

F.R. & S.R. – PART III

CENTRAL CIVIL SERVICES

**LEAVE RULES**

# CENTRAL CIVIL SERVICES

## LEAVE RULES

### CHAPTER I

#### Preliminary

#### 1. Short title and commencement

(1) These rules may be called the Central Civil Services (Leave) Rules, 1972.

(2) They shall come into force on the 1<sup>st</sup> day of June, 1972.

#### 2. Extent of application

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union, but shall not apply to-

- (a) Railway servants;
- (b) persons in casual or daily-rated or part-time employment;
- (c) persons paid from contingencies;
- (d) workmen employed in industrial establishments;
- (e) persons employed in work-charged establishments;
- (f) members of the All India Services;
- (g) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
- (h) persons employed on contract except when the contract provides otherwise;
- (i) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;
- (j) persons governed, for purposes of leave, by the Fundamental Rules or the Civil Service Regulations;
- (k) persons serving under a Central Government Department, on deputation from a State Government or any other source, for a limited duration.

#### 3. Definitions

(1) In these rules, unless the context otherwise requires-

- (a) “Administrator” means an Administrator of a Union Territory;
- (b) “Audit Officer” means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the Government servant is situated;

- (c) “Authority competent to grant leave” means the authority specified in Column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in Column (2) of the said Schedule;
- (d) “Completed years of service” or “one year’s continuous service” means continuous service of specified duration under the Central Government and includes the period spent on duty as well as on leave including extraordinary leave;
- (e) [“Date of retirement” or “date of his retirement” in relation to a Government servant, means the afternoon of the last day of the month in which the Government servant attains the age prescribed for retirement under the terms and conditions governing his services.]
- (f) “Department of the Central Government” means a Ministry or a Department of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President’s Secretariat, the Vice-President’s Secretariat, the Cabinet Secretariat and the Prime Minister’s Secretariat;
- (g) “Foreign service” means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State [or the Consolidated Fund of a Union Territory];
- (h) “Form” means a Form appended to the Second Schedule to these rules;
- (i) Government servant in quasi-permanent employ” means-
  - (A) an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the Ministerial Services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that that vacancy is expected to become permanent but is not confirmed after completion of three years’ continuous service;
  - (B) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1965.
- (j) “Government servant in permanent employ” means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;

- (k) “Head of Mission” means Ambassador, Charge d’ Affairs, Minister, Consul-General, High Commissioner or any other authority declared as such by the Central Government, in the country in which the Government servant undergoes a course of study or training;
- (l) “Military Officer” means an officer of the Armed Forces who is-
  - (i) a Commissioned Officer of the Army, the Navy or the Air Force, or
  - (ii) (a) a Junior Commissioned Officer (including an honorary commissioned officer), or an ‘other rank’ of the Army, or
  - (b) a Branch List Officer or rating of the Navy, or
  - (c) an airman including a Master Warrant Officer of the Air Force;
- (m) “Vacation Department” means a department or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules and Supplementary Rules shall have the meanings respectively assigned to them in the Fundamental Rules and Supplementary Rules.

#### **4. Government servants on temporary transfer or on foreign service**

(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Indian Railways or to a State Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with UN agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

#### **5. Transfer from services or posts governed by other leave rules**

Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply –

- (a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

Provided that where a Military Officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as per the provisions under these rules:

Provided further that in the event of his release/discharge from the Armed Forces, he shall carry forward the annual leave due to him with effect from the date of such release/discharge.

- (a) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Rule 26. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the (Department or the Government from which the Government servant proceeds on leave):

Provided that in the case of Military Officer, half pay leave equal to the number of days of furlough shall also be carried forward in addition to the earned leave equal to the number of days of annual leave on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

## **6. Transfer to industrial establishment**

If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the authority competent to grant leave shall suo motu issue an order granting cash equivalent of leave salary in respect of earned leave at his credit subject to a maximum of 300 days(w.e.f.1-7-1997) and also in respect of all the half pay leave at his credit. The cash so granted shall be a sum equal to the leave salary as admissible for earned leave and/or leave salary as admissible for half pay leave plus dearness allowance admissible on that leave salary at the rates in force on the date the Government servant ceases to be governed by the provision of the Central Civil Services (Leave) Rules, 1972. From the leave salary paid for the period of half pay leave, if any, for which the cash is payable, deductions shall be made equal to the pension, which he would have got had he retired from service on that date and pension equivalent of other retirement benefits and ad hoc relief/graded relief on pension. If the leave salary for the half pay leave component falls short of the deemed pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted:

Provided that the earned leave and the half pay leave so granted does not exceed the period between the date on which he is appointed in an

industrial establishment and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service:

Provided further that in the event of his return to a post or service to which the Central Civil Services (Leave) Rules, 1972, apply, the benefit of compensation against the terminal leave under Rule 39 will be modified as under –

- (a) On superannuation.- Encashment of unutilized earned leave on that date will be subject to the condition that the number of days of earned leave for which encashment has already been allowed under this rule and the number of days of earned leave to be encashed on superannuation does not exceed 300days(w.e.f.1-7-1997). Cash equivalent of half pay leave already made under this rule shall be recovered.
- (b) On premature retirement.– Cash equivalent of unutilized earned leave and half pay leave applied for by way of terminal leave under Rule 39 would be subject to the condition that the number of days of earned leave for which the encashment had already been allowed under this rule and the number of days of earned leave applied for as terminal leave do not exceed 300days(including the number of days for which encashment has been allowed along with Leave Travel Concession while in service. Deduction of pension and pension equivalent of other retirement benefits shall be made from the cash equivalent in lieu of half pay leave component of terminal leave:

Provided that the earned leave and the half pay leave so granted together with the earned leave and the half pay leave for which cash equivalent of leave salary was granted to him on the earlier occasion does not exceed the period between the date from which he is to retire prematurely and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service.

## **CHAPTER II**

### **General Conditions**

## **7. Right to leave**

(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

## **8. Regulation of claim to leave**

A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

## **9. Effect of dismissal, removal or resignation on leave at credit**

(1) Except as provided in Rule 39 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

## **10. Commutation of one kind of leave into another**

(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Government servant cannot claim such commutation as a matter of right.

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

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE.- Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 31.

### **11. Combination of different kinds of leave**

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

EXPLANATION.- Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

### **12. Maximum amount of continuous leave**

Unless the President, in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

### **13. Acceptance of service or employment while on leave**

(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of -

- (a) the President, if the proposed services or employment lies elsewhere than in India; or
  - (c) the authority empowered to appoint him, if the proposed service or employment lies in India.
- (2) (a) No Government servant while on leave, other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment.
- (b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the



office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

- (c) A Government servant while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment with a Public Sector Undertaking or a body referred to in Clause (a) of sub-rule (2) of Rule 38 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Rule 40.
- (3) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.
  - (b) The leave so cancelled under Clause (a) shall be allowed to be encashed in the manner provided in sub-rule (2) of Rule 39.
  - (c) Deleted.
- (4) Deleted.

## **CHAPTER III**

### **Grant of and return from Leave**

#### **14. Application for leave**

Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

#### **15. Leave account**

Except as provided in the Note below, a leave account shall be maintained in Form 2 for each Government servant by the Audit Officer in the case of Gazetted Government servants and by the Head of Office or an officer authorized by him in the case of non-Gazetted Government servants.

NOTE.- In the case of Gazetted Government servants whose pay and allowances are drawn and disbursed by the Head of Office, the leave account shall be maintained by that Head of Office.

#### **16. Verification of title to leave**

(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

NOTE.- The order sanctioning leave shall indicate the balance of earned leave/half pay leave at the credit of the Government servant.

(2)(a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding sixty days.

(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued, where necessary.

(c) In the case of Gazetted Government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding sixty days.

NOTE.- In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Rule 39, an undertaking for recovery of the leave salary, if any, paid in excess, shall be taken from the Government servant.

**17. Leave not to be granted in certain circumstances**

Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

**18.** Deleted.

**19. Grant of leave on medical certificate to Gazetted and non-Gazetted Government servants**

1[(1) An application for leave on medical certificate made by-

- (i) a Gazetted Government servant, shall be accompanied by a medical certificate in Form 3 given by a Central Government Health Service (CGHS) Doctor if such a Government servant is a CGHS beneficiary or by a Government Hospital or by an Authorized Medical Attendant if he is not a CGHS beneficiary; and by an Authorized Doctor of the private hospital recognized under CGHS/Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment duly approved by Competent Authority in respect of any particular kind of disease like heart disease, cancer, etc., for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the Gazetted Government servant who is a Central Government Health Service beneficiary, if at the time of illness, is away from CGHS area or proceeds on duty outside the Headquarters will produce Medical Certificate (MC) or Fitness Certificate (FC) in Form 3 and Form 5, as the case may be, given by an Authorized Medical Attendant;

- (ii) a non-Gazetted Government servant, shall be accompanied by a medical certificate Form 4 given by a CGHS Doctor if such a Government servant is a CGHS beneficiary or by Government Hospital or by an Authorized Medical Attendant if he is not a CGHS beneficiary; and by an Authorized Doctor of the private hospital, recognized under CGHS/Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment duly approved by the Competent Authority in respect of particular kind of disease like heart disease, cancer, etc., for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the non-Gazetted Government servant who is a CGHS beneficiary, if at the time of illness is away from

CGHS area or proceeds on duty outside the Headquarters will produce M.C. or F.C. in Form 4 or 5, as the case may be, given by an Authorized Medical Attendant (AMA) or by Registered Medical Practitioner (RMP) if there is no AMA available within a radius of 8 kilometers (kms) from his residence or place of temporary stay outside his Headquarters and also in the circumstances when he finds it difficult to obtain MC or FC from a CGHS Doctor or an AMA;

**defining as clearly as possible the nature and probable duration of illness.]**

NOTE.- In the case of non-Gazetted Government servant, a certificate given by a registered Ayurvedic, Unani or Homoeopathic medical practitioner or by a registered Dentist in the case of dental ailments or by an honorary Medical Officer may also be accepted, provided such certificate is accepted for the same purpose in respect of its own employees by the Government of the State in which the Central Government servant falls ill or to which he proceeds for treatment.

(2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the medical certificate.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(5) The grant of medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

**20. Leave to a Government servant who is unlikely to be fit to return to duty**

- (1)(a) When a Medical Authority has reported that there is no reasonable prospect that the Government servant will even be fit to return to duty, leave shall not necessarily be refused to such Government servant.
- (b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:-
- (i) if the Medical Authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a Medical Authority;
  - (ii) if a Government servant is declared by a Medical Authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the Medical Authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the Medical Authority does not exceed six months.

1[(2) A Government servant who is declared by a Medical Authority to be completely and permanently incapacitated for further service shall –

- (a) if he is on duty, shall not be invalidated from service during his service period;
- (b) if he is already on leave, the period of leave or an extension thereafter to the extent permissible under sub-rule (1) of this rule and even beyond that may be granted as per relevant rule(s).]

## **21. Commencement and termination of leave**

Except as provided in Rule 22, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

## **22. Combination of holidays with leave**

- (1)(i) When the day, immediately preceding the day on which a Government servant's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of series of holidays, the Government servant shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) to leave his station at the close of the day

before, or return to it on the day following such holiday or series of holidays, provided that—

- (a) his transfer or assumption of charge does not involve the handling or taking over of securities or moneys other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and
- (d) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(ii) In the case of leave on medical certificate-

- (a) When a Government servant is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

(2) On condition that the departing Government servant remains responsible for the moneys in this charge, the Head of Department may, in any particular case, waive the application of Clause (a) of the proviso to sub-rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs -

- (a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and
- (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE.- A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

### **23. Recall to duty before expiry of leave**

(1) Deleted.

(2) Deleted.

(3) In case a Government servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Government servant shall be entitled-

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw -

(i) travelling allowance under rules made in this behalf for the journey; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive-

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter;

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

For rules governing the drawal of traveling allowance for a journey on recall from leave, see Supplementary Rules 142 and 143.

#### **24. Return from leave**

(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded

from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3)(a) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.

\*(b) (Not printed)

\*(c) (Not printed)

(d) In the case of a non-Gazetted Government servant, the authority under which the Government servant is employed on return from leave may, in its discretion, accept a certificate signed by a Registered Medical Practitioner.

(4)(a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE.- A Government servant who had been suffering from Tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

## **25. Absence after expiry of leave**

(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.



## CHAPTER IV

### Kinds of Leave due and admissible

#### 26. Earned leave for Government servants serving in Departments other than Vacation Departments

(1)(a)(i) The leave account of every Government servant (other than a military officer) who is serving in a Department other than a Vacation Department, shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(ii) When a Government servant joins a new post without availing full joining time by reasons that -

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled,

or

(b) he proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming traveling allowance for the family,

the number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central Civil Services (Joining Time) Rules, 1979, subject to the maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave:

Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(b) The leave at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

Provided that where the earned leave at the credit of Government servant as on the last day of December of June is 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] or less but more than 2[285] days, the advance credit of 15 days earned leave on first day of January or July to be

afforded in the manner indicated under sub-rule (i) of Clause (a) of sub-rule (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the Government servant takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(c)(i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible, if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.

(ii) Not printed.

NOTE.- Not printed.

(e) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

EXCEPTION.- Not printed.

(2) Subject to the provisions of Rules 7 and 39 and sub-rules (1) and (3) of the rule, the maximum earned leave that may be granted at a time shall be -

(i) 180 days in the case of any Government servant employed in India, or

(ii) Not printed.

(3) Earned leave may be granted to a Government servant in Class I of Class II service or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 180 days but not exceeding 300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

## **27. Calculation of Earned Leave**

(1) Earned leave shall be credited to the leave account of Government servant at the rate of  $2\frac{1}{2}$  days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

(2)(a) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of  $2\frac{1}{2}$  days per completed calendar month up to the date of retirement or resignation.

(b) When a Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of  $2\frac{1}{2}$  days per completed calendar month up to the end of the Calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(3) If a Government servant has availed of extraordinary leave and/or some period of absence has been treated as dies non in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by  $1/10^{\text{th}}$  of the period of such leave and/or dies non subject to maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

## **28. Earned leave for persons serving in Vacation Departments**

(1)(a) The leave account of a Teacher, Principal, Headmaster, Librarian, Laboratory Assistant or a Waterman working in a school shall be credited in advance with earned leave in two instalments of five days each on the first day of January and July, of every year.

(b) If a Teacher, Principal, Headmaster, Librarian, Laboratory Assistant or a Waterman working in a School has availed of extraordinary leave and/or some period of absence has been treated as dies non during a half year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by  $1/10^{\text{th}}$  of the period of such leave and/or dies non subject to a maximum of 5 days.

(c) The credit for the half-year in which a Teacher, Principal, Headmaster, Librarian, Laboratory Assistant or a Waterman working in a school is appointed/ceases to be in service shall be allowed at the rate of  $5/6^{\text{th}}$  day for each complete month of service which he had rendered or is likely to render in the half year in which he is appointed/ceases to be in service.

(2) Subject to provisions of sub-rule (1), a Government servant (other than a military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(3)(a) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days or 45 days when governed by the exception to sub-rule (1) of Rule 26, as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(b) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under Rule 26.

EXPLANATION.- For the purpose of this rule, the term 'year' shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.

NOTE 1.- A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE 2.- When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacation which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

NOTE 3.- In the case of a Teacher, Principal, Headmaster, Librarian, Laboratory Assistant or a Waterman working in a school, the earned leave, if any, admissible under sub-rule (3) will be in addition to the earned leave admissible under sub-rule (1).

(4) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government at a time under Rule 26.

(5) The earned leave under this rule at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service].

NOTE.- The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments, in accordance with the provisions of sub-clause (ii) of Clause (a) of sub-rule (1) of Rule 26.

## **29. Half pay leave**

(1) The half pay leave account of every Government servant (other than a military officer and those covered by Rule 28 ) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(2)(a) The leave shall be credited to the said leave account at the rate of  $5/3$  days for each completed calendar month of service which he is likely to render in the half –year of the calendar year in which he is appointed.

(b) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of  $5/3$  days per completed calendar month up to the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of  $5/3$  days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of a Government servant has been treated as dies non in a half-year, the credit to be afforded to his half pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of dies non subject to a maximum of ten days.

(3) A Government servant who is eligible for Departmental leave under Rule 49, shall be entitled to half pay leave of twenty days on completion of twelve months of actual duty.

(4) The leave under this rule may be granted on medical certificate or on private affairs.

(5) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day:

Provided that in the case of Government servant not in permanent employ or quasi-permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a Medical Authority.

### **30. Commuted leave**

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions:-

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry:
- (b) Deleted.
- (c) Deleted.
- (d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
- (e) Deleted.

(1-A) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE.- Commuted leave may granted at the request of the Government servant even when earned leave is due to him.

### **31. Leave not due**

(1) Save in the case of leave preparatory to retirement, Leave Not Due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;
- (b) Leave Not Due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) Leave Not Due shall be debited against the half pay leave the Government servant may earn subsequently.

(1-A) Leave Not Due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental Illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions in Clauses (a) to (c) of sub-rule (1) and subject to the following conditions, namely:-

- (i) that the Government servant has put in a minimum of one year's service;
- (ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in Clauses (c) and (d) of sub-rule (2) of Rule 32.

(2)(a) Where a Government servant who has been granted Leave Not Due resigns form service or at his request permitted to retire voluntarily without returning to duty, the Leave Not Due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

- (b) Where a Government servant who having availed himself of Leave Not Due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

Provided further that no leave salary shall be recovered under Clause (a) or Clause (b), if the Government servant is compulsorily retired prematurely under Rule 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56(j) or Fundamental Rule 56(i)

### **32. Extraordinary leave**

(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances-

- (a) when no other leave is admissible:
- (b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits:-

- (a) three months;
- (b) six months where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;
- (c) Deleted.
- (d) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for -
  - (i) Pulmonary Tuberculosis or Pleurisy of tubercular origin, in a recognized sanatorium;



NOTE.- The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

- (ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon or Staff Surgeon; or
  - (iii) 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 State Administrative Medical Officer concerned;
  - (iv) Cancer or for mental illness, in an institution recognized for the treatment of such disease.
- (f) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a).
- (3)(a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in Clause (e) of sub-rule (2), shall be required to execute a Bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.
- (b) The Bond shall be supported by Sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.
- (4) Government servants belonging to the Scheduled Castes or the Scheduled tribes may, for the purpose of attending the Pre-Examination Training Course at the centers notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

### **33. Leave to probationer, a person on probation and an apprentice**

(1)(a) A probationer shall be entitled to leave under these rules if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend -

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to-

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under Rule 32.

### **34. Persons re-employed after retirement**

In the case of a person re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

**35.** Deleted.

**36.** Deleted.

37. Deleted.

**38. Leave preparatory to retirement**

(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 1[300 days] together with half pay leave due, subject to the condition that such leave extends up to and includes the date of retirement.

NOTE.- The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2)(a) Where a Government servant who is on foreign service in or under any Local Authority or a Corporation or Company wholly or substantially owned or controlled by the Government or a Body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under Central Government.

(b) The Government servant on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of Rule 39.

(c) Deleted.

(3) Where a Government servant is on foreign service in or under a local body other than the one mentioned in Clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government servant continues in service under such foreign employer, the Government servant shall not be eligible for grant of cash payment in lieu of leave under Rule 39.

**38-A. Encashment of Earned Leave along with Leave Travel Concession while in service**

A Government servant may be permitted to encash earned leave up to 10 days at the time of availing of Leave Travel Concession while in service, subject to the conditions that:

(i) earned leave of at least an equivalent duration is also availed of simultaneously by him;

- (ii) a balance of at least 30 days of earned leave may be available to his credit after taking into account the period of encashment as well as leave;
- (iii) the total leave so encashed during the entire career does not exceed 60 days in the aggregate;
- (iv) the cash equivalent shall be calculated as follows namely:-

Cash equivalent =	Pay admissible on the date of availing of the Leave Travel Concession plus Dearness Allowance admissible on that date. _____ <div style="text-align: center;">30 X</div>	Number of days EL subject to the maximum 10 days at one time
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No House Rent Allowance or City Compensatory Allowance shall be payable;

- (v) the period of leave encashed shall be deducted from the quantum of leave that can normally be encashed by him under Rules 6,39,39-A,39-B,39-C and 39-D.

39. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service

- (1) No leave shall be granted to a Government servant beyond-
  - (a) the date of his retirement, or
  - (b) the date of his final cessation of duties, or
  - (c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
  - (d) the date of his resignation from service.

(2)(a) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall suo motu issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the Government servant on the date of his retirement, subject to a maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(b) The cash equivalent under Clause (a) shall be calculated as follows and shall be payable in one lump sum as a one-time settlement.

No House Rent Allowance or Compensatory (City) Allowance shall be payable-

Cash equivalent =	<p>** Pay admissible on the date of retirement plus dearness allowance admissible on that date</p> <hr/> <p>30 X</p>	<p>Number of days of unutilized earned leave at credit on the date of retirement subject to the maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].</p>
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(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.

(4)(a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted-

- (i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180 days/1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] as the case may be, as prescribed in Rule 26.
- (ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-rule (2) in respect of earned leave at credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

NOTE.-Not printed.

- (b) The cash equivalent payable under sub-clause (ii) of Clause (a) of this sub-rule shall be calculated in the manner indicated in Clause (b) of sub-rule (2) above.

\* (5) A Government servant who retires or is retired from service in the manner mentioned in Clause © of sub-rule (1), may be granted suo motu, by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] and also in respect of all the half pay leave at his credit, provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus dearness allowance admissible on the leave salary for the first 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] at the rates in force on the date the Government servant so retires or is retired from service. The pension and pension equivalent of other retirement benefits and ad hoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lumpsum as a one-time settlement. No House Rent Allowance or Compensatory (City) Allowance shall be payable.

Provided that if leave salary for the half pay leave component falls short of pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted.

(5-A) Where a Government servant is compulsorily retired as a measure of penalty under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of the Central Civil Services (Pension) Rules, 1972, the authority competent to grant leave shall suo motu issue an order granting cash equivalent of leave salary for earned leave, if any, at credit of the Government servant on the date of such retirement, subject to a maximum of 1[300 days (including the number of days for which cash equivalent has been allowed while in service)] in the manner indicated in Clause (b) of sub-rule (2).

- (6)(a)(i) Where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].
- (ii) If a Government servant resigns or quits service, he may be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 2[150 days].
- (iii) A Government servant, who is re-employed after retirement may, on termination of his re-employment, be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] including the period for which encashment was allowed at the time of retirement.
- (b) The cash equivalent payable under Clause (a) shall be calculated in the manner indicated in Clause (b) of sub-rule (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of Clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the Dearness Allowance appropriate to that pay.

### **39-A. Cash equivalent of leave salary in case of death in service**

In case a Government servant dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 1[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)], shall be paid to his family in the manner specified in Rule 39-C without any reduction on account of pension equivalent of death-cum-retirement gratuity.



NOTE.- In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of Dearness Allowance only as per orders issued in this behalf separately.

**39-B. Cash equivalent of leave salary in case of invalidation from service**

A Government servant who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted, suo motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-rule (5) of Rule 39. A Government servant not in permanent employ or quasi-permanent employ shall not however be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

**39-C. Payment of cash equivalent of leave salary in case of death, etc., of Government servant**

In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 39,39-A and 39-B, such amount shall be payable-

- (i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

EXPLANATION.- The expression “eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;

- (vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;
- (viii) failing (i) to (vii) above, to the eldest surviving unmarried sister;
- (ix) 1[failing (i) to (viii) above], to the eldest surviving widowed sister;
- 1(x) [failing (i) to (ix) above, to the eldest surviving married daughter; and
- (x) failing (i) to (x) above, to the eldest child of the eldest predeceased son.]

**39-D. Cash equivalent of leave salary in case of permanent absorption in Public Sector Undertaking/Autonomous Body wholly or substantially owned or controlled by the Central/State Government**

A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government shall be granted suo motu by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. This will be calculated in the same manner as indicated in Clause (b) of sub-rule (2) of Rule 39.

**40. Leave Salary**

(1) Except as provided in sub-rule (7), a Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

NOTE :- In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(3) A Government servant on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1).

(4) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under (sub-rule (1).

(5) A Government servant on extraordinary leave is not entitled to any leave salary.

(7) ( c).In the case of a Government servant who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(8)In the case of a person to whom the Employees' State Insurance Act, 148 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) If, in the case of a Government servant who retires or resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by a Government servant who is dismissed or removed from service or who die while in service is in excess of the leave credit under Clause (b) of sub-rule (2) of Rule 27, the overpayment of leave salary shall be recovered in such cases.

#### **41. Drawal of leave salary**

The leave salary payable under these rules shall be drawn in rupees in India.

#### **42. Advance of L eave salary**

A Government servant, including a Government servant on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary up to a month's pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, Recovery of Advances etc.

NOTE 1. Leave salary advance may also be allowed to Central Government servants transferred temporarily to posts other than under Central Civil Departments. The borrowing authority should be informed of this by making a suitable provision in the terms of the transfer of the Government servants concerned.

NOTE 2:- The concession may be allowed also to State Government servants transferred temporarily to posts under Central Civil Departments.

#### **43. Maternity Leave**

(1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of (135 days) from the date of its commencement.

(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE :- In the case of a person to whom Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(3) Maternity leave not exceeding 45 days may also be granted to a female Government servant (irrespective of the number of surviving children) during the entire service of that female Government in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19:

Provided that the maternity leave granted and availed of before the commencement of the CCS(Leave) Amendment Rules, 1995, shall not be taken into account for the purpose of this sub-rule.

(4) (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.

#### **43-A. Paternity leave**

(1) A male Government servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(1) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) The paternity Leave may be combined with leave of any other kind.

(3) The paternity leave shall not be debited against the leave account.

(4) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE:- the Paternity Leave shall not normally be refused under any circumstances.

#### **43-B. Leave to a female Government servant on adoption of a child.**

A female Government servant on adoption of a child, may be granted leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate ) for a period up to one year or till such time the child is one year old, whichever is earlier. However, this facility will not be admissible in case she is already having two surviving children at the time of adoption.

#### **44. Special disability leave for injury intentionally inflicted**

(1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice:

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by an Authorized Medical Attendant and shall in no case exceed 24 months

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at later date, but not more than 24 months of such leave shall be granted in consequence of any on disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to Clause (b) of sub-rule(7), be debited against the leave account.

(7) Leave salary during such leave shall:-

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal for leave salary while on earned leave;

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that a Government servant may, at his option, be allowed leave salary as in sub-rule (a) for a period not exceeding another 120 days, and in the event the period of such leave shall be debited to his half pay leave account.

NOTE :- Leave salary in respect of special disability leave granted to a Government servant who has rendered service under more than one Government may be apportioned between the Governments in accordance with the normal rules.

(8) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under Clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) The provisions of this rule shall also apply-

(i) to a civil Government servant disabled in consequences of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; and

(ii) to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributed to his service with a military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

#### **45. Special disability leave for accidental injury**

(1)The provisions of Rule 44 shall apply also to a Government servant whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions :-

(i)That the disability, if due to disease, must be certified by an Authorized Medical Attendant to be directly due to the performance of the particular duty;

(ii)that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character' and

(iii)that the period of absence recommended by an Authorized Medical Attendant may be covered in part, by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

#### **46.Hospital leave**

(1)The authority competent to grant leave may grant hospital leave to

(a) Class IV Government servants ,and

(b)such Class III Government servants whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks,

while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2)Hospital leave shall be granted on the production of medical certificate from an Authorized Medical Attendant.

(3)Hospital leave may be granted for such period as the authority granting it m(ay consider necessary, on leave salary –

(i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave, for the remaining period of any such leave.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible provided the total period of leave, after such combination, does not exceed 28 months.

(5)(a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under Clause (d) of sub section 1) of Section 4 of the said Act.

(b) In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

#### **47. Seamen's sick leave**

(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks:

Provided that such shall not be granted if a Government Medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

(a) a Government Medical Officer must certify the disability;

(b) the disability must not be due to the seaman's own carelessness or inexperience'

(c) the vacancy cause by his absence must not be filled.

(3)(a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of



compensation payable under Clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

#### **48. Deleted**

#### **49. Departmental Leave**

(1) Departmental leave may be granted to :-

(a) Class III Government servants (other than Division I staff and Clerks) and to Class IV Government servants in the Survey of India, attached to Survey Parties with field and recess duties:

(b) members of the seasonal staff in the Posts and Telegraphs Department, whose duties are not continuous but are limited to certain fixed period in each year.

(2) In addition to leave due and admissible, departmental leave may be granted only to Government servants whose services are temporarily not required.

(3)(a) Departmental leave with leave salary may be granted during the recess by the Head of the Party or Office to which the Government servant belongs in the Survey of India or an authority not lower than the Divisional Superintendent of Post Offices in the Posts and Telegraphs Department, as the case may be provided the authority granting the leave considers in the case of a Class IV Government servant that it is desirable to re-employ the Government servant in the ensuing season.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, up to a maximum of eighteen months in all.

(4) (a) Departmental leave with leave salary may be granted at times other than the recess, for not more than six months at a time, by directors in the Survey of India, provided the leave is granted in the interests of Government and not at the request of the Government servant.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General up to a maximum of one year in all.

( c )Leave on medical certificate shall not be regarded as granted in the interest of Government.

(5)Where the President by general or special order so authorizes, departmental leave without leave salary may be granted by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, in continuation of the departmental leave with leave salary.

(6)(a) A Government servant on Departmental Leave with leave salary shall be paid leave salary equal to 25 per cent of the said salary admissible during the earned leave under sub-rule (1) of Rule 40. No allowance, other than Dearness Allowance, shall be admissible on such leave salary.

(b) A Government servant while on departmental leave with leave salary shall be paid leave salary at the end of each month up to first six months and thereafter it shall be paid when the Government servant returns to duty:

Provided that where a Government servant dies while on departmental leave, his leave salary up to the date of his death, or the last day of such leave with leave salary, whichever is earlier, shall be paid to his heirs.

(7)Departmental leave does not count as duty and such leave shall not be debited to his leave account.

(8)Departmental leave may be granted when no leave is due.

(9)Departmental leave may be combined with any other kind of leave which may be due.

(10)(a)When a Government servant to whom these rules apply, holds a post in which the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be (hereinafter in this sub-rule referred to as the authority) considers that he is unlikely to be eligible for departmental leave in future, the authority may, by order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the authority may fix, any balance of leave at debit in the Government servant's leave account should be cancelled.

(b) All leave earned after such date shall be credited as due in the Government servant's leave account and all leave taken after such date, including departmental leave with leave salary, if any, shall be debited in it.

(NOTE :- this sub-rule applies to cases of Government servants who have debit balance in their leave account due to their availing of departmental leave before the 1<sup>st</sup> November, 1973, when departmental leave with leave salary used to be debited to leave account.

## **50. Conditions for grant of study leave**

(1) Subject to conditions specified in this Chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course 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 his duty.

(2) Study leave may also be granted-

- (i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and
- (ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that-
  - (a) the particular study or study tour should be approved by the authority competent to grant leave; and
  - (b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave;
- (iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

NOTE.- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless-

- (i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;

(ii) it is for prosecution of studies in subjects other than academic or literary subject:

Provided that an officer of the Indian Economic Service or Indian Statistical Service may be granted study leave for prosecuting a course of study for obtaining Ph.D., on a research thesis, subject to the conditions that-

- (a) the subject of research and the institution at which such research is to be undertaken are got approved by the Chief Economic Adviser to the Government of India, in case the applicant is a member of the Indian Economic Service, or by the Director, Central Statistical Organization, in case the applicant is a member of the Indian Statistical Service;
- (b) the applicant obtains a certificate from the said authority to the effect that such study will be valuable in the matter of increasing the efficiency of the officer in the performance of his duties as a member of the Indian Economic Service or the Indian Statistical Service, as the case may be; and
- (c) in cases where the study is to be undertaken at a foreign university, the applicant obtains a further certificate that the facilities for research on the particular subject chosen for study are not available at any University or other Institution in India:

Provided further that a Medical Officer may be granted study leave for prosecuting a course of postgraduate study in Medical Sciences if the Director-General of Health Services certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties:

Provided also that a specialist or a technical person may be granted study leave, on merits of each case for prosecuting a postgraduate course of study directly related to the sphere of his duty in case the Head of the Department or the Secretary to the Department or Ministry concerned certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep barest with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Department or Ministry.

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India:

Provided that in releasing foreign exchange to Government servants proceeding on study leave abroad, the Department aforesaid shall satisfy

itself whether such Government servant comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to a Government servant-

- (i) who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Government;
- (ii) who is not due to reach the age of superannuation from the Government service within three years from the date on which he is expected to return to duty after the expiry of the leave; and
- (iii) who executes a Bond as laid down in Rule 53(4) undertaking to serve the Government for a period of three years after the expiry of the leave

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

### **51. Maximum amount of study leave**

The maximum amount of study leave, which may be granted to a Government servant shall be –

- (a) ordinarily twelve months at any one time, and
- (b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

### **52. Applications for study leave**

- (1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.
- (b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

### **53.Sanction of study leave**

(1)A report regarding the admissibility of the study leave shall be obtained from the Audit Officer:

Provided that the study leave, if any, already availed of by the Government servant shall be included in the report.

(2)Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before the leave is granted.

(3)Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave, provided that where such leave has been granted by an Administrator, the intimation shall be sent through the Ministry concerned.

NOTE :- The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

(4)(a)Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a Bond in Form 7 or Form 8, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b)Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10 as the case may be, before the study leave or extension of such study leave granted to him commences.

(c ) The Authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the Government servant referred to in Clause (a) or Clause (b) has executed the requisite bond.

5(a) On completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority in charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

#### **54. Accounting of study leave and combination with leave of other kinds**

(1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave involve a total absence of more than twenty eight months generally and thirty-six months for the courses leading to PhD. degree from the regular duties of the Government servant.

Explanation :-the limit of twenty-eight months/thirty six months of absence prescribed in this sub-rule includes the period of vacation.

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in Rule 57 being satisfied, draw study allowance in respect thereof

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

#### **55. Regular of study leave extending beyond course of study**

When the course of study fall short of study leave granted to a Government servant, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

#### **56. Leave Salary during study leave**

(1) Except as provided in sub-rule (3), during Study Leave availed of outside India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance, House Rent Allowance

and Study Allowance as admissible in accordance with the provisions of Rules 57 to 60.

(2) (a) Except as provided in sub-rule (3), during Study Leave availed of in India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance as admissible in accordance with the provisions of Rule 60.

(b) Payment of leave salary at full rate under Clause (a) shall be subject to furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c ) The amount, if any, received by a Government servant during the period of Study leave as scholarship or stipend or remuneration in respect any part-time employment as envisaged in sub-rule (2) of Rule 57, shall be adjusted against the Leave Salary payable under this sub-rule subject to the condition that the Leave Salary shall not be reduced to an amount less than that payable as Leave Salary during half-pay leave.

(d) No study allowance shall be paid during Study Leave for courses of study in India.

(3) During the currency of Study Leave within or outside India on or after 1<sup>st</sup> day of January 1996, a Central Government servant shall draw benefits of Revised Pay from the date such revision took place.

### **57. Conditions for grant of study allowance**

(1) A study allowance shall be granted to a Government servant who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government servant has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government sources, or any other remuneration in respect of any part-time employment-

(a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by



the Government servant from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible:

- (b) In case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.

- (3) Study allowance shall not be granted for any period during which a Government servant interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave or the Head of Mission may authorize the grant of Study Allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

- (4) Deleted.

- (5) Study Allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that

—

- (a) The Government servant attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or
- (b) In the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study, it shall be allowed for a maximum period of 14 days.

- (6) The period for which Study Allowance may be granted shall not exceed 24 months in all.

## **58. Rates of Study Allowance**

- (1) The rates of Study Allowance shall be as follows:-

Name of the Country	Study allowance per diem
Australia	£ 1.00 (Sterling)
Continent of Europe	£ 1.65 ,,

New Zealand	£ 1.20	„
United Kingdom	£ 2.00	„
United States of America	£ 2.75	„

- (2) The rates of Study Allowance prescribed in sub-rule (1) may be revised by the Central Government from time to time.
- (3) The rates of Study Allowance to be granted to a Government servant who takes study leave in any country other than the one specified in sub-rule (1) shall be such as may be specially determined by the President in each case.

#### **59. Procedure for payment of study allowance**

- (1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.
- (2) Study Allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to the Government any overpayment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which Study Allowance is claimed.
- (3) (a) In the case of a definite course of study at a recognized institution, the Study Allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance.  
  
(b) The certificate of attendance required to be submitted in support of the claims for Study Allowance shall be forwarded at the end of the terms, if the Government servant is undergoing study in an educational institution, or at intervals not exceeding three months if he is undergoing study at any other institution.
- (4) (a) When the programme of study approved does not include, or does not consist entirely of, such a course of study, the Government servant shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary

showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adapting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government servant was properly utilized and shall determine accordingly for what periods Study Allowance may be granted.

#### **60. Admissibility of allowances in addition to Study Allowance**

(1) For the first (180) days of the Study Leave, House Rent Allowance shall be paid at the rates admissible to the Government servant from time to time at the station from where he proceeded on study leave. The continuance of payment of House Rent Allowance beyond (180) days shall be subject to the production of a certificate as prescribed in Para.8 (d) of Ministry of Finance, O.M. No.2 (37)-E.II (B)/64, dated 27-11-1965, as amended from time to time.

(2) Except for house rent allowance as admissible under sub-rule (1) and the Dearness Allowance and the Study Allowance, where admissible, no other allowance shall be paid to a Government servant in respect of the period of study leave granted to him.

#### **61. Travelling Allowance during study leave**

A Government servant to whom study leave has been granted shall not ordinarily be paid Travelling Allowance but the President may in exceptional circumstances sanction the payment of such allowance.

NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of Travelling Allowance.

#### **62. Cost of fees for study**

A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

**63. Resignation or retirement after study leave or non-completion of the course of study.**

(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty or fails to complete the course of study and is thus unable to furnish the certificates as required under sub-rule (5) of Rule 53 he shall be required to refund-

(i) the actual amount of leave salary, Study Allowance, cost of fees, traveling and other expenses, if any, incurred by the Government of India; and

(ii) the actual amount, if any, of the cost incurred by other agencies such as foreign Government, Foundations and Trusts in connection with the course of study,

together with interest thereon at rates for the time being in force on Government loans from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply-

(a) to a Government servant who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

(b) to a Government servant who, after return to duty from study leave, is deputed to serve in any Statutory or Autonomous Body or Institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said Statutory or Autonomous body or Institution in the public interest.

(2) (a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servant.

## CHAPTER VII

### Miscellaneous

#### **64. Interpretation**

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India in the Ministry of Personnel, Public Grievances and Pensions for decision.

#### **65. Power to relax**

Where any Ministry or Department of Government of India is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Ministry of Personnel, Public Grievances and Pensions.

#### **66. Repeal and saving**

(1) On the commencement of these rules, every rule, regulation or order, including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of a Government servant, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.