the Employees' State Insurance Act is paid, leave salary so payable is to be reduced by the amount of compensation. Compensation payable under Employees State Insurance Act for the period intervening with the Special Disability leave is only to be reduced. If any compensation extends beyond the period of such Leave that is not to be adjusted against the leave salary.

Do Yourself-20:

Write whether the following statements are true or false:

1.	Special Disability leave is admissible up to 24 months	
2.	Only first 120 days of Special Disability leave carry full leave salary without debit of any amount of leave to any account.	
3.	Special Disability leave is to be granted only in one spell for the same injury/disability.	
4.	Special Disability leave is admissible if the injury/disability manifests within three months from the occurrence of the event.	
5.	Compensation under Workmen Compensation Act has nothing to do with the leave salary payable on Special Disability leave.	

1.7.4 SPECIAL DISABILITY LEAVE FOR ACCIDENTAL INJURY:

In the previous Sub-section we discussed about the Special Disability leave for disability intentionally inflicted upon or caused in to government servants in the performance of their duties or as a consequence of their official position. It may happen sometimes that the government servants may also be disabled as a result of:

- Accidental injuries incurred to them in due performance of their official duties; or
- Accidental injuries incurred to them in consequence of their official position; or;
- Illness to them in the performance of any particular duty, which increased their liability to illness or injury beyond the ordinary risk attaching to the post held by him.

You would have observed that the causes of disability are different in this Sub-Section as compared to the causes we discussed in the previous Sub-Section. In both cases the end result is disability incurred by the government servants as a result of their official position or in the due performance of their official duty. Therefore, the provisions with regard to the grant of Special Disability in such cases are also identical. You are already aware of the provisions of Special Disability Leave for injuries intentionally inflicted. Those provisions are equally applicable for accidental injuries also. We need not discuss them again. There are, however, certain deviations and additional requirements where Special Disability Leave for accidental injuries is to be granted. These are:

- You have seen above that Special Disability leave under this provision is admissible for Disability caused due to the incurring of illness of that type which would not have been there had the government servant not performed a particular duty. It should, therefore, be expressly certified by the authorized medical attendant that this illness of the government servant is directly due to the performance of particular duty;
- The authority competent to sanction leave must be of the opinion that the disability is exceptional in character.
- The quantum of leave to be sanctioned as Special Disability leave in cases covered under this Sub-section is also limited to 24 months. However, the authorities that are competent to sanction such leave should use their discretion and regularize the period of absence recommended by the authorized medical attendants partly by the grant of leave as Special Disability leave and partly by other kinds of leave due and admissible. They are to ensure that Special Disability Leave with full leave salary is not sanctioned beyond first 120 days under this provision.

Do Yourself-21:

Match the following:

1	Quantum of Special Disability leave for accidental injury	A	Admissible to be sanctioned in continuation of special disability leave
2	Special Disability leave for accidental injury carries full leave salary	B	Granted if the injury is due to extra-ordinary reasons and beyond ordinary risk attached to the job performance.
3	Special disability leave for accidental injury	C	Equal to half pay leave salary
4	Leave salary beyond 120 days	D	24 months
5	Other kinds of leave due and admissible	E	120 days

1.7.5 HOSPITAL LEAVE:

Dear Learner, by now you are aware of the provisions relating to the admissibility and grant of Maternity Leave, Paternity leave and Special Disability leave besides the leave salary payable in each of these special kinds of leave.

Have you ever thought about or have come across a situation where the government servants handling dangerous machinery or performing hazardous duties, met with an accident or contracted illness as a result of such handling of machinery or performing such duties? Do you know that the government has well perceived such situations? It has provided for a special kind of leave to cope with such exigencies. This special kind of leave is known as Hospital Leave.

Admissibility:

Hospital leave is not admissible to every government servant. Its admissibility and grant has been restricted to specific government servants as under:

- All the Class-IV/Group-IV government servants irrespective of the nature of their duty; and
- To those Class-III/Group-III government servants whose duties involve the handling of:
 - Dangerous Machinery
 - Explosive materials
 - Poisonous drugs and the like

- To those Class-III government servants whose duty involves performance of hazardous tasks.

You must have observed from the above that Class-I & II government servants are not at all entitled for the grant of Hospital leave. Its admissibility to Class-III government servants is restricted and it is admissible only to those government servants whose duty involves performance of hazardous tasks or handling of dangerous machinery etc. It is not related to the performance of duty etc. when it is to be granted to Class-IV government servants.

You have seen that the intention behind providing Hospital leave is to allow time for recovery to those Class-III&IV government servants who might be injured or who may contract illness as a result of risks involved in their official duty. Therefore, the leave is always to be sanctioned on advice of the authorized medical attendant on the basis of a medical certificate.

Quantum of leave:

The Rules do not restrict the Hospital leave to any maximum. Therefore, this leave can be granted by authorities competent to sanction such leave for any period within the overall restriction of five years.

Hospital leave can also be combined with other kinds of leave due and admissible to the government servants. When combined with other kinds, the total period of leave should not exceed 28 months. Combination of other leave is, therefore, restricted to those cases where the Hospital leave is for a period of less than 28 months. Where Hospital leave itself exceeds 28 months, it cannot be combined with other kinds of leave.

Leave salary:

Government servants who are granted Hospital leave are entitled to leave salary for such leave as under:

- Where Hospital leave does not exceed 120 days, Leave salary is admissible as on Earned leave for the entire period of leave; and
- Where Hospital leave exceeds 120 days, the Leave salary for this leave will be as on Earned Leave for the first 120 days. For remaining period of leave, the government servants are entitled to leave salary as on Half-Pay leave.
- When Hospital leave is combined with other kinds of leave due and admissible, leave salary for the leave so combined will be according to kind of leave granted.
- If any compensation under Workmen Compensation Act, or the Employees' State Insurance Act is paid, leave salary so payable is to be reduced by the amount of compensation. Compensation payable under Employees State Insurance Act for the period intervening with the

Hospital leave is only to be reduced. If any compensation extends beyond the period of Hospital Leave that is not to be adjusted against the leave salary.

Do Yourself-22:

Write whether the following statements are True or False		
1.	Hospital Leave is admissible to Hospital staff only	
2.	The quantum of Hospital Leave is the discretion of the leave sanctioning authority subject to the maximum recommended by the Medical authorities.	
3.	Government servants getting hospital leave up to 120 days are entitled to full leave salary.	
4.	Hospital Leave is always to be sanctioned against medical certificate.	
5.	Compensation under Workmen Compensation Act is to be adjusted against the leave salary payable on Hospital Leave.	

1.7.6 STUDY LEAVE:

Dear Learner, under Special Kinds of Leave we have discussed about Maternity Leave, Paternity Leave, Special Disability Leave and Hospital Leave. Now we are taking up another Special but a very known kind of leave termed as Study Leave.

You are aware that the government servants serve the government for pretty long years. The knowledge and skill they acquired before joining service, is definitely not able to cope with the dynamic changes in this era of science and technology. Think of a doctor who was recruited 20 years ago. Do you expect that he will be able to discharge his duty effectively and efficiently in today’s time with that knowledge? The functioning in the government offices also changes with the passage of time. Therefore, government functionaries are also required to be equipped with the latest methods to perform better. In all, we can say that the government servants are also required to be kept abreast with the changes occurring in their functions and duties. Study leave is not granted for prosecution of studies in academic or literary subjects. It is with this objective in view that the government has kept a provision for the grant of Study Leave.

Purposes for grant:

As stated above, the main purpose behind the grant of this leave is to keep the government servants in line with the changed requirements in the performance of their job. For sharpening their knowledge and skill and to bring these up to international standards, the leave is granted for courses of study available not only in India but also abroad. Therefore, this leave is granted for the following study purposes:

- To undertake special courses of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of their duty;
- To attend a course of training or study tour in which a government servant may not attend a regular academic or semi-academic course. Such course of training or study tour should be certified of definite advantage to government from the point of view of public interest. It should also be related to sphere of duties of the government servant;
- To attend studies connected with the framework or background of public administration. In such cases, a government servant can be allowed Study Leave for undertaking study or a study tour. The course of study or the study tour should have the approval of the authority competent to sanction leave. If the government servants are sanctioned Study leave under this provision, they are required to submit a full report on the work done by them during Study leave. This report is to be submitted after their return to duty.
- It is always not necessary that the courses of study that may have close and direct relation with the sphere of his duty. Study leave can also be sanctioned for undertaking study that may not be closely or directly connected with the work of a government servant. However, this leave is to be granted only if the study is capable of widening the mind of the government servant. The motive behind the grant of leave under this provision is twin-fold. Such course of study on the one hand will improve their abilities as a civil servant. On the other hand this will equip them better to collaborate with those employed in other branches of the public service.
- Although Study leave is not to be granted for prosecution of academic or literary studies, in the interest of better job performance, the following categories of government servants have been allowed Study leave for prosecuting a post-graduate course of study:
 - Medical Officers for post-graduate study in Medical Sciences. The study leave under this provision is to be sanctioned only if the Director of Health Services certifies that such study shall be valuable in increasing the efficiency of such medical officers in the performance of their duty;
 - To specialists or technical persons for prosecuting post-graduate course of study. The course of study should have direct relation with the sphere of his duty. For the grant of Study Leave under this provision, the Head of the Department or the Secretary of the

Department concerned certifies that the course of study shall enable the specialists or technical persons to keep abreast with the modern development in the field of their duty. It is also to be certified by either of them that the course of study will improve their technical standards and competence, which will substantially benefit the Department or the Ministry.

Conditions:

The grant of study leave is subject to the following conditions:

- If the course of study is outside India, the government servant should arrange the consent of the Department of Economic Affairs of the Ministry of Finance as to the release of foreign exchange involved in the grant of Study leave;
- Study leave out of India is not admissible for the prosecution of studies in those subjects for which adequate facilities exist in India. It is also not to be granted if such facilities are available under any of the schemes administered by the Department of Economic Affairs or by the Ministry of Education.
- The government servant to whom Study Leave is to be sanctioned should have completed 5 years of regular continuous service. 5-year service also includes the satisfactorily completed period of probation.
- The government servants should not be so old as to retire within 3 years after their probable return from Study leave. In other words, you can say that the government servants should serve the government at least for 3 years after their return to duty from Study leave. Government servants, who will not be able to fulfill this condition, cannot be granted this leave. They have also to execute a bond giving an undertaking to this effect on a set form – Form No.7. You can peruse a copy of this Form at Appendix-II at the end of this Unit.

Quantum:

Study leave can be granted for a total period not exceeding 24 months during the entire service of a government servant. Out of this period of 24 months, ordinarily this leave should not be granted for more than twelve months at any one time. This implies that this leave can be availed by a government servant in more than one spell. However, the total period counted cumulatively for this leave taken on different occasions should not exceed 24 months in the entire service.

Spilling the Study leave over different spells is restricted to another condition. If it is to be granted to the same person in different spells, it should not be sanctioned in a way:

- To remove the government servants from contact with their regular work; and

- To cause cadre difficulties owing to their absence on leave.

There is an exception to the condition that Study leave cannot be granted for a period of 24 months. Government servants who are awarded Jawahar Lal Nehru Fellowship can be sanctioned Study Leave for the entire period of such Fellowship.

Application:

The government servants are required to apply for Study leave to the leave sanctioning authority. They should send their application through proper channels. Applicants should specifically mention the course/courses of study they want to undergo. You are aware that this is a pre-requisite for the grant of sanction of Study leave as it is not to be granted for study in literary and academic subjects.

It is possible that at the time of submission of application the government servants may not be able to give full details. It is also possible that after the government servants leave India a change in the programme already submitted and approved, may be necessitated. In either of these situations, the government servants should submit the particulars immediately to the Head of the Mission or to the leave sanctioning authority and wait for the approval. If they commence the course of study or incur any expenditure before such approval, it will be at their own risk.

Sanction:

Study leave is to be sanctioned only after its admissibility report has been obtained from the authority maintaining such record. If the application submitted by the government servant is for second or subsequent spell, Study leave sanctioned and availed earlier should also be incorporated in the report.

It is possible that the government servant may be serving a department or an organization other than parent department, at the time of sanction leave. Study leave in such cases is to be sanctioned only after approval from the parent department has been obtained.

Study leave can be sanctioned for study either in India or abroad. If the course of study is out of India, the Head of the Mission in that country is required to be informed of the sanction of Study leave. This information should be submitted by the leave sanctioning authority. The government servant thereafter should contact the Head of the Mission for issue of any letters of introduction or for any other requirement abroad.

You are aware that the government servants are required to execute a bond for serving the government at least for three years after their return to duty. It is possible that the government servants may have to extend the Study leave already sanctioned. In such cases another bond is to be executed. These bonds should be submitted by the government servants before the commencement of leave or extension of leave. The government has prescribed forms for bonds that are different for permanent and

temporary government servants. Permanent government servants are required to execute these bonds in Form No.7 for the sanction of leave and in Form No.8 for the extension of leave. For the temporary government servants, these bonds are to be executed in Form No. 9 for sanction of leave and in Form No.10 for extension of leave. A copy each of these forms is appended at the end of this Unit as APPENDICES II to V.

ACTIVITY:

Please go through the Appendices II & IV. List out the differences in these two forms.

Combination With other kinds and maintenance of study leave account:

You know that Study leave is a Special kind of leave. Like other kinds of Special leave, this is also not to be debited in the leave accounts of government servants. Study leave can be combined with other kinds of leave. When it is combined with other kinds of leave, the combination should be so adjusted that the total period of absence including Study leave does not exceed 28 months including the period of vacation. This period of 28 months absence will be counted in respect of leave with leave salary only. If Extra-Ordinary leave is also combined with Study leave, the period of Extra-Ordinary leave will be excluded from such counting. For courses leading to Ph.D degrees, the total period of absence is 36 months instead of 28 months.

When the study leave is combined with other leave of the kind due and admissible, the government servants can undertake or commence a course of study during that leave. Such course of study should not coincide with the period of leave in any case. If it coincides, the period of study leave for which it has coincided will not be treated as Study leave. We can say that the government servants can undertake or commence additional course of study only during their own leave and not while on Study leave. If such additional course falls in-between Study leave, it will be deemed that the government servants have commenced that additional study taking their own leave. Study leave for that period will not be granted. Let us take an illustration:

ILLUSTRATION:

A Medical officer was granted Study Leave from 15-12-1999 to 14-12-2001 for attending a post-graduate course in medical science. While undergoing this programme, the Medical Officer wants to take up a three-month Diploma Course simultaneously which was to commence from 1-11-2001. The Officer applied for the sanction of Earned Leave for the remaining period up to 31-1-2002. Decide the periods for which Study Leave and Earned Leave are required to be sanctioned in this case.

ANS:

The Officer cannot take up additional course during the Study leave period. Such additional course can be undertaken during own leave that is allowed to be combined with Study leave. In case such additional course coincides with Study leave, the Study leave for the period of such co-incidence cannot be granted.

In the present case, therefore, the Earned Leave will be sanctioned from the date of commencement of Diploma course i.e. 1-11-2001. Study leave sanctioned earlier will have to be revised. It will be granted from 15-12-1999 to 31-10-2001.

Leave salary and other entitlements:

The payment of leave salary and other monetary benefits to government servants while on Study Leave, is not similar for Study Leave availed in India and that availed abroad. Let us see what payments are made to them during Study leave under both the situations and how these are different.

(a) Entitlements while Study is in India

Government Servants during study leave are entitled to leave salary as is admissible on Earned Leave. They get this leave salary for the entire period of Study Leave. Payment of Leave Salary at these full rates is admissible if they furnish a certificate stating that they are not in receipt of any scholarship, stipend or remuneration for any part time employment. If they are in receipt of any of such stipend, scholarship or remuneration, the amount payable for that is to be adjusted against the leave salary. However, minimum leave salary payable will not be reduced below that payable for Half-Pay leave. They will be allowed to retain the entire amount of stipend, scholarship or remuneration in all cases. We can take an illustration to understand it.

ILLUSTRATION:

A government servant who is on Study Leave is also in receipt of Stipend of Rs.6000 per month. The Basic Pay of the government servant is Rs.9200 per month and the rate at which D.A. is payable is 45% of basic pay. Determine the amount of leave salary payable for Study leave.

ANS:

Normally, the government servants are entitled to full leave salary (i.e. leave salary as admissible on Earned Leave) while on Study leave in India. However, any amount received by them on account of any stipend, scholarship or remuneration for any part-time employment is to be adjusted against such leave salary. Where such adjustment is made, the government servants are entitled to minimum of leave salary as admissible for Half-Pay leave.

In the present case, the leave salary of the government servant comes to $\text{Rs.}9200 + (45\% \text{ of } 9200) = 13340$. Amount of Rs.6000 received by the government servant as Stipend is to be adjusted against this leave salary. After adjusting fully this stipend, the amount payable on account of leave salary remains at Rs.7340.

As per restriction to adjustment, the government servant is to be allowed either this amount or the amount of leave salary payable as on Half-Pay leave, whichever is higher. Amount of leave salary payable on Half-Pay leave is $50\% \text{ of Basic Pay} + (45\% \text{ of } 50\% \text{ of Basic Pay}) = 4600 + 2070 = 6670$. The government servant will, therefore, be entitled to the amount of 7340 being higher of the two. In addition, retention of the entire amount of Rs. 6000 by the government servant, will also be allowed.

In addition to leave salary payable as above, the government servants while on study leave in India, are also entitled to House Rent Allowance and Compensatory (City) Allowance for the first 180 days of such leave. Payment of these allowances beyond first 180 days is admissible only if the government servants fulfill the conditions under which these allowances are paid under Supplementary Rules. They are required to certify that they do fulfill those conditions.

(b) Entitlements while Study Leave is availed for studies out of India:

The government servants while on Study leave abroad are entitled to draw leave salary equal to the pay that they were drawing while on duty with government immediately before proceeding on leave. You would have noted that here again the leave salary payable is equal to that payable on Earned leave and there is no difference between the leave salary on Study Leave while in India and that payable while abroad. However,, while on Study leave abroad, the government servants are also entitled to the payment of Study Allowance in addition to leave salary. This Study Allowance is payable at the rates fixed by the government from time to time. This allowance is not payable while Study Leave is in India. We will have separate detailed discussions on the Study Allowance.

While discussing payment of leave salary for Study Leave in India, we have seen that any amount of stipend, scholarship or remuneration received by the government servant is required to be adjusted against the leave salary. When study leave is abroad, this adjustment is not to be made from the leave salary. Any amount of stipend, scholarship or remuneration for part-time employment, is only to be adjusted against the payment to be made to them on account of Study Allowance. Scholarship and stipends in this case includes such payments from a government or a non-government source. While making adjustments on this account from the Study Allowance, it is to be ensured that the cost of fee paid by the government servant from such stipend, scholarship or remuneration is deducted first from these receipts. Nothing is to be paid on account of Study allowance, if the amount left thereafter exceeds the amount of Study Allowance. In case the amount left after deducting the cost of fee, is less than the amount of Study Allowance, the difference can be allowed by the leave sanctioning authority.

Study Allowance:

We have seen that the government servants are entitled to Study Allowance for studies abroad in addition to full leave salary. We have also seen that any receipts of stipend, scholarship or remuneration are to be adjusted against the payment of this allowance. Now we will discuss other aspects of the payment of this allowance. These are:

Study Allowance is payable to the government servants while on Study Leave abroad for the period spent for:

- Undertaking a definite course of study at a recognised Institution. This includes any period of examinations at the end of the course; or

- Any definite tour of inspection of any special class of work.

Study allowance is not to be paid for any period of interruption where the interruption does not exceed 14 days continuously due to the sickness of the government servants, the Head of Mission can allow the payment of Study allowance for the period of such interruption.

Study allowance is also not payable for the period of any vacation during the course of study. However, this can be allowed for the entire period of vacation in two cases. Firstly, this allowance can be paid if as per direction of the government or that of the leave sanctioning authority, the government servant attends any special course of study or practical training during vacation. Secondly, payment of study Allowance for the period of vacation will also be allowed where no such direction exists but the government servants produce satisfactory evidence of having continued their studies during vacation. The evidence is required to be produced either before the Head of the Mission or before the leave sanctioning authority. Study Allowance cannot be allowed for a period exceeding 14 days, where the vacations fall at the end of the course of study.

Payment of Study Allowance is to be allowed only after the government servants furnish a certificate stating that they are not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment. However, provisional payment of Study Allowance can be allowed at the end of every month. Provision payment is to be allowed only if they undertake in writing to refund to the government any overpayment consequent on:

- Their failure to produce the certificate of attendance of the course of study; or
- their failure to satisfy the leave sanctioning authority about the proper utilization of the time spent for which Study Allowance is claimed.

If the Study Allowance is payable for prosecuting a definite course of study at a recognised Institution, the payment of this allowance will be made by Head of the Mission. If the study is in a country where there is no Indian Mission, the payment of this allowance will be made by the leave sanctioning authority. The payment of Study allowance will be made against the claims to be submitted by the government servants along with certificates of attendance, from time to time. The certificate of attendance required to be submitted by the government servants is to be submitted by them at the end of the term in case the study is in educational institutions. In other cases, this certificate is to be submitted in intervals of less than 3 months.

Travelling allowance and cost of fee:

When a government servant proceeds to avail Study leave, travelling allowance is not to be paid. The cost of fee for the prosecution of such studies is also to be met with by the

government servants themselves. However, the Governor of Himachal Pradesh can allow either or both of these payments in exceptional cases. However, where the government servant has been allowed to retain any receipts on account of stipend, scholarship from whatever source or remuneration on account of part time employment, the cost of fee should not be allowed in any case.

Effects of Non-fulfillment of conditions of bond:

You know that the government servants are granted Study Leave to prosecute higher studies etc. The government grants this leave with the objective that the government servants after acquiring such higher knowledge and skill will be able to perform their duties in more efficient manner. Naturally, the purpose of grant of this leave is forfeited if the government servants either do not successfully complete the course of study or if they complete, they leave the service before serving the government for a sufficient period. You may remember that before proceeding on Study Leave, the government servants are required to serve the government at least for 3 years after their return to duty from Study leave. To meet these objectives, the government has kept some enforcing provisions in the Leave Rules. These are:

At the end of the course of study, the government servants are required to furnish the certificates of examinations passed or special course of study undertaken. These certificates should indicate the date of commencement and termination of the course together with remarks of the authority in-charge of such a course. The certificates are to be submitted to the leave sanctioning authority if the study leave was availed in India. However, if the study leave was availed abroad, the certificates to the leave sanctioning authority are to be submitted through the Head of the Mission concerned. If the government servants fail to produce such certificates, they have to refund to the government actual amount of leave salary, study allowance, cost of fee, traveling allowance and other expenses, if any, incurred by the government. They have also to refund the actual amount on the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with their course of study. The above payments are to be refunded together with interest thereon. The rate of interest will be the rate fixed by the government from time to time for government loans. The interest will be charged from the date of demand. These provisions are equally applicable where the government servants quit service either before returning to duty after the expiry of leave or within 3 years from the date of resumption of duty.

Refund is not to be enforced against those government servants who complete successfully the courses of study but are either:

- a. permitted to retire from government service on medical grounds; or
- b. deputed to serve in any statutory or autonomous body or institution under the control of the government and are permanently absorbed

therein in the public interest after resignation from their government posts.

Where refund is to be enforced on any of the above accounts, the study leave availed by the government servants is to be converted into leave of the kind due and admissible. The credit in the leave account of the government servants will be as on the date of commencement of Study leave. Any other leave availed by the government servant along with Study leave is also to be suitably adjusted. If any period remains uncovered thereafter, the same is to be treated as Extra-Ordinary leave. Leave salary paid on account of Study leave is to be adjusted against the leave salary so becoming due. If the leave salary paid earlier is more than the revised leave salary becoming due, the excess of such leave salary is to be refunded to the government along with other refund becoming due. The Governor of Himachal Pradesh is empowered to waive or reduce the refunds becoming due from the government servants. He can exercise this power in the case of a particular government servant or in a class of cases having regard to the peculiar circumstances of each case or a class of cases.

Do Yourself-23:

Write whether the following Statements are true or false:		
1.	Study leave is admissible for 36 months at the maximum	
2.	Study leave can also be granted if the course of study is to widen the mind of the government servant to serve as a civil servant.	
3.	Leave salary during study leave is payable as on Earned Leave	
4.	Two courses of study can be undertaken simultaneously during study leave.	
5.	While study leave is being availed in India, earnings through stipend etc. are to be adjusted against the leave salary payable	
6.	While study leave is abroad, the earnings through stipend etc. are to be adjusted first against study allowance and then from leave salary	
7.	If the course of study is not completed successfully, the leave salary and other expenses become recoverable	
8.	Generally the course fee and traveling expenses are to be borne by the government servants themselves while proceeding on study leave.	
9.	Study leave cannot be allowed on more than one occasion.	
10.	Leave salary for study leave while in India cannot be less than that payable on Half-Pay leave.	

1.8 POINTS TO REMEMBER:

1.8.1 GENERAL ABOUT LEAVE:

- Leave is authorized absence from duty
- Leave has three broad groups having various kinds.

1.8.2 CASUAL LEAVE:

- Casual leave is an unrecognised kind of leave and is treated as duty.
- 12 days of Casual Leave is admissible in any one calendar year. Can be combined with Special Casual Leave and Compensatory Leave.
- Credit for new entrants and retiring government servants is to be given @1 day for each complete month of service.
- Casual Leave not availed by 31st December of the relevant year lapses on that date.

1.8.3 SPECIAL CASUAL LEAVE:

- Admissible for specific purposes e.g. Sporting events, Family Welfare Programmes, Trade Union Activities. etc.
- Can be combined either with Casual Leave or with one or more kinds of regular leave but not with both at the same time.
- Being an unrecognised kind of leave, it is treated as duty

1.8.4 COMPENSATORY LEAVE:

- It is admissible to only a few categories of Class-III and IV government servants.
- It is earned by performing duty of emergent nature either on Sundays or holidays or beyond office hours.
- One day Compensatory Leave is admissible for 6.5 hours of extra-duty.
- Can be availed up to 3 days at a time and can be combined with Casual and Special Casual leave.
- Absence on this kind of leave is treated as duty.

1.8.5 EARNED LEAVE TO NON-VACATIONAL STAFF

- It is credited at the rate of 15 days on 1st January and 1st July every year.
- To fresh entrants and retiring government servants, the credit is afforded @2.5 days for each complete calendar month of service in that half-year.
- Credit is to be reduced by 1/10th of EOL and Dies Non periods of previous half-year.
- It can accumulate up to 300 days + (15 days).
- If debit falls in two half-years, that is to be split up so that credit of every half-year precedes the debit for that half-year.
- Generally can be availed for 180 days at any one time.
- Leave salary for Earned Leave is equal to pay last drawn before proceeding on leave.
- Payment of compensatory allowances is to be regulated under Supplementary Rules.
- Unutilized Earned leave is to be encashed at the end of service/ on death.

1.8.6 EARNED LEAVE TO VACATIONAL STAFF:

- Advance credit Admissible only to selected categories of vocational staff.
- Credited in advance @ 5 days for each Half-Year
- For new entrants and retiring government servants, the rate of credit is 5/6 for each complete calendar month of service in that half-year.
- Credit is to be reduced by 1/30th of the periods of Dies-Non and EOL, during preceding half-year.
- Proportionate credit of Earned Leave is also admissible for duty performed during vacations. This is post credit in contrast to regular earned leave credit which is granted in advance.
- Other conditions are similar as for non-vacational staff.

1.8.7 HALF-PAY LEAVE:

- Not admissible to those categories of vocational staff to whom Earned leave credit is available.
- Credited in advance on 1st January and 1st July every year, at the rate of 10 days in Each complete Half-Year of service.

- To new entrants and retiring government servants credit is admissible @ 5/3 days for each complete calendar month of service during that half-year.
- Credit is reduced by 1/18th of the periods of Dies-Non during the preceding half-year.
- Its accumulation is unlimited. It can also be granted for any duration in one spell, subject to availability.
- If debit falls in two half-years, that is to be split up so that credit of every half-year precedes the debit for that half-year.
- Allowed to be encashed in certain cases.

1.8.8 COMMUTED LEAVE:

- It has no credit account. Double the amount of leave availed is debited to Half-Pay leave account.
- Admissible on Medical Certificate. Also admissible without medical certificate for 60 days in continuation of Maternity Leave and up to 90 days for prosecution of higher studies in entire service.
- Half the amount of Half-Pay leave at credit can be sanctioned in one spell without any limit to the maximum grant.
- If government servants quit service without returning to duty, this leave is to be treated as Half-Pay leave and difference of leave salary recovered. Recovery is not to be made in cases of death, pre-mature retirements by the government and permanent incapacitation of the government servant on medical grounds.
- Leave salary admissible is as on Earned Leave.

1.8.9 LEAVE NOT DUE:

- Only permanent government servants are entitled for this kind of leave. Granted to temporary government servants with one year service also for treatment of T.B., Leprosy, Cancer and Mental Illness.
- Granted when no Half-Pay leave is at credit.
- Maximum amount of leave admissible is 360 days during entire service with further restriction that it should not exceed the amount of Half-pay leave to be earned by the government servant in future service.
- Admissible only on production of Medical Certificate. To temporary government servants, medical certificate of a specialist of a general hospital or a medical officer of a specialized institution required.
- Debited to Half-Pay leave account and cannot be commuted.

- If the government servant quits service without returning to duty, quittal from service will be from the date of commencement of such leave. If one quits service before earning equal amount of Half-Pay leave, leave salary paid for the amount of leave remaining un-earned, will be recovered. Recovery in either case is not to be effected here also in cases mentioned under Commuted leave.
- Leave salary equals leave salary on Half-Pay leave.

1.8.10 EXTRA-ORDINARY LEAVE:

- To permanent government servants, admissible without any limit and for any purpose.
- To temporary government servants in the first year of service, admissible up to 3 months, after one year of service up to 6 months for common ailments and up to 18 months for major ailments mentioned under Leave Not Due. They can also be sanctioned this leave up to 24 months for higher studies if they have completed 3 years service. For government servants belonging to Scheduled Casts and Scheduled Tribe communities, EOL equal to the duration of Pre-entrance Coaching Programmes in approved centers, can be sanctioned without linking to the length of service.
- EOL under special scheme up to 5 years is admissible to permanent and temporary government servants for seeking employment, profession outside the government.
- Carries no leave salary and is not to be debited to any account.
- Compensatory allowances payable as per conditions laid down in Supplementary Rules.

1.8.11 MATERNITY LEAVE:

- Admissible to female government servants for 135 days from the date of commencement of leave for pregnancy. They should not have more than one surviving child on the date of commencement of such leave.
- Also admissible for 45 days in one or more spells for abortions without any restriction as to the number of surviving children.
- Leave of the kind due and admissible up to one year can be suffixed to Maternity leave taken due to pregnancy.
- Leave of the kind due and admissible up to one year is also admissible for adoption of a child by a female government servant. This is subject to the condition that the child is less than one year of age on the date of adoption and the female government servant does not have more than one surviving children on the date of adoption.

The age of the child is to be reduced from one year for determining the admissible quantum of such leave.

- Leave Salary on Maternity leave is as on Earned leave.
- Maternity leave is not to be debited to any leave account.

1.8.12 PATERNITY LEAVE:

- Admissible to male government servants during confinement of wife. They should not have more than one surviving child at the time of availing this leave.
- Admissible for 15 days and is not to be debited to any leave account.
- Leave salary admissible is as on Earned leave.
- Can be availed within 15 days prior to and 6 months after delivery by wife.
- This is generally not to be refused under any circumstances.

1.8.13 SPECIAL DISABILITY LEAVE FOR INJURY INTENTIONALLY INFLICTED:

- Admissible for disability manifested within three months of occurrence of an injury inflicted or caused in or in consequence of the due performance of official duties or in consequence of official position.
- Leave to be granted on authorization from medical officer subject to a maximum of 24 months for any one disability. If the same disability recurs, the disability leave can be granted in different spells cumulatively for 24 months.
- Can be combined with leave of kind due and admissible.
- Leave salary for first 120 days of Special Disability Leave for same disability will be as for Earned Leave and for rest of the period of leave as on Half-Pay leave. Government servants at their option can get full leave salary for another period not exceeding 120 days. If they do so, equal number of days will be debited to their Half-Pay leave account. Benefits received under Employees' State Insurance Act or under Workmen Compensation Act for period corresponding to Special Disability Leave are to be adjusted against the leave salary.
- Special Disability leave is not to be debited to any leave account.

1.8.14 SPECIAL DISABILITY LEAVE FOR ACCIDENTAL INJURY:

- Admissible to those employees who are disabled by injuries accidentally incurred in, or as a consequence of the performance of official duties or as a result of official position. . Also admissible for illness incurred in the performance of such particular duties that increase their liability to illness beyond the ordinary risk attached to the post held by him.
- All the provisions of ‘Special Disability Leave for Injuries Intentionally Inflicted’ are applicable with little deviations.
- The disease incurred must be certified to be directly the consequence of particular duty.
- The period of absence may be covered partly by the grant Special Disability Leave and partly by the grant of the kind of leave due and admissible.
- Full leave salary should not exceed for a period exceeding 120 days.

1.8.15 HOSPITAL LEAVE:

- Admissible to all Class-IV government servants. Also admissible to Class-III government servants handling dangerous machinery, explosive materials, poisonous drugs and alike or who have to perform hazardous tasks.
- Admissible for illness or injuries directly due to the risks involved in the performance of official duties.
- To be granted on medical certificate .
- Period of leave to be decided by the leave sanctioning authority. Can be combined with leave of the kind due and admissible.
- Full leave salary for a period not exceeding 120 days admissible together with Half-Pay leave salary for rest of the period of Hospital leave.
- Compensation under the Acts mentioned in 1.8.13 to be adjusted against the payment of leave salary.

1.8.16 STUDY LEAVE:

- Granted to government servants having minimum service of 5 years, for acquiring higher knowledge of modern science and technology with a view to improve their job performance.

- Also admissible for such studies that may widen their minds to serve better as a civil servant.
- Generally not admissible for literary and academic courses.
- It can be granted for 24 months in entire service. Out of this not more than 12 months in one spell are to be sanctioned in one spell. This condition can be relaxed. Can be combined with leave of the kind due and admissible but total period of absence excluding extra-ordinary leave should not be more than 28 months. This limit of 28 months can be extended upto 36 months for courses leading to Ph.D.
- Where studies are abroad, sanction of Ministry of Expenditure for release of foreign exchange is a pre-requisite.
- Government servants have to execute a bond on the prescribed Performa to serve the government at least for 3 years from the date of return to duty.
- Not to be debited to any leave account. Leave salary is equal to the pay last drawn plus D.A. If study is abroad, in addition to leave salary, payment of Study Allowance is also admissible. Leave salary payable for studies in India and Study allowance payable for studies abroad are subject to adjustments of earnings by the government servants.
- H.R.A. and Compensatory (City) allowance are admissible for 180 days. These can be paid beyond 180 days if the conditions for their grant as prescribed under S.Rs. are fulfilled.
- Government servants not returning to duty after expiry of leave or quitting service or not completing the study successfully, are required to refund to the government all the expenses incurred on studies.

1.9 SELF-ASSESSMENT QUESTION:

(A) True or False:

a) Casual Leave can be combined with Special Casual Leave	True/False
b) Combination of Earned Leave with Commuted Leave is permissible	True/False
c) Earned Leave can be availed for the entire period of credit without any limit.	True/False
d) A government servant availing Commuted Leave can quit service without returning to duty.	True/False
e) Leave Not Due can be commuted on medical certificate	True/False
f) Extra-Ordinary leave carries no leave salary	True/False
g) Credit of Half-Pay leave is to be reduced by 1/18 th of the periods of EOL and <i>Dies Non</i> .	True/False

h) Maternity leave for abortions can be granted for any number of times without restriction to the number of surviving children.	True/False
i) Hospital leave is permissible to all categories of government servants	True/False
j) Leave salary for the entire period of Special Disability leave is as for Earned Leave	True/False
k) Study leave cannot be sanctioned for academic and literary studies.	True/False
l) Extra-Ordinary leave for prosecution of higher studies can be sanctioned with leave salary.	True/False
m) Paternity leave can also be sanctioned to those government servants whose wives are not in government service.	True/False
n) No leave is credited to the leave account of vocational staff deployed on duty during vacations.	True/False
o) Earned leave on medical certificate can be sanctioned in advance without availability of credit in the Earned leave account	True/False

(B) Tick the right answer:

<p>1. Special Casual Leave can be combined with:</p> <p>i) Casual leave and Regular Leave ii) Either Casual leave or Regular leave iii) Casual leave and Maternity leave iv) None of the above</p> <p>2. Leave Salary on Commuted Leave is:</p> <p>i) As on Earned leave ii) As on Half-Pay leave iii) As on Leave Not Due iv) None of the above</p> <p>3. Maternity Leave of 135 days is admissible to:</p> <p>i) Married female government servants ii) Unmarried female government servants iii) Female government servants with more than two children iv) Both to married and unmarried female government servants</p> <p>4. Leave Not Due to permanent government servants is admissible:</p> <p>i) Up to 5 years in entire service ii) Up to 3 years in entire service iii) Up to 240 days in entire service iv) None of the above</p> <p>5. After availing Study leave for one year, it is mandatory to serve the government:</p> <p>i) For 5 year ii) For 3 years iii) For 1 year iv) None of the above</p>

1.10 SUM UP

Dear Learner, We have discussed with you about the various kinds of leave. We have also discussed why leave is required and why it has so many kinds. We believe your hard work on the unit will improve your office working . You are able to process and decide the leave cases more efficiently now. But, your knowledge in this area still leaves gaps. In the 2nd Unit of Module on Leave Rules we will discuss with you the regulations under which these kinds of leave are governed. This will make you to abridge the gaps. Let's depart now to meet again in Unit –II.

1.11 ANSWERS TO SELF-ASSESSMENT AND IN-TEXT QUESTIONS:

1.11.1 Answers to Self assessment Questions

(A) True or False:

True: (a), (b), (f), (h) and (m)

False: (c), (d), (e), (g), (i), (j), (k), (l), (n) and (o)

(B) Tick the right answer:

2. - (ii)

3. - (i)

4. - (iv)

5. - (iv)

6. - (ii)

1.11.2 Answers to In-Text Questions:

Do yourself-1:

22nd to 25th October and 25th October, 2001

Do Yourself-2:

1-12, 2-Salary, duty, 3-calendar.

Do Yourself-3:

True 1, 3 & 5

False: 2 & 4

Do Yourself-4:

True: 2, 3 and 4

False: 1 and 5

Do yourself-5:

2 hours(7 to 9 AM) (No compensation for 1st hour before i.e. 9 to 10 AM and one hour after i.e. 5 to 6 PM)

Do Yourself-6(right alternatives)

- 1-Specific
- 2-To dispose of emergent work
- 3-Year
- 4-Salary

Do yourself-7:

2.5 days (rounded to 3 days. Please note that this is net credit also)

Do Yourself-8:

$15-17/10=13.3$ or 13 days (Period from 1-1-2001 to 31-1-2001 will not affect credit on 1-1-2001 as it is not preceding half-year)

Do Yourself-9

Balance 249 days
Debit for 22-6 to 30-6=9 days
Balance $249-9=240$ days
Fresh credit on 1-7= 15 days
Accumulated balance: $240+15=255$ days
Debit 1-7 to 15-7=15 days
Balance on return from leave= $255-15=240$ days.

Do Yourself-10:

Basic Pay 9200 + DA 40%(3680) = 12880/-

Do Yourself-11:

1-d, 2-a, 3-e, 4-b, 5-c

Do Yourself-12:

1-False, It is not available to temporary government servants during 1st year of service. 2- False, 3-True, 4-False, 5-True.

Do Yourself-13:

1-True, 2-True, 3- False, 4-True, 5- False

Do Yourself-14:

Right alternatives: 1- Does not have, 2-full, 3-can be, 4-double, 5-cannot

Do Yourself-15:

190

Do Yourself-16:

- (a) No recovery will be effected.
- (b) Leave salary paid for Leave Not due will be recovered.

Do Yourself-17:

1-False, 2-False, 3-True, 4-True, 5-True

Do Yourself-18:

Right alternatives: 1-Two, 2-Not admissible, 3-Earned leave, 4-Admissible, 5-Cannot(Without MC it can be suffixed only)

Do Yourself-19

1-False. 2-True, 3-False, 4-False, 5-False

Do Yourself-20:

1-True, 2-True, 3-False, 4-True, 5-False

Do Yourself-21:

1-D, 2-E, 3-B, 4-C, 5-A

Do Yourself-22:

1-False, 2-True, 3-True, 4-True, 5-True

Do Yourself-23:

1-True, 2-True, 3-True, 4-True, 5-True, 6-False, 7-True, 8-True, 9-False, 10-True.

1.12	LIST OF APPENDICES
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Appendix –I :	Various Kinds of Leave
Appendix –II:	Bond to be executed by a Permanent government servant while proceeding on Study Leave
Appendix –III :	Bond to be executed by a permanent government servant when granted extension of study leave.
Appendix –IV:	Bond to be executed by a temporary government servant while proceeding on Study Leave.
Appendix –V :	Bond to be executed by a temporary government servant when granted extension of study leave.

APPENDIX – I
VARIOUS KINDS OF LEAVE

1. CASUAL LEAVE
2. SPECIAL CASUAL LEAVE
3. COMPENSATORY LEAVE
4. EARNED LEAVE FOR NON-VACATIONAL STAFF
5. EARNED LEAVE FOR VACATIONAL STAFF
6. HALF-PAY LEAVE
7. COMMUTED LEAVE
8. LEAVE NOT DUE
9. EXTRA-ORDINARY LEAVE
10. MATERNITY LEAVE
11. PATERNITY LEAVE
12. SPECIAL DISABILITY LEAVE FOR INJURY INTENTIONALLY
INFLECTED
13. SPECIAL DISABILITY LEAVE FOR ACCIDENTAL
INJURY
14. HOSPITAL LEAVE
15. STUDY LEAVE

APPENDIX-II

[Adapted from Form No.7 of C.C.S (Leave) Rules, 1972]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I _____ RESIDENT OF _____ IN THE district of _____ at present employed as _____ in the Ministry/Office of _____ do hereby bind myself and my heirs, executors, administrators to pay to the Governor of Himachal Pradesh (hereinafter called the 'Government') on demand, the sum of Rs. _____ (Rupees _____) only together with interest thereon from the date of demand at government rates for the time being in force on government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I _____ AM GRANTED STUDY LEAVE BY THE government AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written:

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs. _____ --(Rupees _____) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above-written obligations shall be void and of no effect, otherwise it shall and remain in full force and virtue.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of Himachal Pradesh has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ two thousand and _____.

Signed and delivered by _____

In the presence of _____

Witnesses: (1) _____

(2) _____

ACCEPTED
For and on behalf of the
Governor of Himachal Pradesh

APPENDIX-III

[Adapted from Form No.8 of C.C.S (Leave) Rules, 1972]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I _____ RESIDENT OF _____ IN THE district of _____ at present employed as _____ in the Ministry/Office of _____ do hereby bind myself and my heirs, executors, administrators to pay to the Governor of Himachal Pradesh (hereinafter called the 'Government') on demand, the sum of Rs. _____ (Rupees _____) only together with interest thereon from the date of demand at government rates for the time being in force on government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I _____ was GRANTED STUDY LEAVE BY THE government for the period from _____ to _____ in consideration of which I executed a bond, dated _____, for Rs. _____ (Rupees _____ only) in favour of the Governor of Himachal Pradesh.

AND WHEREAS the extension of study leave has been granted to me at my request until _____.

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written:

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs. _____ --(Rupees _____) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above-written obligations shall be void and of no effect, otherwise it shall and remain in full force and virtue.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of Himachal Pradesh has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ two thousand and _____.

Signed and delivered by _____

In the presence of _____

Witnesses: (1) _____

(2) _____

ACCEPTED
For and on behalf of the
Governor of Himachal Pradesh

APPENDIX-IV

[Adapted from Form No.9 of C.C.S (Leave)Rules, 1972]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT NOT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT WE _____ RESIDENT OF _____ IN THE district of _____ at present employed as _____ in the Ministry/Office of _____ (hereinafter called "the Obligor") and Shri/Shrimati/Kumari _____ son/daughter of _____ of _____ (hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of Himachal Pradesh (hereinafter called the 'Government') on demand, the sum of Rs. _____ (Rupees _____) only together with interest thereon from the date of demand at government rates for the time being in force on government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor is GRANTED STUDY LEAVE BY THE government

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this bond with such condition as hereunder is written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden _____

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the Obligor Shri/Shrimati/Kumari _____ failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time within a period of three years after his return to duty, the Obligor and Sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs. _____ -- (Rupees _____) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the Obligor Shri/Shrimati/Kumari _____ and or Shri/Shrimati/Kumari _____ and, or Shri/ Shrimati/Kumari _____ the sureties aforesaid making such payment the above-written obligations shall be void and of no effect, otherwise it shall and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary, for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari _____ or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of Himachal Pradesh has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ two thousand and _____.

Signed and delivered by the Obligor
Above named Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

Signed and delivered by the surety
Abovenamed Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

Signed and delivered by the surety
Abovenamed Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

ACCEPTED
For and on behalf of the
Governor of Himachal Pradesh

APPENDIX-V

[Adapted from Form No.10 of C.C.S (Leave)Rules, 1972]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT WE _____ RESIDENT OF _____ IN THE district of _____ at present employed as _____ in the Ministry/Office of _____ (hereinafter called "the Obligor") and Shri/Shrimati/Kumari _____ son/daughter of _____ of _____ (hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of Himachal Pradesh (hereinafter called the 'Government') on demand, the sum of Rs. _____ (Rupees _____) only together with interest thereon from the date of demand at government rates for the time being in force on government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor was m GRANTED STUDY LEAVE BY THE government for the period from _____ to _____ in consideration of which he executed a bond, dated _____, for Rs. _____ (Rupees _____ only) in favour of the Governor of Himachal Pradesh.

AND WHEREAS THE extension of Study leave has been granted to the obligor at his request until _____.

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this bond with such condition as hereunder is written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden _____

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the Obligor Shri/Shrimati/Kumari _____ failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years after his return to duty, the Obligor and Sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs. _____ -- (Rupees _____) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the Obligor Shri/Shrimati/Kumari _____ and or Shri/Shrimati/Kumari _____ and, or Shri/ Shrimati/Kumari _____ the sureties aforesaid making such payment the above-written obligations shall be void and of no effect, otherwise it shall and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary, for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari _____ or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of Himachal Pradesh has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ two thousand and _____.

Signed and delivered by the Obligor
Above named Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

Signed and delivered by the surety
Abovenamed Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

Signed and delivered by the surety
Abovenamed Shri/Shrimati/Kumari

In the presence of _____

Witnesses: (1) _____

(2) _____

ACCEPTED
For and on behalf of the
Governor of Himachal Pradesh

UNIT-II

PROCEDURES AND REGULATION OF LEAVE

STRUCTURE

2.1	Introduction
2.2	Objectives
2.3	Leave Application and Sanction
2.4	Conditions Governing Leave <ul style="list-style-type: none">• Right to Leave• Regulation of claim• Conversion of leave in to other kind• Combination with leave and holidays• Maximum spell of leave• Curtailment of Leave• Requirement of Medical Certificate• Overstayel of Leave• Effects of Disciplinary Proceedings etc.• Service and Employment during leave
2.5	Maintenance of Leave records
2.6	Sum up
2.7	Points to Remember
2.8	Self-assessment questions
2.11	Answers to Self Assessment Questions
2.12	Appendices

2.1 INTRODUCTION

Dear learner, in the previous unit you have gone through various kinds of leave that are admissible to the Govt. servants. Now you must be familiar with the nature of these. However, the grant and sanction of leave to the government servants is subject to certain conditions. This unit discusses the procedure and conditions followed while sanctioning leave to a Govt. servant. In this unit we will discuss about application for leave, sanctioning authority, right to leave, combination of leave., conversion of the kind of leave and other regulations related to the grant of leave. You will recall here that these provisions are not applicable to Casual Leave and Special Casual Leave. The unit is divided into a number of sections. . We feel that you should know and work on various implications of these conditions so that you may apply these in their right perspective.

2.2 OBJECTIVE:

After working on this Unit, the learner will be able to:

- describe the conditions upon which leave entitlement of government servants depends;
- explain how to regulate cases of permanent incapacitation on medical grounds
- list out steps to be taken on absence and overstayel by government servants.
- explain how to maintain leave account.
- describe how to process/decide the requests for employment etc. during leave.

2.3 LEAVE APPLICATION:

You must be availing leave of different kinds. Therefore, you are well aware of the fact that the government has prescribed a form to be used as leave application. Specimen of the same is available at Appendix-I at the end of this Unit. The government servant has to apply for leave on this form. It should be clearly understood that by filling up and submitting this form, the government servants cannot presume that the leave has been sanctioned. This will become leave only after it is sanctioned by the *leave sanctioning authority*. While applying for leave, the applicants should fill all the columns.

Sanctioning Authority:

You know that a particular officer sanctions leave. Do you know from where this authority is derived? The leave rules prescribe various authorities that can sanction different kinds of leave to govt. servants. The list is at Appendix-II at the end of this Unit. You will notice that the list contains authorities down up to Head of Department level in the appendix. This is so because they can further delegate their power to sanction leave to their subordinates according to working requirements. The delegation differs from one Department to the other. You should be cautious here to observe that the delegation may again differ from leave to leave. Further, you can observe from the appendix that in some cases. Heads of Department also do not have powers to sanction the leave. In that event, the power to sanction leave rests with the Administrative

Department. Therefore, Heads of Department are not competent to delegate such powers.

ACTIVITY:

Find out the extent of delegation to you for different kinds of leave if you are Head of Office and if not, to your Head of Office who sanctions the leave,. Then complete the list provided by us down up to the level of your office

2.4 CONDITIONS GOVERNING LEAVE:

Dear Learner, in Unit –I we had detailed discussions on various kinds of leave that are admissible to government servants. You know that we kept these kinds under the following three different groups:

- Unrecognized Kinds of Leave;
- Ordinary Kinds of Leave; and
- Special Kinds of Leave.

Please try to recall at this stage as to which of the above groups is not governed by the regulations of Central Civil Service (Leave) Rules, 1972. We are sure, your reply will be the ‘first one’ i.e. Unrecognized kinds. Yes, it is this group and the kinds of leave included in it are not governed by the regulations of the rules. The kinds of leave included in this group, as you know, are:

- Casual Leave;
- Special Casual Leave; and
- Compensatory Leave.

Our discussions in present Unit do not apply to these three kinds of leave. You are aware that government has issued various executive instructions for the regulation of these three kinds of leave. We have already taken care of those in our First Unit.

You are also aware that the regulations incorporated in the Leave Rules apply to the kinds of leave that are included in other two groups. – ‘Ordinary Kinds of Leave’ and ‘Special Kinds of Leave’. Leave Rules have various provisions for the regulations of various kinds of leave included in these two groups. . Our following discussion mainly aims at these provisions.

2.4.1 RIGHT TO LEAVE:

Leave is availed by everyone who is in government service. But do you know that the leave cannot be claimed as of right? The grant of leave is entirely at the discretion of *leave sanctioning authority*. We should keep in mind the following provisions of the rules in this regard:

- The govt. servants cannot claim the leave as of right. They should not presume that the application for leave would necessarily be accepted. Therefore, they must wait for the formal sanction before proceeding on leave. This is mandatory because leave may not be sanctioned in exigencies of public service.
- Leave once sanctioned to govt. servants can be cancelled at any time before they proceed on leave. This can be done in cases where their presence is felt necessary in the office.
- Government servants availing the sanctioned leave; can be recalled to duty before they have availed the leave fully. In such case they will be entitled to T.A./D.A.

Government servants proceeding on leave without sanction can, therefore, be proceeded against and penalized for the violation of the provisions of leave rules read with Central Civil Service (Conduct) Rules, 1964. Leave Rules do not contain any minimum time limit for submission of leave application before proceeding on leave. Nevertheless, the application should be submitted well before the commencement of leave so that enough time is allowed for its processing and sanction.

Our above discussion does not mean that the leave should always be availed only after written sanction to the grant of leave has been communicated to the government servant. In emergencies, the leave sanctioning authority may allow the government servant in anticipation of written sanction, to proceed on leave. You should, however, be clear that written confirmation should always follow the verbal grant of leave.

On the other hand, the authority to reject the leave should also not be mis-used/abused by the leave sanctioning authorities. They should prescribe the processing time required for leave applications. While sanctioning or rejecting leave they should neither be guided by whims nor by bias. Decision as to the sanction or rejection of leave should not only but also appear to be a judicious decision in the public interest.

TITLE TO LEAVE CANNOT BE CHANGED:

You have seen that the leave sanctioning authority has the discretion to reject the request for the grant of leave, to curtail the leave already sanctioned and being availed or to cancel the leave sanctioned but which is yet to commence. However, when it intends to sanction the leave, it has no authority to change the title(kind) of leave applied for by the government servant. It is bound to sanction only the kind of leave that has been applied for by the government servant. Of course that should be due and admissible. If that may not be due and admissible, it should seek the revised application but should not change the title applied for by the government servant.

Leave Not to be Granted:

Dear Learner, you are aware that the conduct of the government servant is prescribed in the Conduct Rules. If the government servants do what they should not or do not do what they should, they can be charge-sheeted. Consonant with the gravity of the misconduct, they can even be dismissed, terminated or compulsorily retired from service. Leave should never be granted where the disciplinary authority has decided to impose any of the above penalties to a government servant.

Leave is also not to be granted to a government servant who is under suspension.

2.4.2 REGULATION OF CLAIM TO LEAVE:

The leave rules keep on changing from time to time. While processing leave cases, you may find a situation that a government servant may be on leave and in-between the leave rules may undergo a change. In such a case, what will you do? Will you apply the change in the case of that government servant also? You may have to change your decision if you are aware of the provisions of leave rules in this context. Leave cases of the government servants are decided with reference to the rules applicable on the date of proceeding on leave. If any change in the rules takes place during the leave of a govt. servant that should not be applied in that particular case

2.4.3 CONVERSION OF LEAVE TO OTHER KINDS

You must have processed leave cases of the government servants. You also know that the government servants often request for the conversion of the kind of leave that has already been availed by them. How do you process such cases? Leave Rules authorize the leave sanctioning authority to accede to such requests. But the request must fulfill the following conditions.

- The kind of leave already availed can be converted into any other kind only on the request of the government servant. The new kind of leave, however, should be due and admissible to the govt. servant on the date of commencement of leave.
- Conversion of the kind of leave is not the right of the government servant. It is the prerogative of the leave sanctioning authority to allow or to reject the request.
- The government servant has to request for the conversion of the kind of leave within 30 days. These 30 days will be counted from the date of return to duty after availing the leave.

- The *leave salary* to the government servant will be paid according to the revised kind of leave.

Do yourself-1:

A female government servant avails Earned Leave from 4-12-2000 to 31-1-2001. During the currency of this Earned Leave, she had to undergo medical treatment from 12-1-2001 to 31-1-2001, for which the medical officer grants her medical certificate. She makes a request on 5th March, 2001 to the leave sanctioning authority to convert the earned leave from 12-1-2001 to 31-1-2001, into commuted leave on the authority of the medical certificate.

Ans. _____

DO YOURSELF(2):

What would you suggest if she submits the request on 3rd February, 2001 and the leave sanctioning authority rejects the same.

2.4.4 COMBINATIONS OF DIFFERENT KINDS OF LEAVE:

Another important provision in the leave rules says that leave of different kinds can be taken in combination with one another. This section contains various related provisions. These will guide you in processing and deciding the leave cases where the government servant requests for the grant of more than one kind of leave in one spell.

Different kinds of leave are admissible to a govt. servant. The government servants can request for the grant of two or more kinds of leave combined together. They do not need to return to duty for availing a different kind. You must carefully see that the provisions do not envisage the combination of only two kinds of leave together. Government servants can even request for the grant of more than two kinds of leave and the leave sanctioning authority subject to the delegation of the authority of sanction, are competent to sanction those kinds. While sanctioning different kinds of leave in one spell only one point is to be kept in mind. If the total spell contains two or more sub-spells of the same kind of leave, it is to be ensured that all such sub-spells are counted as single spell for determining the admissibility.

EXAMPLE:

A government servant applies for the following spells of leave to be availed in India:

- 1. Earned leave from 1-1-2001 to 31-3-2001**
- 2. Commuted leave from 1-4-2001 to 30-4-2001**
- 3. Earned Leave from 1-5-2001 to 31-7-2001**
- 4. Half pay leave from 1-8-2001 to 31-8-2001.**

You are aware that Earned leave cannot be sanctioned generally for a period of more than 180 days in any one spell. Further, different sub-spells of same kind of leave falling in one spell are to be counted as one spell. In the present case, the Earned leave applied for by the government servant exceeds 180 days. Will you accept the request?

No. The reason as you know, is that Earned Leave cannot generally be sanctioned for more than 180 days in a single spell. Is it?

Combination of different kinds of leave has further been subjected to another condition. We will see later that leave cannot be granted for more than 5 years generally in any one spell. This condition has also to be taken care of while sanctioning different kinds of leave together. In case you find that request of the government servant is genuine for the grant of leave in excess of 5 years, you have to refer the case for sanction by The Governor of Himachal Pradesh.

You also know that kinds of leave admissible under Central Civil Service (Leave) Rules, 1972 do not include *Casual leave*. Casual leave is regulated by administrative instructions of the government. This cannot generally be combined with regular kinds of leave included in the rules stated above. A person on casual leave is treated to be on duty and not on leave. However, there is one exception where casual leave can be allowed to be prefixed to Earned leave. Are you aware of that exception?

Casual leave can be prefixed to regular leave on the following conditions.

- ½ day Casual leave is allowed to be prefixed to regular kinds of leave in exceptional circumstances. For this purpose, the government servant should have only ½ day casual leave at credit and rendered unable to attend office on the next day due to the reasons beyond control, e.g. sickness or death in the family.
- Special casual leave is another type of leave that can be sanctioned to a government servant in special circumstances. This leave is also not a regular kind of leave and is not regulated by these rules as stated in Unit-I. This leave can be prefixed or suffixed to casual leave or with one *or* more kinds of regular leave. This cannot be combined with both at the same time. We had a detailed discussion on that in Unit-I of Leave Rules.

Do yourself-3:

Answer the following in the space provided:

1. What is the maximum amount of casual leave that can be combined with regular leave.
2. Can Commuted Leave (popularly termed as Medical leave) be combined with Casual Leave?
3. Can extra-ordinary leave be combined with Casual Leave?

Ans. (1) _____
(2) _____
(3) _____.

Combination with Holidays:

If leave commences immediately after a holiday(including a restricted holiday) or a series of holidays, the holidays are automatically allowed to be prefixed to leave. Similarly, if a holiday (including a restricted holiday) or a series of holidays fall immediately after the termination of leave, the holidays are automatically allowed to be suffixed to leave. These provisions, however, do not apply in the following cases:

- In cases of leave on medical certificate of self-illness;
- In cases where permission is specifically withheld;
- Leave is not in respect of a govt. servant whose transfer or assumption of charge involves handing or taking over of securities or moneys other than permanent advance e.g. cashier. This condition can be relaxed by Heads of Departments with the condition that the person in charge of such moneys or securities will remain responsible for the same;
- If the substitute of the person proceeding on leave has to leave early his/her station consequent upon early proceeding of the person who is to proceed on leave.
- If the late-resumption of duty (after holidays) results either in:
 - Corresponding delay of the person to be relieved by him/her to another station; or
 - Corresponding delayed discharge of the person temporarily appointed as his/her substitute.

If the government servant falls in any of the above exceptions, we should not construe that he/she cannot prefix/suffix holidays to leave. The only requirement in such cases is that the prefixing and suffixing will not be automatic but will require special permission of the leave sanctioning authority.

Leave on Medical Certificate v/s Prefixing/Suffixing holidays

You have seen that when holidays fall immediately before or after regular kinds of leave, they are automatically prefixed/suffixed to the sanctioned leave excepting cases discussed above. One of the exceptions to this general rule is the leave on medical certificate. The principle is quite simple in this case. The entire period covered by the medical certificate is to be treated as leave irrespective of the fact whether it includes a prefixing or suffixing holiday. If, however, you find that certain holidays are falling immediately before or after the ‘period covered by the medical certificate’, that/those will be suffixed/prefixed automatically to the leave on medical certificate.

ILLUSTRATION:

Mr.M submits a certificate of medical unfitness from 14th to 24th April, 2002. 13th, 14th and 15th are Holidays. He produces a medical fitness certificate which declares him fit to resume duty from 25th April, 2002. 25th April, 2002 is a holiday. He resumes duty on 26th April, 2002.

**Leave of Mr.M will be regulated as under:
Leave on Medical Certificate: 14th to 24th April, 2002
Prefixing Holiday: 13th April, 2002
Suffixing Holiday” 25th April, 2002.**

Do yourself-4:

Ms N applies for the grant of leave from 5th October, 2000 to 28th October, 2000 with the permission to prefix 2nd to 4th October, 2000 and suffix 29th October 2000 which are gazetted holidays. She produces a medical certificate of unfitness for the period from 3rd October, 2000 to 29th October, 2000. She is declared fit to resume duty from 30th October, 2000. Regulate her request for the grant of leave.

Ans.-----

Consequential Arrangements on Prefixing and Suffixing of holidays:

Holidays falling before or after leave do not disturb the consequential arrangements of period of leave. Government servants are paid leave salary for the actual period of leave and not for holidays. All other consequential arrangements such as appointments of temporary staff etc. are to be made only for the leave period excluding holidays.

Prefixing and Suffixing of Restricted Holidays:

Restricted holidays can be prefixed or suffixed to regular leave just like a holiday. Therefore, if a restricted holiday intervenes two spells of gazetted holidays and the

government servant applies for the grant of leave thereafter with the request to avail restricted holiday, such request can be entertained.

ILLUSTRATION:

12TH , 13TH AND 15TH April, 2000 are gazetted holidays. 14th is a restricted holiday. Mr. P applies for the grant of Earned leave from 16th April, 2002 to 28th April, 2000 with the permission to prefix 12th to 15th April, 2000. He has two restricted holidays at his credit on the date of application.

The request of Mr.P is as per provisions of the Rules and can be entertained.

Do yourself-5:

15th November, 2000 is a restricted holiday and 16th a Sunday. Mr.J applies for the grant of leave from 17th November to 25th November, 2000 with the permission to prefix 15th and 16th November, 2000. Regulate his request. He has two days restricted holidays at his credit.

Ans. _____

_____.

Prefixing and Suffixing of Compensatory Leave:

In Unit-I we have seen that Compensatory leave can be earned in two ways. It is earned by performing duty during extra hours on working days. It is also earned by performing duty on Sundays and Holidays. Compensatory leave earned by performing duty on Sundays and Holidays is to be treated as a ‘holiday’. It can, therefore, be combined with regular leave. However, if the Compensatory leave has been earned by performing duty for extra-hours on working days, that can not be so prefixed or suffixed.

ILLUSTRATION:

Mr. A has the following Credits of Compensatory leave:

19-04-2002 performed duty up to 21 hours	½ day
20-04-2002 performed duty up to 2100 hours	½ day
21-4-2002 performed duty for whole Sunday	1 day
28-4-2002 performed duty for whole Sunday	1 day

3rd and 4th October, 2002 are holidays and 5th and 6th restricted holidays. Again 9th and 10th October, 2002 are holidays. He applies for Earned Leave from 11th to 16th October, 2002 with the permission to avail prefixing holidays from 3rd to 10th October, 2000 (by adding both RHs due and 2 Compensatory leave for 7th and 8th October, 2002 earned on 21st April, 2002 and 28th April, 2002).

The request of Mr. A is as per provisions of the Rules and can be entertained.

Do yourself-6:

In the above illustration, presume that Mr. A had not performed duty on 28th April, 2002 and had not earned this Compensatory leave. While applying for leave he also requests to be permitted to suffix on 7th and 8th October, 2002, the compensatory leave at his credit. How would you have regulated the request of Mr.A.?

Ans. _____

_____.

2.4.5 MAXIMUM SPELL OF LEAVE

Government servant cannot be allowed to remain out of office for an indefinite period. You would like to know as to what is the maximum limit of the authorized absence (leave) for which they can be allowed to keep away from their duties. The leave rules do have regulatory provisions. Maximum 5 years leave is admissible to a government servant in one spell. This includes both ‘ordinary kinds of leave’ and ‘special kinds of leave’. This will be allowed only if the government servants have so much leave to their credit or if they are entitled to other kinds where credit is not required.

It is also to be ensured that the govt. servants give sufficient grounds for such a long spell of leave.

- In case leave in excess of 5 years is necessitated in exceptional circumstances that can be granted only with the sanction of The Governor of H.P.
- ‘Leave’ here means one kind of leave or different kinds of leave combined together.

Do yourself-7:

Name any 5 kinds of leave that do not require credit in leave account but which can be sanctioned subject to fulfillment of certain conditions. Of the 5 kinds, at least two should be from ordinary kinds. Write maximum period in respect of each for which that kind can be sanctioned in one spell. Use the space provided to write your answer:

Ans. (1) _____.
(2) _____.
(3) _____.
(4) _____.
(5) _____.

Do Yourself-8:

- (1) Which one of the following can not normally be combined with regular kinds of leave
- (a) Casual Leave
 - (b) Special Casual Leave
 - (c) Compensatory leave
- (2) Leave Salary means:
- a) Amount payable on account of leave encashment
 - b) Amount payable on account of duty pay
 - c) Neither of the above

Do yourself-9:

List the kinds of leave that do not require credit in the account of Govt. servant at the time of sanction.

Ans:

2.4.6 CURTAILMENT OF LEAVE

Leave Rules contain the following provision relating to rejoining of duty before the expiry of full period of sanctioned leave:

- When leave-sanctioning authority exercises its authority for compulsory recall of the government servant from leave. The decision of the sanctioning authority should be in the interest of office work. This has already been discussed earlier in this Unit.
- When govt. servants availing leave decide to curtail leave on their own and come back for duty. As per general rule, Government servants have to avail full leave as sanctioned to them. They cannot rejoin duty before its expiry. However, they can be allowed by the Leave sanctioning authority to rejoin duty before expiry of leave. The govt.servant has to make a request for this in writing stating reasons for it. In such cases the discretion lies with the sanctioning authority. It may refuse the government servant to rejoin before expiry of full period of sanctioned leave.

2.4.6 REQUIREMENT OF MEDICAL CERTIFICATE

Leave rules contain specific provisions if the govt. servant on grounds of self-illness applies for any or more kinds of leave. You must be processing such type of cases frequently. As we have already discussed that such an application must have the support of a medical certificate.

Both in case of Gazetted and non-gazetted government servants, a medical certificate on the prescribed form is required to be submitted along with application. Two separate forms are prescribed for medical certificate for them.. Specimen of each of these is at Appendix-III(Gazetted) and Appendix-IV(Non-Gazetted).

ACTIVITY

Observe both the forms at appendix III &IV carefully and list out differences between the two.

CONTENTS AND ISSUING AUTHORITY:

The Medical Certificate in respect of all categories of government servants - Gazetted as well as non gazetted, should mention:

- the nature of illness
- likely duration of illness

Leave rules prescribe different medical authorities that are competent to issue medical certificates to gazetted and non-gazetted government servants. These are:

For Gazetted Government Servants:

The medical certificate should be from a govt. medical officer. Any medical officer of a recognized hospital is also authorized to issue medical certificate to them. They can also produce medical certificate issued by higher medical authority.

For Non gazetted government servants :

Non-gazetted government servants can produce medical certificate issued by registered medical practitioners. Registered medical practitioner can be of any system of medicine i.e Allopathic, Homeopathic, Ayurvedic, Unani or Dentist in case of dental ailments.

You should also keep in mind that Medical Officers cannot recommend the grant of leave where they find that the government servant will never be able to return to duty. In such cases the contents of medical certificate should say this fact only.

We now want to discuss another important aspect of leave on medical certificate. The government servants are in the habit of presuming sanction of leave on the authority of medical certificate. This is a mis-conception. The general principle still remains 'Application for leave becomes leave only when it has the proper sanction.' You will agree that Medical Certificate is not the sanction of leave and merely a recommendation. The medical certificates are also subject to second medical opinion. Therefore, even if government servants have been issued medical certificates, the sanction cannot be presumed. However, leave sanctioning authorities take full precautions while rejecting any leave application supported by medical certificate. The most appropriate way is to seek 2nd medical opinion.

SECOND MEDICAL OPINION:

You would have also encountered cases where you feel that the medical certificate submitted by the government servants is apparently not genuine. What do you do in such a cases?

Let us examine the laid down provisions. There is a provision for second medical opinion. This provision has been kept to avoid use of medical certificate that are not genuine. Leave sanctioning authority is competent to get a govt. servant medically examined for the 2nd time. Only Staff Surgeon or a Civil Surgeon or any higher authority can conduct 2nd medical examination. They can also nominate any other medical officer to conduct the 2nd medical examination.

Dear learner, when you feel that the medical certificate annexed to the leave application to be processed/decided by you is not genuine and you want it to refer for 2nd medical opinion, how do you get the 2nd medical opinion? Do you write to the govt. servant to produce another medical certificate issued by any of the above authorities or you follow certain other procedure?

The procedure laid down in the rules say that the letter must be addressed to any of the above authority. A copy of such communication should be made available to the government servant. The above authority will prescribe the date and time for the 2nd medical examination.

You may find that the opinion in the original medical certificate is different from the opinion in the 2nd medical certificate. You should go by the recommendations given in 2nd medical certificate. It is binding upon you. The government servant is also bound to accept it.

We find one more common deviation from the rules taking place in many offices. Government servants are in the habit of producing medical certificate at the end of leave. Medical authorities are also issuing medical certificate of unfitness and that of fitness on the same piece of paper. This practice forfeits the very purpose of '2nd

medical opinion'. This is also against the requirements of the rules. You know that a medical certificate is required to be annexed to the leave application. Unless, it is so, how leave-sanctioning authority will be able to seek 2nd medical opinion? In our opinion, 2nd Medical Opinion is impracticable to be sought once the government servant has been declared fit? We, therefore, suggest to get rid of the practice of issuing 'twin' medical certificate immediately. This will help a lot the leave sanctioning authorities to take care of 'dubious' medical certificates by resorting to 2nd medical opinion.

Another bottleneck that we find in the 2nd medical opinion is that the communication takes so much time that enables the government servant to return to duty after having been declared 'fit'. The time taken in seeking 2nd medical opinion should be minimized by the use of quick means of communication e.g. Telegram, Fax, Telephone (confirmed in writing later), W/T etc. The communication delay should not only be curtailed at the end of Leave sanctioning authorities but also at the level of Health Department too.

Do yourself-10:

Fill in the blanks:

1. **Gazetted government servants should produce medical certificate from a _____ or from authorized medical attendant of a recognized hospital.**
2. **Non-Gazetted government servants can submit medical certificate issued by a _____.**
3. **Second medical opinion can be sought from an authority not below the rank of _____.**
4. **The letter seeking second medical opinion is to be addressed to the _____ with a copy to the _____.**
5. **_____ medical opinion has an overriding effect on _____ medical opinion.**

CERTIFICATE OF FITNESS:

When a govt. servant returns to duty after the expiry of leave, a certificate of fitness is required to be produced by him. The form prescribed for the same is at appendix -V. The govt. servant cannot be allowed to rejoin his duties unless he produces this certificate.

The certificate of fitness should be from authorized medial attendant. In case of non-gazetted government servants, the officers under whom such government servants are posted can also accept fitness certificates issued by RMPs at discretion

Fitness certificate after availing leave on account of treatment of T.B., should only be accepted if it is issued by:

- **Pulmonary Tuberculosis:**
Medical Officer In charge of a T.B. Sanitarium or a recognized T.B. Specialist
- **Other than Pulmonary Tuberculosis:**
Qualified T.B. Specialist or a Civil Surgeon.

LEAVE TO PERMANENTLY INCAPACITATED PERSONS :

We have seen that medical authorities cannot recommend the grant of leave where they find the government servants to be permanently unfit for further government service. Instead they are required to record this fact on the medical certificate.

What will you do when a government servant has submitted such a certificate to you with the request for the grant of leave? Let's see the laid down provisions of the rules covering such requests.

Leave sanctioning authority in such cases can grant leave to the government servants. The grant of leave is, however, dependent upon the findings of the medical authority. The medical authority may be unable to state with certainty that the government servant will or will not be able to return to duty. In such cases, leave of the kind due and admissible for a period not exceeding 12 months can be sanctioned. Such leave can be extended only after seeking fresh opinion of the medical authority.

INVALIDATION ON PERMANENT INCAPACITATION

Dear Learner, you have seen that leave is admissible to the government servants where medical authority is not sure of the recovery of the government servants. You may also face a case where medical authority is of definite opinion that the government servant has become permanently unfit for government service. What will you do in such a case if the government servant applies for the grant of leave? Do you know that leave of the kind due and admissible up to six months can be granted to such government servants also? These six months will count after the date of signing of medical opinion. If the government servant has been allowed to perform duty after the signing of medical report, the leave will be curtailed by such number of days of duty. You can say that at best the government servant can remain in service for 6 months after the date of signing of report. These six months comprise duty + leave.

ILLUSTRATION:

A Government Servant is declared permanently incapacitated for further service vide report dated 2-11-2000. The leave sanctioning authority receives the report on 6-11-2000. The government servant who is yet to be relieved, requests on 10-11-2000, for the grant of maximum leave due and admissible.

Leave can be sanctioned to the government servant up to 1-5-2001 if due and admissible.

So far we have discussed the cases of requests for leave of those government servants:

- Where medical opinion is uncertain about permanent incapacitation; and
- Where medical opinion is certain on permanent incapacitation.

You may encounter a case where the medical opinion is definite on permanent incapacitation and the government servant is either on duty or on leave. How will you process/decide the case if the government servant on duty does not request for the grant of leave? Another case may be that the government servant who is on leave on the date of medical report, does not request for the grant of extension of leave. Naturally such a person cannot be retained in service and needs to be invalidated. You should, therefore, take the following steps:

- If such a person is on duty, arrange his/her immediate relief. The invalidation in such cases will take place from the date of relief of the government servant. It does not mean that the person should not be retained in service even for a day. The requirement of the rules is simple. You should not prolong the stay of such a person than it is absolutely necessary. You have already seen that such a person can be sanctioned leave also. The duty + leave beyond the date of medical report cannot exceed 6 months here. If leave is granted, the invalidation will take place from the date of expiry of leave.

ILLUSTRATION:

(1) A Government servant is declared permanently incapacitated for further service as per report of medical authority dated 3-3-2002. The report is received in the office of leave sanctioning authority on 7-3-2002. The government servant does not apply for any leave and the leave sanctioning authority relieves him/her from 10-3-2000.

Invalidation takes effect from 10-3-2000.

(2) In illustration (1) above, the government servant is having 300 days of Earned Leave and 532 days of HPL on the date the medical report is received in the office. He applies for the grant of commuted leave from 8-3-2002 for the maximum admissible period.

Commuted leave will be sanctioned up to 2-9-2002. The government servant will stand invalidated from 3-9-2002.

- If such a person is already on leave and does not seek extension of leave, he/she will be invalidated on the expiry of leave. If the government servant applies for extension of leave, the invalidation will take place from the date of extension of leave.

You are already aware of the fact that duty + Leave (including extension of leave) cannot exceed 6 months beyond the date of medical report.

ILLUSTRATIONS:

(1) A government servant who is declared permanently incapacitated for further service vide report dated 5-7-2001, is already on leave up to 21-8-2001. The report is received in the office of the leave sanctioning authority on 7-7-2001. The government servant does not seek any extension of leave. He/she will stand invalidated from 22-8-2002.

(2) In the illustration (1) above, the government servant applies for the grant of leave of the kind due and admissible for the maximum period. The government servant can at best be sanctioned extension of leave up to 4-1-2002. He/she will stand invalidated from 5-1-2002.

2.4.8 OVERSTAYAL OF LEAVE:

You are aware that leave does not become leave unless it is sanctioned by the leave sanctioning authority. You come across many cases where government servants request for the grant of extensions of leave. Where leave sanctioning authorities are not satisfied, they can refuse the extensions. If a request for extension of leave is rejected, this becomes a case of absence after the expiry of leave, known as overstayal of leave. Disciplinary action can be taken against those government servants who do not resume duty on due date after the expiry of leave. In addition to any disciplinary action, the period of overstayal of leave is to be debited to Half-Pay leave account. No leave salary is payable for such debit.

If no half-pay leave is due, the period of overstayal will be treated as extra-ordinary leave. If Half-Pay leave is available only for covering a part of period of overstayal, debit will first go to the Half-Pay leave account and only rest of the period will be treated as Extra-Ordinary leave.

You would have observed that no leave salary/salary becomes payable when government servants overstay leave. The period is to be treated as Half-Pay leave and/or as Extra-Ordinary Leave. In the normal course, Half-Pay leave carries $\frac{1}{2}$ leave salary as on Earned Leave. This is not payable in cases of overstayal. We will discuss in our module on Pension Rules how does a period of service without salary or leave salary is treated while calculating qualifying service for the Pensionary benefits. To be short here, you should take care that the entire period of such Half-Pay leave and Extra-Ordinary Leave becomes a *dies non* period i.e. period of no service. This is to be excluded as such for our calculations of qualifying service, increment and earning of leave. If it is treated as Extra-Ordinary Leave, the effect remains the same since this kind of leave does not qualify for any of these purposes.

PROCEDURE:

The rules prescribe the following procedure for dealing with the cases of overstayal of leave:

- You have seen that entitlements of Temporary government servants for Extra-Ordinary leave are limited. If temporary government servants request for leave in excess of these limits on exceptional grounds, the leave sanctioning authority can take up the case with their Heads of Departments for consultations with Finance Department. With the consent of the later further leave can be sanctioned.
- When the circumstances indicated by the temporary government servants are not exceptional in the eyes of the leave sanctioning authority, the leave cannot be granted. It should, therefore, issue a notice to the government servant to re-join duty. The notice should have a specific date by which the duty should be rejoined. It should also be made clear to him that in case of non-compliance of the notice, disciplinary action will be taken against him/her. If the government servant rejoins by that date, he should be taken back in service. The period in excess of sanctioned leave till rejoining of duty in such cases should be treated as overstayal.

If the government servant does not rejoin duty within the date specified in the notice, the leave sanctioning authority is free to initiate disciplinary action. At this stage you will find that the government servant has also misconducted in disobeying the notice also which itself is a good reason for disciplinary action., It may happen that the government servant returns to duty during the course of such proceedings. He/She should be taken back in service. Disciplinary proceedings will continue and are to be concluded quickly. The period of overstayal of leave in such cases should be decided only after finalization of the inquiry.

- You should be clear in mind that the Absence and Overstayal are two distinct terms and should not be used interchangeably. Overstayal is one where government servant does not rejoin after having availed sanctioned leave. To the contrary, absence is one where government servants absent themselves. Overstayal is preceded immediately by leave and absence by duty. Rules envisage different actions for both. Absence constitutes break in service. This results in forfeiture of the entire past service. However, this is not the case with overstayal of leave. Overstayal is to be debited to Half-Pay leave account to the extent possible but without leave salary, rest being treated as Extra-Ordinary leave. Of course, disciplinary proceedings can be resorted in either of the

cases of absence or overstayal. Another important point here is that rules do not make any distinction whether or not the government servant has applied for leave/extension of leave before availing it. Both are to be covered as wilfull/unauthorised absence.

- It may happen that a government servant ‘absents’ abruptly or avails leave(not extension of leave) without sanction or where leave is refused to be sanctioned in public interest. Such a government servant should also be issued notice conveying the consequences of absence including that of loss of pay and treatment of the period as break in service. If he/she rejoins before or after the initiation of disciplinary proceedings, he/she should be taken back. Disciplinary action will continue in such cases. After finalization, the period can be treated as one without pay resulting in break in service. Condonation of break should be considered only after government servant requests for the same.
- The above provisions should not be resorted to where the leave sanctioning authority finds the reasons of overstayal or absence as genuine and exceptional. Leave may be sanctioned in such cases.

2.4.9

EFFECT OF DISCIPLINARY PROCEEDINGS ETC.

The government servants under the following circumstances does not have any claim to leave at their credit:

- Termination of service;
- Compulsory retirement;
- Pre-mature retirement;
- Resignation.

This provision, however, does not apply to determine the leave encashment entitlement. That has been discussed under the Sub-Sections on Earned Leave and Half-Pay leave in the Ist Unit. Leave at credit also does not cease*:

- in case the resignation is on account of appointment in any other department of the State govt. This is applicable only if the govt. servant had sent application through proper channel. This is termed as technical resignation; or
- in case the govt.servant is reinstated into service after being dismissed or removed; or

* i.e it is allowed to be carried forward

- in case the govt. servant was retired on *compensation or invalid pension* and is re-employed. This will apply only if past service of the government servant counts for pension on re-employment

Do yourself-11:

<u>TICK THE RIGHT ANSWER</u>	
1. Leave at credit of a govt. servant ceases with the termination of his services	True/False
2. Amendments in Leave Rules become applicable even during the currency of leave period	True/False
3. Technical resignation is a resignation submitted for the purpose of obtaining employment elsewhere in the government with permission of appointing authority.	True/False
4. Past service rendered does not count in any case if the re-employment is after invalidation.	True/False

2.4.10 SERVICE/EMPLOYMENT ETC. WHILE ON LEAVE

By now you have become familiar with various conditions upon which the leave entitlement of government servant depends. Do you know that government servants while on leave remain govt. servants? They should not ordinarily be allowed to accept any profit of office etc. elsewhere.

These provisions do not apply where a government servant takes (special) Extra-Ordinary Leave with a view to seek employment elsewhere. You are already aware of this special scheme of the government that we have discussed under Extra-Ordinary Leave in Unit-I.

In other cases of employment etc. during leave, the Rules contain the following provisions to regulate such requests:

- Government servants who are on leave cannot take any service or employment elsewhere. They also cannot set up a private professional practice during leave.
- Government servants on leave can undertake limited private practice with the permission of the Government. They can also be allowed to undertake casual literary work or service as an examiner or similar employment.

- A government servant can also be allowed to accept a service or employment:
 - Abroad with the sanction of the Governor of H.P.
 - In India, by the *appointing authority*

Govt.servants should not ordinarily be permitted to accept employment or service in India or abroad. Instead, they should either get their services transferred to the new Department/office or should resign.

- Government servants on *leave preparatory to retirement* can be granted permission to join a public sector undertaking or an autonomous organization on the condition that leave salary remains the same. He cannot be permitted to take up private employment while on leave preparatory to retirement.

2.5 MAINTENANCE OF LEAVE RECORDS

You are now aware that leave availability is not unlimited. This necessitates the maintenance of leave accounts of individual employees. You must be maintaining the leave account of various employees posted in your office. How do you keep their account for different kinds of leave? You know that there is a prescribed form [Form No.2 of C.C.S. (Leave) Rules, 1972] for keeping the account of some kinds of leave.. Please go through the same carefully and list out various points emerging there from.

Have you observed that this form is basically meant only for two types of leave i.e. Earned Leave and Half pay leave? In the previous unit you have learnt that these are the only kinds of leave under the leave rules, which are earned by a govt. servant during service. Leave not due and commuted leave are debit to half pay leave account. These are not earned.

As per instructions of the govt., account of casual leave, special casual leave and Compensatory Leave is required to be kept separately on a register. This is so because these are not recognized kinds of leave.

How do you keep the leave account when a govt. servant is sanctioned leave of any other kind? Do you make an entry in the leave account only? If it is, you are following the right procedure. Only an entry giving full particulars of the leave of any other kind sanctioned is required to be made in the service record. The entries made in the leave account are to be attested by the leave sanctioning authority. You should get them attested simultaneously with the sanction of leave.

Let's now discuss how to fill up the form prescribed in the rules for the maintenance of Earned Leave, Half-Pay Leave, Commuted Leave and Leave Not Due. You have already gone through various contents of this form. Take a copy of the form and place it before you before proceeding further.

We hope the copy of the form is before you now. Let's first take up the credits of Earned Leave and Half-Pay leave. First of all, you are to fill up Column Nos. 11 and 35 in case of existing employees. These are the opening balances. Remember, opening balance in Col.No.11 cannot exceed 300 days. Any bracketed figure is not to be taken as opening balance.

You know the quantum of gross credit of Earned Leave for different categories of employees. You are also aware of the quantum of gross credit of Half-Pay leave. It is also known to you that credit in respect of both of these kinds is to be allowed in advance on the commencement date of the half-year or the date of entry into service of the newly recruited government servants, as the case may be. Columns 1 & 2 of this form pertain to the months of the half-year (January-June and July-Dec.) to which this gross credit pertains. 'From' means the date of commencement of half-year(January, July or the date of entry into service) and 'to' means the date of close of the half-year(June, December or the month of Cessation, Retirement. Death etc.).

You are aware that credit in both kinds of leave is to be afforded only for completed months of service in the half-year. For the credit of Earned Leave, enter the number of completed months in Column No.3 and that for Half-Pay leave in Column No.12. You also know rate of credit for both the kinds. Apply the same and enter the gross credit figure in Column No. 4 & 13 respectively. You have completed the gross credit figures for both the kinds of leave.

While discussing these kinds in Unit-I, we have seen that this gross credit of Earned Leave is reduced by a $1/10^{\text{th}}$ of EOL and Dies Non periods during immediately preceding half-year. Similarly the gross credit of HPL is reduced by $1/18^{\text{th}}$ of the periods of dies non during the previous half-year. In col. No.5, you are to fill up the number of such EOL/Dies Non and in column No.14, the days of dies non only. Column No.6 and 15 are meant for entering the figures of reduction in respective account Remember if this is a figure with fraction, it is not to be rounded at this stage. You will now fill up the total leave at credit on the opening day of the half-year. Col.No.7 and 16 are meant for this. Figure in Col.No.7 is the outcome of totals of Col.11+Col.4 reduced by Col.6. Similarly, figure in Col.No.16 is the result of Col. 34+Col. 14 reduced by col. 15). If figures in Col.No.7 or 16 contain a fraction, then round the same to the nearest day. Further, you know that figure in Col.No.7 can at maximum be $300 + (15)$.

Col.Nos.8 to 10 and 17 to 36 are meant for affording debit of both these kinds. We believe you are yourselves able to fill up these.. You are now to take care of one

important point while debiting the leave. If the availed periods of leave spread over to two half-years, debits for each half-year will be given separately. The golden principle in this case to be followed is – Credit always precedes the debit, leave not due being an exception. You are already familiar with this concept.

We have seen that entries of other kinds of leave are made in available spaces in the leave account without following a system. This is not a healthy practice from the viewpoint of checking as well as future needs. Each and every kind of regular leave availed should be entered in-between the entries of two half-years i.e. below the half-year to which it pertains and above the next half-year. This will provide you to see the entire spell of leave taken by the government servants during any particular half-year at one place. Let's take an illustration.

ILLUSTRATION:

The following are the particulars of a male government servant of a non-vacation Department.

Closing Balance of E.L. on 31-12-2001 15 days

Closing balance of HPL on 31-12-2001 nil

EOL from 3-9-2001 to 15-9-2001 on domestic affairs.

E.L. from 2-1-2002 to 27-1-2002

EOL from 5-3-2002 to 25-3-2002

Paternity Leave 26-3-2002 to 9-4-2002

Half Pay leave from 10-4-2002 to 15-4-2002

The posting of leave account should appear as under. Please read with the columns of the Form of Leave account.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	34	35			
										15										--			
1-1-2002	30-6-2002	6	15	13	1.3	27	2-1-2002	27-1-2002	26	1	6	10		--	--		10		10-4-2002	15-4-2002	6	6	4
			Availed Paternity Leave for first child, from 26-3-2002 to 9-4-2002 = 15 days												Availed EOL on domestic affairs from 5-3-2002 to 25-3-2002 = 21 days. The period does not count for purpose.								
1-7-2002	31-12-2002																						

2.6 SUM UP

Dear Learner, you are quite familiar by now with the various kinds of leave. You are now well equipped with the procedure and regulations which govern them. This will definitely help you in your routine working while processing the leave cases in your office. Your advice to the leave sanctioning authorities will help them to take right decisions. This will also help you in your career advancement. Are you not feeling enriched and comfortable to come up to the expectations of your superiors? But keep one thing in mind. Change is the law of the nature. These rules and regulations also keep on changing to meet needs of different times. We hope that you will keep yourself abreast with the changes to keep up the pace.

Next and last in our series on Service rules is another important module – Pension Rules. In Pension Rules, we will cover the calculation of the different Pensionary benefits. We will also cover the method of their payment where government servant dies before receiving the amount. The Module also takes care of the family pension. The Module also embodies other topics of interest to you. We believe that you will like to go through the same after having worked on our two modules – module on Pay fixation and the module on Leave Rules.

2.7 POINTS TO REMEMBER:

- There are prescribed forms for leave application and medical certificates.
- Leave cannot be claimed as a matter of right
- Title of leave applied for cannot be changed by leave sanctioning authority
- Kind of leave already availed can be allowed to be changed at discretion of leave sanctioning authority subject to fulfillment of certain conditions.
- Different kinds of leave can be combined together
- Request for leave on medical grounds should be supported with a medical certificate.
- Requirement of production of medical certificate can be waived by leave sanctioning authority for leave for a period up to 3 days. Leave without medical certificate will not be treated as leave on medical grounds.
- If government servants want to rejoin duty before expiry of full period of sanctioned leave, he/she should seek prior permission of the leave sanctioning authority. Such permission can be refused at discretion by the latter.
- In dismissal, removal etc, the govt. servant does not have any claim to the balance leave
- Earned Leave and Half Pay Leave may be encashed under certain circumstances
- A govt. servant is normally not to be allowed to employ himself elsewhere during leave.
- Leave is not to be granted to a government servant whom the disciplinary authority has decided to dismiss, remove or compulsory retire. It is also not to be granted to a person under suspension.
- Absence from duty constitutes break in service. Unless the break is condoned by the competent authority, the entire past service of the government servant stands forfeited.
- Overstay of leave unless regularized by the leave sanctioning authority is to be debited to Half-Pay leave account to the extent HPL is due. The remaining period is to be treated as Extra-Ordinary Leave. No leave salary is payable for the period debited as HPL.
- A government servant can be proceeded against departmentally also in addition to above actions, for absence or overstay.

2.8 SELF ASSESSMENT QUESTIONS:

State whether the following statements are true or false:

1.	Form of medical certificate for gazetted and non-gazetted government servants is same	T/F
2	Leave can be sanctioned without verification of title under certain circumstances	T/F
3	Leave sanctioning authority is bound to accept the medical certificate submitted by the government servants	T/F
4	Kind of leave already sanctioned can be altered on request of the government servant	T/F
5	Benefit of leave encashment is allowed on dismissal	T/F
6	One can rejoin duty before expiry of leave without permission of Leave Sanctioning authority	T/F
7	Encashment of leave is allowed only for earned leave	T/F
8	Government servant while on leave preparatory to retirement can not be allowed to take private employment	T/F
9	A govt. servant can take only one kind of Leave in one spell	T/F
10	Casual leave can always be availed without sanction.	T/F

2.9. ANSWERS TO SELF-ASSESSMENT AND IN TEXT QUESTIONS:**2.9.1 Answers to Self-Assessment Questions:**

TRUE: (b), (d) and (h)

FALSE: (a), (c), (e), (f), (g), (i) and (j)

2.9.2 Answers to In-Text Questions:

Do yourself-1: Her request cannot be entertained as she did not apply for conversion of the kind of leave within one month from the date of return to duty.

Do Yourself-2: Although the request has been submitted within one month, yet the conversion is the discretion of the leave sanctioning authority. The action of leave sanctioning authority is, therefore, within its authority.

Do yourself-3: (1) to (3): Only ½ day casual leave can be combined with any regular kind of leave under special circumstances.

Do yourself-4: The entire period covered by medical certificate i.e. from 3rd October to 29th October is to be treated as leave on medical certificate. Since the leave is already sanctioned, such conversion is at the discretion of leave sanctioning authority.

Do yourself-5: Restricted leave can be sanctioned for 15th and it can be prefixed to regular leave.

Do Yourself-6: Restricted leave could have been sanctioned for 5th and 6th and one day compensatory leave for 7th. Her leave would have commenced from 8th. The other compensatory leave cannot be allowed to be prefixed/suffixed as a holiday because it was earned in lieu of extra-hours of duty and not on a holiday.

Do yourself-7: See the respective kind in Unit-I. Leave Not Due and Extra-Ordinary Leave under Ordinary Kinds of leave do not require any credit at the time of sanction.

Do yourself-8: 1 (a). 2(c)

Do yourself-9: Barring Earned Leave, Half-Pay leave and Commuted leave, no other regular leave requires credit in leave account at the time of sanction. Of course, the leave can be sanctioned only if it is admissible otherwise.

Do yourself-10: 1. Government medical officer, (2) Registered Medical Practitioner, (3) Civil Surgeon/Chief Medical Officer, (4) Civil Surgeon, Government Servant, (5) 2nd, Ist.

Do Yourself-11: 1- True, 2 -False, 3 -True, 4 -False.

2.10 APPENDICES:

Appendix -I	Form of Application for leave
Appendix-II	Authorities competent to sanction leave
Appendix-III	Form of Medical certificate for Gazetted government servants
Appendix-IV	Form of Medical Certificate for Non-Gazetted Government servants
Appendix-V	Medical Certificate of Fitness

APPENDIX-I

FORM OF APPLICATION FOR LEAVE OR EXTENSION OF LEAVE

1. Name of the applicant
2. Post held
3. Department, Office and Section
4. Pay
5. House Rent and other compensatory allowances drawn in the present post
6. Nature and Period of leave applied for and date from which required
7. Sundays and holidays, if any, [proposed to be prefixed/suffixed to leave
8. Grounds on which leave is applied for
9. Date of return from last leave and the nature and period of that leave
10. I propose/do not propose to avail myself of leave travel concession for the block years _____ during the ensuing leave.
11. Address during the leave period

Signature of the applicant with date

12. Remarks and/or recommendation of the Controlling Officer

Signature with date
Designation

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

13. Certified that _____ (Nature of leave) for _____ (Period) from _____ to _____ is admissible under Rule _____ of the Central civil Services (Leave) Rules, 1972.

Signature with date
Designation

14. Orders of the authority competent to grant leave.*

Signature with date
Designation

* If the applicant is drawing any compensatory allowance, it should also be indicated in the orders on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying similar allowance.

APPENDIX-II

AUTHORITIES COMPETENT TO GRANT LEAVE

Sr.No.	Kind of leave	Authority competent to grant leave
1	Earned Leave, Half-Pay leave, Commuted Leave, Leave Not Due, Extra-Ordinary Leave, Maternity Leave, Hospital Leave	(i) Department of the Government (ii) Head of department (iii) Appointing authority (iv) Any other authority to whom any of the above authorities may delegate powers to sanction the leave. (v) In the case of government servants on foreign service: (a) authority which sanctioned the transfer to foreign service (b) Foreign employer upto 120 days. In case of grant or refusal of leave preparatory to retirement, prior permission of the lending authority required.
2.	Special Disability leave	(i) Department of the Government (ii) Head of Department (iii) Appointing authority
3.	Study Leave	Department of the Government

APPENDIX –III

**MEDICAL CERTIFICATE FOR GAZETTED OFFICERS RECOMMENDED
LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE**

SIGNATURE OF THE GOVERNMENT SERVANT _____

I, _____ after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his/her health.

Civil Surgeon/Staff Surgeon/Authorized Medical Attendant
_____ Dispensary

Dated _____

This form should be adhered to as closely as possible and should be filled in after the signature of the government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon/Staff Surgeon/Authorized Medical Attendant to decide the question of his/her fitness for service.

No recommendation contained in this certificate shall be an evidence of a claim to any leave not admissible to the government servant.

APPENDIX – IV

**MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR
COMMUTATION OF LEAVE FOR NON-GAZETTED GOVERNMENT
SERVANTS**

Signature of the Government servant _____

I, _____ after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his/her health.

Authorized Medical Attendant
_____ Dispensary
or other Registered Medical Practitioner

Dated _____

This form should be adhered to as closely as possible and should be filled in after the signature of the government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon/Staff Surgeon/Authorized Medical Attendant to decide the question of his/her fitness for service.

Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon, who shall express an opinion both as regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a medical officer nominated by himself.

No recommendation contained in this certificate shall be an evidence of a claim to any leave not admissible to the government servant.

APPENDIX- V

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of the Government Servant _____

We, the members of Medical Board

I, _____ Civil Surgeon/Staff Surgeon

Authorized Medical Attendant

Registered Medical Practitioner

Of _____ do hereby certify that we/I have carefully examined Shri/Shrimati/Kumari _____ whose signature is given above, and find that he/she has recovered from illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision, we/I have examined the original medical certificate(s) and statement(s) of the case(or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

Members of the Medical Board
(1) _____
(2) _____
(3) _____

Civil Surgeon/Staff Surgeon

Authorized Medical Attendant

Registered Medical Practitioner

Dated _____

The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

Validation Workshop on Development of Modules
For
Leave Rules
LIST OF RESOURCE PERSONS

Sl. No.	Name & Designation
1.	Dr. Desh Deepak, IAS., Director, HP Institute of Public Administration, Fairlawns, Shimla-12.
2	Shri V.K. Sood, Retired Controller(F&A), Department of Personnel, HP Secretariat, Shimla-2.
3	Shri H.R. Verma, Deputy Controller(F&A), HP Tourism Development Corporation, Shimla-1.
4	Shri B.D. Lath, Audit Officer, National Academy of Audit & Accounts, Shimla-4.
5	Shri B.M. Gupta, Assistant Controller (F&A), HIPA, Shimla-12.
6	Shri S.S. Panwar, Programme Officer, UNDP-ATI, HP Institute of Public Administration, Fairlawns, Shimla-12.

Editing Board
On
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3	Shri B.M. Gupta, Assistant Controller (F&A), HIPA, Shimla-12.
4	Shri S.S. Panwar, Programme Officer, UNDP-ATI, HP Institute of Public Administration, Fairlawns, Shimla-12

**PILOT RUN WORKSHOP
ON
LEAVE RULES**

LIST OF PARTICIPANTS

Sr.No.	Name & Address of Participant
1.	Shri Devinder Dutt, Lecturer, Government Sr.Sec.School, Junga, District Shimla, H.P.
2	Shri K.C. Thakur, Superintendent(Estt.) O/o E-in-Chief, HPPWD, US Club, Shimla-171001.
3	Shri Ramesh Chauhan, Section Officer(Personnel), H.P. Secretariat, Shimla-171002.
4	Shri Suresh Chand, Sr.Assistant (CM-A) Section, H.P. Secretariat, Shimla171002.
5	Shri Hemant Sharma, Sr.Assistant, H.P.Public Service Commission, Shimla171002.
6	Shri Prem Lal Sharma, Sr.Clerk, H.P.Institute of Public Administration, Shimla-171012.
7	Shri Mohinder Singh, Sr.Assisatant, Capital Treasury, Shimla-171002.
8	Shri Roop Singh Dhiman, Superintendent, Tgehsil Officer(Sadar), Bilaspur(H.P.)
9	Shri Mast Ram Verma, Superintendent Gr.I Directorate of Urban Development, H.P. Shimla-171002.
10	Shri B.S. Thakur, Superintendent, Cooperative Department, H.P.Shimla-171009
11	Shri B.R. Verma, Sr.Assistant, Directorate of Economics and Statistics, H.P. Shimla-171009
12	Shri H.C. Mehta, Superintendent Gr.I Directorate of Ayurveda, H.P. Shimla-171009
13	Shri D.S. Verma, Planning Officer, Department of Planning, H.P. Shimla-171009
14.	Smt.Bimla Negi, Jr.Assistant, Directorate of Primary Education, H.P.Shimla-171001.