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- 48. Special Leave connected to inquiry of sexual harassment
- *(DOPT Notification No. 13026/2/2016-Estt.(L), dated 15.03.2017.)*
- **Leave up to a period of 90 days may be granted to an aggrieved female Government servant on the recommendation of the Internal Committee or the Local Committee, as the case maybe, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government servant under this rule shall not be debited against the leave account.**

SUMMARY OF CCS LEAVE RULES

- 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: and postal department
- 50. Conditions for grant of study leave
- 51. Maximum amount of study leave
- *(DOPT Notification No. 13023/3/98-Estt. (L), Vol. 11, dated 26.10.2007)*
- (1) The maximum amount of study leave, which may be granted to a Government servant, other than Central Health Service Officers, shall be— (a) ordinarily twelve months at any one time, and
- (b) during his entire service, twenty-four months

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- **63. Resignation or retirement after study leave or non-completion of the course of study.**
- **64. Interpretation 65. Power to relax**

Extent of application

- These rules may be called the Central Civil Services (Leave) Rules, 1972.
- These rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union
- The benefit of cash equivalent of leave salary payable under Rule 39 shall be modified as under—
- (a) On superannuation.— encashment of leave shall be subject to the condition that the number of days of both earned leave and half pay leave for which encashment has already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on superannuation does not exceed 300 days;

Extent of application

- On premature retirement.— cash equivalent of unutilized earned leave and half pay leave should be subject to the condition that the number of days of earned leave and half pay leave for which encashment had already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on premature retirement shall not exceed 300 days.
- **(DOPT Notification No. 11012/1/2009-Estt.(L) dated 01.12.2009)**

SUMMARY OF LEAVE RULES

- **General Principals**
- **Earned Leave**
- **Half Pay Leave**
- **Commutated Leave**
- **Leave Not due**
- **Extraordinary leave**
- **Leave salary**

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SUMMARY OF LEAVE RULES

- **Maternity Leave**
- **Paternity Leave**
- **Study Leave**
- **Casual Leave**
- **Special Casual Leave**
- **Child Care Leave**

SUMMARY OF LEAVE RULES

– General Principals

- Leave cannot be claimed as matter of Right
- May be refused or revoked by the authority competent to grant.
- Any claim to leave to the credit of an employee who is dismissed or removed or who resigns from Sangathan's service ceases from the date of such dismissal or removal of the employee.
- No employee shall be granted leave of any kind for a continuous period exceeding five years.
- Prefixing and suffixing holidays to leave other than leave on medical certificates shall be allowed automatically.

SUMMARY OF LEAVE RULES

- In case of employee who is recalled to duty before the expiry of leave, such recall of leave shall be treated as compulsory.
- An employee on leave shall not return to duty before the expiry of period of leave granted to him unless he permitted to do so by the authority which granted him leave.
- An employee who has taken leave on medical certificate may not join duty until he has produced a medical certificate of fitness of Form 'B'.
- An employee on leave should not take up any service or employment elsewhere without obtaining prior sanction of the appointing authority
- Vacation can be combined with any kind of leave but the duration of vacation and earned leave should not exceed 180 days at a time.

Grant of leave on Medical grounds:

- (i) A CGHS beneficiary should produce medical certificate / fitness certificate from a CGHS doctor.
- (ii) Non- CGHS beneficiary and CGHS beneficiaries who proceed outside the Headquarter on duty, leave, etc., should produce the certificate from AMA, and in such cases, a non-Gazetted Government servant may produce certificate from RMP if there is no AMA available within a radius of 8 kms of his residence.
- (iii) Where a non-Gazetted Government servant finds it difficult to obtain MC/FC from CGHS/AMA, the leave sanctioning authority may consider grant of leave on the basis of the certificate from an RMP after taking into account the circumstances of the case.

Earned Leave

- The leave entitlement of vacational staff and non-vacational staff were same except in respect of earned leave.
- **Vacational staffs** are now entitled for 20 days half pay leave in lieu of 10 days earned leave then admissible.

Earned Leave

- Credit will be afforded in advance at a uniform rate of 15 days/(10 days HPL) on the 1st of January and 1st of July every year.
- The credit to be afforded will be reduced by 1/10th of EOL availed and/or period of dies non during the previous half-year, subject to a maximum of 15 days.
- The leave carried forward plus the credit for the half-year will be limited to 300 days.
- The credit for the half-year in which an employee is appointed will be afforded at the rate 2-1/2 days for each completed calendar month of service which he is likely to render in the calendar half-year in which he is appointed.

Earned Leave

- The credit for the half year in which an employee is due to retire or resigns from the service will be afforded at the rate of **2-1/2 days per completed calendar month** in that half-year up to the date of retirement/resignation.
- The credit for the half-year in which an employee is **removed/dismissed** from service or **dies in service**, will be afforded at the rate of 2-1/2 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed/dismissed/dies.
- If an employee, who **retires/resigns/is removed/is dismissed/dies** in the middle of a calendar year, has taken any extraordinary leave during that half year, the earned leave credited should be reduced at the rate of 1/10th of such extraordinary leave and the leave account regularized.

Earned Leave

- While affording credit, fraction of a day should be rounded off to the nearest day i.e. 7-1/2 days to be rounded as 8 days.
- Earned leave can be accumulated upto 300 days.
- **Earned leave be taken up to 180 days at a time.**
- Earned leave exceeding 180 days but not exceeding 300 days may be granted to Group 'A' and Group 'B' Officers continuously, if the entire leave or at least the amount of leave in excess of 180 days is spent outside India.
- **Earned leave may be taken at a time upto 300 days in the case of leave preparatory to retirement.**

Half Pay Leave

- Admissible to teaching staff, non-teaching staff and School Librarian and Laboratory Assistant
- From 1.1.1986, half pay leave is credited in advance at the rate of 10 days on the 1st of January and 1st of July every year.
- The credit for the half year in which an employee is appointed will be **at the rate of 5/3 days for each completed calendar month** of service he is likely to render in the half year in which he is appointed.

Half Pay Leave

- The credit for the half year in which an employee is due to **retire/resigns** will be afforded at the rate of 5/3 days for each completed calendar months in that half year upto the date of retirement/resignation.
- The credit for the half year in which an employee is **removed/dismissed from service or dies in service** will be afforded at the rate of 5/3 days per completed calendar months upto the end of the calendar month preceding the calendar month in which he is removed/dismissed/dies.
- Half pay leave can be taken either *with or without-medical certificate*.

Half Pay Leave

- The grant of half pay leave to a temporary official is subject to the sanctioning authority satisfying himself he will return to duty after its expiry.
- This condition is not applicable where such official is declared completely and permanent incapacitated for further service.
- Half pay leave can be converted into full pay leave by taking it as '*Commutated leave*' if the leave applied for is on medical certificate.
- Maximum of 180 days for an approved course of study certified to be in public interest.
- Maximum of 120 days may be taken as commuted leave without medical certificate in continuation of maternity leave.

Commuted Leave

- Not exceeding half the amount of HPL due can be taken on medical certificate.
- Maximum of 90 days for an approved course of study and 60 days can be granted to a female employee in continuation of maternity leave
- Cannot be granted as leave preparatory to retirement.
- If commuted leave is taken **twice the number of days availed should be debited** in the half pay leave account.
- An employee granted commuted leave quits service voluntarily without returning to duty, the ***commuted leave shall be treated as HPL and the excess leave salary recovered.***
- If the retirement is by reason of ill-health incapacitating him for further service or in the event of death, **recovery should not be made.**
- Commuted leave may be granted at the request of the employee even when earned leave is due to him.

Leave Not due

- The amount of leave should be limited to the half pay leave that the employee is likely to earn subsequently.
- During the entire service
 - 360 days with M C
 - 180 Days with out M C.
 - Maximum period that may be granted at a time is 90 days
- For temporary employee, granted only if he is suffering from T.B., Leprosy, cancer or Mental illness and the request for such leave is supported by a Medical certificate. Further, he should have put in a minimum of one year service and the post from which he proceeds on leave should be likely to last till his return to duty.

Leave Not due

- Leave not due will be debited against the HPL that an employee may earn subsequently.
- When an employee granted leave not due *resigns/ retire voluntarily from service, the leave not due should be cancelled.*
- The resignation or retirement will take effect from the date on which such leave had commenced and the leave salary should be recovered.
- Where an employee 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.
- Leave salary *will not be recovered if the retirement is by reason of ill-health incapacitating* the Government servant for further service or in the event of his death or if he is retired prematurely.

Extraordinary leave

- Extraordinary leave may be granted to a Sangathan employee in special circumstances:-
 - when no other leave is admissible.
 - when other leave is admissible, but the employee applies in writing for the grant of extraordinary leave.
- Extraordinary leave cannot be granted to run concurrently with the notice period, in case of officials going on voluntary retirement.
- Any amount of E.O.L. may be sanctioned to a permanent employee as long as the continuous spell of all kinds of leave does not exceed five years.

Extraordinary leave

All employee – upto 3 months with or without medical certificate

Minimum of one year's continuous service

i)Upto 6 months with medical certificate for common ailments.

ii)Up to 18 months with medical certificate for cancer, mental illness, pulmonary tuberculosis or pleurisy of tubercular origin, tuberculosis of any part of the body and leprosy

- **Completed three years' continuous service** -upto 24 months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest.
- **Employees belonging to scheduled Castes/Scheduled Tribes-** Commissioner may grant leave exceeding three months for attending the pre-examination training course at the centres notified by the Government from time to time-Rule 32(4)
- **Two spells of extraordinary leave, intervened by any other kind of leave, should be treated as one continuous spell for the purpose of applying the maximum limit.**
- EOL may also be granted to regularize periods of absence without leave retrospectively.

Leave salary

- **During earned leave:** Equal to pay drawn immediately before proceeding on leave.
- **During half pay leave or leave not due:** Equal to half the amount of leave salary on earned leave.
- **During commuted leave:** Equal to pay drawn immediately before proceeding on leave.
- **Extraordinary leave:** No entitled to any leave salary.
- **Note:** 'Pay' means 'Pay' as defined in F.R.9(21) and includes deputation allowance.

Maternity Leave

- It may be granted to female employees with less than two surviving children as under;-
 - i)Pregnancy: 180 days.
 - ii)Miscarriage/abortion (induced or otherwise)
- Total of 45 days in the entire service excluding any such leave taken prior to 16.6.1994. Admissible irrespective of surviving children. Application to be supported by a certificate from a **RMP for NGOs** and from **AMA for GOs**.
- **The leave is not debited to the leave account.**
- It is granted on full pay.
- Any leave including commuted leave may be taken in continuation of maternity leave upto a maximum of 60 days without production of a medical certificate.
- Regular leave in continuation of maternity leave may be granted in case of illness of the newborn baby on production of a medical certificate to the effect that the condition of the ailing baby warrants mother's personal and the mother's presence by the baby's side is absolutely necessary.

Maternity Leave

- Note :Notwithstanding the requirement of production of medical certificate leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of one year may, if applied for, be granted in continuation of maternity leave granted as under 1(a) above.
- (G.I. Min. of Per. & PG & Pensions (Deptt. of Pers & Trg.) Notification No.11012/1/85-Estt.(L) dt. 6.6.1988.
- 6. It counts as service for increments.
- 7. It counts as service for pension.
- 8. It is not admissible for 'threatened abortion'.

Paternity Leave

- It is admissible to male employees with less than two surviving children. It is not to be refused normally.
- It may be granted up to 15 days during wife's confinement i.e. upto 15 days before or upto 6 months from the date of delivery of the child.
- The leave is not debited to the leave account.
- It may be combined with any other kind of leave, except casual leave.
- Leave salary shall be equal to the last pay drawn.

Study Leave

- It may be granted to an employee **with not less than five years' service** for a special course consisting of higher studies or specialized training in a professional or technical subject having a direct and close connection with the sphere of the duties
- The particular study or study tour should be approved by the authority competent to grant leave viz. Chairman, KVS-Rule 50(2).
- **It cannot be granted:**
 - (a) for studies out of India if facilities for prosecution of such studies are available in India.
 - (b) to an official who is due to or has the option to retire within three years of his return to duty after the study leave.
 - (c) to same official with such frequency as to remove him from contact with his regular work or cause cadre difficulties owing to his absence on leave.

Study Leave

- The maximum period is 24 months in the entire service and may be granted at a stretch or in different spells. It may be combined with any other leave due, but maximum period of continuous absence, including vacation, if any but excluding extra-ordinary leave, should not exceed 28 months.
- Study leave will not be debited to the leave account.
- If the course falls short of the study leave, the official should resume duty on conclusion of the course; or the excess period may be treated as ordinary leave with the leave sanctioning authority's prior approval.
- Requisite bonds in the prescribed forms are to be executed by the official.
- For leave to be spent outside India, Finance Ministry's agreement for release of foreign exchange is necessary before its grant.

Leave Salary (DURING STUDY LEAVE)

- **Outside India:** Pay last drawn plus D.A and H.R.A and in addition to the study allowance admissible.
- **In India:** Leave salary will be equal to pay last drawn plus D.A, HRA and scholarship or remuneration for any part-time employment during the period of study leave should be adjusted against the leave salary subject to the condition against the leave salary will not be less than that admissible during half pay leave.

Leave Salary

- HRA is payable for the first 180 days at the rate applicable at the last place of duty; continuance beyond 180 days will be subject to production of prescribed certificate for the drawal.
- If an official after availing of study leave ***resigns from service or otherwise quits within three years*** after return to duty or does so without returning to duty at all from study leave, or fails to complete the course of study, **he should refund**
- (i) the actual amount of leave salary, study allowance, cost of fees, T.A. and other expenses, if any incurred by the Government
- (ii) the actual amount, if any, of the cost incurred by other agencies such as Foreign Governments, Foundations, Trusts in connection with the course of study, with interest thereon at the prescribed rates. In exceptional cases, the President may waive such recoveries

Casual Leave

- Casual leave is not a recognized form of leave and is not subject to any rules made by the Government of India.
- An official on casual leave is not treated as absent from duty and his pay is not intermitted.
- Casual leave can be combined with Special Casual Leave but not with any other kind of leave.
- It cannot be combined with joining time.
- Sundays and Holidays falling during a period of casual leave are not counted as part of Casual leave.
- Sundays/public holidays/restricted holidays/weekly offs can be prefixed/suffixed to casual leave.

Casual Leave

- Casual leave can be taken while on tour, but no daily allowance will be admissible for the period.
- **Casual leave can be taken for half day also.**
- Essential intended for short periods. It should not normally be granted for more than 5 days at any one time.
- **L.T.C. can be availed during Casual leave.**
- **Entitlement-per calendar year is 8 days.**
- Officials joining during the middle of a year may avail leave proportionately or the full period at the discretion of the competent authority.

Special Casual Leave

- **Special casual leave may be granted on the following circumstances:-**
 - ❖ Sports Events
 - ❖ For Cultural Activities, Mountaineering/Trekking Expeditions
 - ❖ For Union/Association Activities
 - ❖ For Natural Calamities, Bandhs etc
 - ❖ Meetings connected with Co-operative Societies
 - ❖ Activities in connection with Kendriya Sachivalaya Hindi Parishad
 - ❖ During Elections
 - ❖ Differently-abled Central Government employees: Special Casual Leave not more than 10 days in a calendar year

Special Casual Leave

- **For Family Planning:**

- **(a) Male employees:**

- (i) Maximum of 5 working days admissible for vesectomy operation.
- (ii) second time due to failure of the first, another six days will be admissible on the production of medical certificate.
- (ii) Maximum of 21 days for undergoing recanalisation operation.
- (iii) Maximum of 3 days if his wife undergoes tubectomy, laproscopy or salping-ectomy operation. The leave should follow the date of operation.

Special Casual Leave

- **For Family Planning**

- **(b)Female employees:**

- Maximum of 10 days admissible for tubectomy/laproscopy.
- Second time due to failure of the first, maximum of 10 days will be admissible.
- Minimum of 10 days admissible for salpingectomy operation after Medical Termination of Pregnancy (MTP).
- Admissible on the day of IUCD insertion-insertion.
- Maximum of 21 days admissible for undergoing recanalisation operation.
- To women employees for one day, on the day, their husband undergo vasectomy operation to enable them to attend on their husbands.

Child Care Leave

- **730 days during their entire service for taking care of up to two children**
- For rearing or to look after any of their needs like examination, sickness, etc.
- **Not be admissible if the child is eighteen years of age or older.**
- Leave salary equal to the pay drawn immediately before proceeding on leave.
- **It may be availed of in more than one spell.**
- Child Care Leave shall not be debited against the leave account.
- **Child Care Leave may also be allowed for the third year as leave not due and commuted leave up to 60 days (without production of medical certificate).**
- It may be combined with leave of the kind due and admissible.

Child Care Leave

- ***Can be availed if there is Earned Leave or not at credit.***
- *Requires prior sanction.*
- ***Intervening holidays will counts as Child Care Leave as in the case of Earned Leave.***
- *In respect of disabled / mentally challenged children, it is permitted up to the age of 22 years subject to conditions and submission of certificates.*
- ***To be availed for not less than 15 days in one spell.***
- *Can be taken three times a year.*
- *In case proceeding on child care leave for more than 90 days, the post will be treated as vacant*

Leave to female Government servant on adoption of child

- On valid adoption of a child below the age of one year, for a period of 180 days, immediately after the date of valid adoption from 22.07.2009.
- **Leave salary will be equal to the pay drawn immediately before proceeding on leave.**
- This may be combined with leave of any other kind.

Leave to female Government servant on adoption of child

- In continuation of Child Adoption Leave, 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 reduced by the age of the adopted child on the date of legal adoption without taking into account the period of Child Adoption Leave.
- Facility not admissible to the female employee already having two surviving children at the time of adoption.
- Leave not debited against the leave account

What is the Effect of dismissal, removal or resignation on leave at credit

- 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.

Can we Commutation of one kind of leave into another is permissible

- 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

Is it permissible _Combination of different kinds of leave

- 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.***

What is the Maximum amount of continuous leave

- No Government servant shall be granted leave of any kind for a continuous period exceeding five years
- *(DOPT Notification No. No. 13026/2/20 10- Estt. (L), dated 29.03.2012)*
- ***President, in view of the exceptional circumstances of the case, otherwise determines, a Government servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Government service:***

Can Acceptance of service or employment while on leave permissible?

- **No Government servant while on leave, other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment**
- *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 (President sanction)*
- ***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***

When 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. (Rule 17)**

**Leave to a Government servant who is
unlikely to be fit to return to duty
Can it be refused?**

- **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**

Recall to duty before expiry of leave Is it permissible?

- **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 to TA, Leave Salary.**

What is the limit of leave not due?

- **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.**

Extraordinary leave

- **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.**
- **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;**

Extraordinary leave

- **(b) six months where the Government servant has completed one year's continuous service**
- **eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for - (i) Pulmonary Tuberculosis**

Leave preparatory to retirement

- **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 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.**

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

- **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 (five years in the case of Central Health Service Officer who has been granted thirty-six months' leave**
- **he shall be required to refund— (i) the actual amount of leave salary, cost of fees, travelling and other expenses, if any, incurred by the Government of India; and**
- **the actual amount, if any, of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest**
- *(DOPT Notification No. 1302615/2010-Estt. (L), dated 05.08.2011)*
- *(DOPT Notification No. 13023/1/2017-Estt.(L), dated 01.01.2018)*

- **YOUR
QUESTIONS**

THANK YOU