

LEAVE AT A GLANCE

Given to supplement the virtual class inputs

GENESIS

The Central Civil Services (Leave) Rules, 1972 came into force from June 01, 1972. These are statutory rules governing grant of leave applicable to all Government servants, except those who are governed by a separate set of rules, e.g. Railway employees, members of All India Services etc. The details of the exceptions are available at Rule (2) of these rules.

For All India Services

Leave of the All India Services (IAS, IPS and Indian Forest Service) are governed by the AIS (Leave) Rules, 1955, AIS (Special Disability Leave) Regulations, 1957 and AIS (Study Leave) Regulations, 1960.

KINDS OF LEAVE

There are 12 kinds of leave, which are described below, provided in the CCS (Leave) Rules, 1972. As per the policy of the Government, leave is credited in advance to the "Leave Account" of a Government servant in a half-year and debited as and when leave is taken by him/her. However, there are some "Special Kinds of Leave" which are not debitible to the leave account. The table given below indicates different kinds of leave and whether it is debitible or not debitible to the individual leave account:

S No	Kind of leave	Whether debitible or not debitible to the leave account
1	Earned leave (EL)	Debitible
	Half pay leave (HPL)	
3	Commuted leave ComL)	
4	Leave not due (LnD)	
5	Extra Ordinary Leave (EOL)	Debitible at a prescribed rate and manner from the earned leave Account
Special Kinds of Leave		
6	Maternity leave (ML)	Not Debitible
7	Paternity leave (PL)	Not Debitible
8	Child adoption leave (CAL)	Not Debitible
9	Child care leave (CCL)	Not Debitible
10	Work related Illness and Injury leave	Not Debitible
11	Hospital Leave	Not Debitible
12	Special leave connected with inquiry of sexual harassment	Not Debitible
13	Departmental Leave	Not Debitible
14	Study Leave	Not Debitible

**CASUAL LEAVE/ RESTRICTED HOLIDAYS/ COMPENSATORY OFF/
SPECIAL CASUAL LEAVE**

These are not regular kind of leave and as such is not covered in the CCS (Leave) Rules, 1972. The absence in these categories may be either anticipated or not anticipated. It is always advisable to obtain sanction of leave, unless it is sudden and completely not anticipated. Casual Leave/ Restricted Holidays/ Compensatory Off/ Special Casual Leave is governed by executive instructions issued by the Government from time to time. Main features of these absences:

- a) The entitlement in a particular year in respect of **Casual Leave** is eight at present. It is the only form of absence that can be availed of for a half-day.
- b) A maximum of two **Restricted Holidays** (RH) can be availed of by any Government Servant in a particular calendar year from the list of RH circulated by the Government.
- c) **Compensatory Off** can be availed of by a Government servant in lieu of his/her working in a holiday, provided no other financial incentives are granted (OTA/ Honorarium) for that day. Normally, it should be availed of within a month and in that case there is no limit to the number of Compensatory Off. In case it could not be taken within a month, a Government servant in the subsequent calendar month could avail of a maximum of two compensatory off, with special permission from the Joint Secretary in-charge of Administration/Head of Department.
- d) **Special Casual Leave** is granted for participation of a Government servant in some National sports/cultural events, Family Planning, Natural Calamities, Bandh etc.

GENERAL CONDITIONS

- a) Leave cannot be claimed as a matter of right. [AIS R-3]
- b) Leave may be refused, curtailed or revoked, in the public interest. [AIS R-3]
- c) Kind of leave due and applied for cannot be altered by the organisation, except at the written request of the Government Servant. [AIS R-3]
- d) Claim to leave at credit ceases from the date of dismissal or removal or resignation from Government service. However, technical resignation to take up appointment against any outside post under the Government of India with prior permission does not entail any such lapse.
- e) Past service of a re-employed pensioner, retired on compensation pension or invalid pension/gratuity would also be counted towards leave, if such past service were counted for pension purposes.
- f) Leave may be commuted retrospectively into leave of a different kind, which was due and admissible at the time the leave was sanctioned subject to certain conditions. However, such commutation cannot be claimed as a matter of right. The commutation would entail adjustment of leave salary on the basis of leave finally granted to Government Servant.
- g) Any leave may be combined with any other kind of leave. Special Casual Leave and RH may also be combined with regular leave or casual leave but not with both.

- h) A Government servant cannot be granted leave of any kind for a continuous period exceeding five years except with the approval of the President in special cases. A Government servant with disability may, however, be granted leave exceeding 5 years on medical certificate.
- i) Leave shall not be granted to a Government Servant whom a competent disciplinary authority has decided to dismiss, remove or compulsorily retire from Government service. Also leave shall not be granted to a Government Servant who has been placed under suspension.

For All India Services:

'Government' means:

- (i) in the case of member of the Service serving in connection with the affairs of the Union, the Central Government; or
- (ii) in the case of a member of the Service serving under a foreign Government (whether on duty or on leave), the Central Government; or
- (iii) in the case of a member of the Service serving in connection with affairs of a State, the Government of that State; or
- (iv) in the case of a member of the Service on leave, the Government who sanctioned him the leave;

Provided that in the case of a member of the Service who is granted leave on expiry of his deputation to the Central Government, another State Government or Foreign Service, "Government" shall also include the Government of the State on whose cadre he is borne.

*Explanation:—*A member of the Service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for the purposes of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State.

GRANT OF AND RETURN FROM LEAVE

- (1) Leave on Medical Certificate (MC)
 - a) To be granted only on production of medical certificate granted by the CGHS Doctor (if CGHS beneficiary) or from the AMA/ Government Hospitals.
 - b) In case of doubt second medical opinion from a civil surgeon/staff surgeon may be obtained.
 - c) Production of MC may be waived at the discretion of competent authority for leave not exceeding three days.
 - d) On expiry of leave on MC Government servant should be allowed to resume duty only on production of fitness certificate. **[AIS LR 22]**
 - e) No leave shall be recommended by the medical authority when there is no reasonable prospect of Government Servant ever being fit to resume duty and the opinion that the Government Servant is permanently unfit for further Government service shall be recorded in the MC.
 - f) If the medical authority is of the opinion that there is no reasonable prospect that the Government Servant will ever be fit to return to duty but is unable to say with certainty that the Government servant will never again be fit for service, due and admissible leave not exceeding 12 months in all may be granted. For extension

of leave beyond 12 months further reference to a medical authority will be necessary.

- g) If a Government servant is declared completely and permanently incapacitated for further service, leave or extension of leave may be granted to him after the report of the medical authority has been received. The amount of leave as debited to the leave account together with any period of duty beyond the date of report of the medical authority, does not exceed six months after which the Government servant shall be invalidated from services.

(2) Combination of Holidays with Leave

- a) Holidays, Restricted holidays and compensatory off may be prefixed/ suffixed to any kind of leave including commuted leave. [AIS LR 5]
- b) Holiday prefixed/suffixed to leave are to be treated as duty for the purpose of drawl of pay and allowances.

(3) Recall to duty before expiry of leave [AIS LR 22]

From leave in India

- a) Government servant shall be treated as on duty from the date on which he starts for the station to which he is ordered.
- b) Travelling allowance for journey from leave-address to the place of posting on recall.
- c) Leave salary at same rate until he joins his post.

From leave outside India

- a) Time spent on the voyage to India shall count as duty for purpose of calculating leave.
- b) Leave salary at same rate until he joins his post.
- c) A free passage to India
- d) Travelling allowance from the place of landing in India to the place of duty.
- e) Refund of his passage from India if he has not completed half of the period of leave or three months whichever is shorter.

(4) Overstay of sanctioned leave [Read AIS LR 7(2) read with DoPT's OM dated 03.11.2015]

- a) A Government servant who remains absent after the end of leave is not entitled to leave salary for the period of absence not regularised by grant of leave.
- b) Such a period of absence is debited against HPL due and excess if any treated as E.O.L.
- c) Wilful absence renders Government servant liable to disciplinary action.
- d) Such a period of absence does not count as qualifying service for pension and as duty for increment.
- e) Such a period of absence, however, does not entail loss of lien.
- f) Period of absence without any sanctioned leave may be treated as *Unauthorised Absence* and attracts disciplinary action. Competent authority may declare the unauthorised leave as ***dies non***, which may cause break in service and therefore loss in pensions, etc.

(5) Retrospective conversion of one kind of leave to the other

Leave of any kind availed of by a Government Servant could be subsequently converted to any other kind of leave on the following conditions:

- a) The kind of leave for which conversion is applied for should be due and admissible to a Government servant at the time of original sanction of the leave.
- b) The Government Servant has to apply within 30 days of his/ her joining to the office after availing of such leave, for which application of conversion is submitted.

EARNED LEAVE [AIS LR 4]

Entitlement: 15 days advance credit on 1st January and 1st July, each year. Fraction should be rounded off. [For MoS working in the North-East, EL is 40 days @ 20 each six months – AIS LR 10]

Deduction: Credit of earned Leave is subject to deduction at the rate of 1/10th of the period of EOL/period of absence treated as “*dies non*” in the subsequent half-year, subject to the maximum of 15 days.

Credit of EL during relevant half year on [MoS working in NE @ 3 1/3rd per completed calendar month]:

- (a) Appointment 2 ½ days per completed calendar month (PCCM)
- (b) Retirement 2 ½ days PCCM upto the date of retirement
- (c) Resignation 2 ½ days PCCM upto the date of resignation
- (d) Dismissal/
Removal/ death 2 ½ days PCCM upto the end of previous calendar month

Maximum Accumulation of EL: 300 days (+ 15) days

Maximum Carry-Forward to next Half-year: 300 days

Sanction at any one time: 180 days. However, for Group `A` and `B` officers Earned Leave upto 240 days may be sanctioned at any one time if at least the period over 180 days is spent outside India, Bangladesh, Pakistan, Sri Lanka, Nepal, Bhutan and Burma.

Leave Salary: Pay drawn immediately before proceeding on E.L

Account: Balance worked out at the end of each half-year should be carried forward to the next half-year. Nevertheless, the number of days of unavailed joining time wherever it so qualifies should be added to the balance and total limited to 300 days.

HALF PAY LEAVE [AIS LR 12]

Entitlement: 10 days advance credit on 1st January and 1st July each year. The credit of HPL should be calculated at the rate of 5/3 days per completed calendar month. Fraction to be rounded off.

Deduction: The credit of HPL is subject to deduction at the rate of 1/18th of the period of absence/suspension treated as Dies-non during the half year limited to 10 days.

Credit of HPL during half year on:

- (a) Appointment 5/3 days per completed calendar month (PCCM)
- (b) Retirement 5/3 days PCCM upto the date of retirement
- (c) Resignation 5/3 days PCCM upto the date of resignation
- (d) Dismissal/
Removal/ death 5/3 days PCCM upto the end of previous calendar month

- Leave Salary: Half of pay drawn immediately before proceeding on HPL and appropriate DA thereon but HRA and CCA at full rates.
- Account: Balance should be worked out at the end of each half year by debiting.
- a) HPL taken
 - b) Twice the amount of commuted leave taken
 - c) LND taken
 - d) Excess over 120 days of special Disability leave taken after exercising option.

COMMUTED LEAVE [AIS LR 13]

- Entitlement: Not exceeding half the amount of HPL due.
- Leave Salary: Same as admissible during E.L.
- Account: Twice the amount of commuted leave taken should be debited against the balance of HPL at credit.

Conditions:

- a) It is granted normally on production of M.C.
- b) Commuted leave may be granted without production of MC upto a maximum of 90(i.e. 180 HPL) days during the entire service for prosecuting an approved course of study certified to be in the public interest and 60 days to a female Government servant in continuation of maternity leave for child birth and after adoption of a child.
- c) There should be reasonable prospect of the Government servant returning to duty on its expiry.
- d) There is no bar to grant commuted leave at the request of the Government servant even when EL is due.
- e) Action on non-return to duty on expiry: If the Government servant resigns or is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the excess of leave salary drawn shall be recovered. No recovery shall be effected in case of incapacitation or death.

LEAVE NOT DUE [AIS LR 14]

- Eligibility: (a) Permanent Government Servants
(b) Temporary Government servants with minimum one year service and suffering from TB, Leprosy, Cancer or Mental illness
- Condition: Strictly on production of a Medical Certificate
No medical certificate is required in continuation of Maternity Leave for child birth/adoption
- Maximum Period: 360 days during entire service career
- Action on resignation/retirement on expiry of LND:
Without returning to duty
- a) Resignation or permission to retire voluntarily shall be effective from the date of commencement of LND.
 - b) LND shall be cancelled.
 - c) Leave salary paid shall be recovered.

Returns to duty but resigns/retires subsequently: In case he could not earn the required leave to cover the period of LND, balance of the leave salary to be refunded

No recovery of leave salary shall be made in case of LND:

- a) If retirement is on account of ill-health incapacitating further service
- b) In the event of death.
- c) If compulsorily retired prematurely by Government under Rule 48(1)(b) of CCS(Pension) Rules or retired under FR 56(j)

EXTRA ORDINARY LEAVE [AIS LR 15]

Eligibility:

- a) No other leave is admissible; or
- b) Other leave is admissible but the Government servant applies in writing for the grant of EOL.

Entitlement:

- a) Permanent Government servants - **No limit**;
- b) (Maximum period of continuous absence is 5 years)
- c) Temporary Government servants – **3 months** on one occasion
- d) Temporary Government servants with one year's continuous service – **6 months**, on production of a Medical Certificate. Provided, all other leave is consumed, including three months of EOL.
- e) Temporary Government servants with one year's continuous service – **18 months**, on production of a Medical Certificate and undergoing treatment in a recognised sanatorium for pulmonary TB, pleurisy of tubercular origin, leprosy, cancer and mental illness.
- f) Government servant with three years continuous service can be granted **24 months** EOL for prosecuting studies certified to be in public interest and has already consumed three months EOL for such purpose

Other Conditions:

- a) The limits mentioned above may be relaxed by Head of Department for Government servants belonging to SC/ST for the purpose of attending pre-examination training course at the centres notified by the Government from time to time.
- b) However, two spells of EOL intervened by any other kind of leave shall be treated as one continuous spell of EOL for the purpose of these limits.

Retrospective Commutation:

- a) Period of absence without leave may be commuted retrospectively into EOL.
- b) EOL granted on MC or otherwise may be commuted retrospectively into LND subject to admissibility at the relevant time.

Leave Salary: Nil

Notice for voluntary Retirement: Since EOL on MC or otherwise cannot be termed as leave standing to the credit of a Government servant, it cannot run concurrently with period of notice given by him for seeking voluntary retirement.

MATERNITY LEAVE [AIS LR 18]

Entitlement: A female government servant (married as well as unmarried)

Period: 135 days for child birth having less than 2 surviving children
45 days for abortion/miscarriage on production of MC and after the event has occurred, once in an entire service career.

Leave in continuation: Leave of the kind due and admissible may be granted in continuation of maternity leave for child birth for a maximum period of one year including 60 days' commuted leave and Leave Not Due without production of MC. No such facility is admissible in case of maternity leave for abortion or miscarriage.

Leave Salary: Pay drawn immediately before proceeding on maternity leave.

PATERNITY LEAVE [AIS LR 18(B)]

Eligibility: Male Government servant
Conditions: During the confinement of wife with less than two surviving Children and can be combined with any other kind of leave (As in the case of Maternity Leave)
Period of leave: 15 days
Leave Salary: Pay drawn immediately before proceeding on paternity leave
Normally, not to be refused.

Child adoption leave (CAL) [AIS LR 18(A) female MoS & 18 9C) MoS male MoS]

- a) From 22.07.2009
- b) Granted to female Government servant with fewer than two surviving children
- c) On valid adoption of a child below the age of one
- d) for a period of 180 days
- e) immediately on after the date of valid adoption
- f) Leave salary is payable
- g) May be combined with any other leave

Child care leave (CCL) [AIS LR 18(D)]

- a) Women employees having minor child(ren) [Not eligible for 18 years or more]
- b) Maximum 730 days during the entire service
- c) for rearing or to look after any other needs like examination, sickness, etc.
- d) Extended to single male parent too

STUDY LEAVE [AIS (Study Leave) Regulations, 1960]

Who can sanction? (I) Ministry/Department.
(II) Administrator
(III) C & AG

To whom?

Permanent Government Servant who:

- (a) has been declared to have completed probation
- (b) Has put in regular and continuous service for 5 years
- (c) Has executed a bond in the Prescribed form to serve the Government for a period of three years on expiry of the study leave and
- (d) Would not reach the age of superannuation within 3 years of the expiry of the study leave.

How to apply?

On plain paper through proper channel giving full details of the Course of study/examination to be passed along with the Bond in the prescribed form.

Quantum:

Ordinarily 12 months at a time. However, a maximum of 24 months during the entire service may be granted. The total period of study leaves including vacation if any and any leave except extra ordinary leave taken in combination should not exceed 28 months. For study leading to the award of Ph.D. Degree, the total period of leave including study leave should not exceed 36 months. For Jawaharlal Nehru Fellowship awardees the entire period of fellowship may be granted as study leave.

What is study?

Study for this purpose may be in India or outside India and should conform to one of the following:-

- a) A special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of duty.
- b) A course of training or study tour in which attending a regular academic or semi-academic course may not be necessary, but is certified to be of definite advantage to Government from the point of views of public interest and is related to the sphere of duties.
- c) Studies connected with the frame work or background of public administration if approved by the competent authority to grant leave and subject to the condition that the Government servant will submit a full report on the work done while on study leave on his return.
- d) Studies not 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 civil servant and to equip him better to collaborate with other employed in other branches of public service.

On what conditions?

- a) To be certified by the competent authority that the study shall be of definite advantage from the point of view of public interest.
- b) For study leave outside India, it is to be certified that the facilities for study/research should not be available in India.
- c) Government Servant shall submit completion/pass certificate in respect of the course of study/examination.

- d) Study leave should not be granted with such frequency as to remove the Government servant from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

Whether academic or literary subjects can be chosen?

Study leave shall not be granted unless it is for prosecution of studies in subjects other than academic or literary subject;

Exceptions:

To an IES/ISS officer for doing Ph.D. if chief Economic Advisor/Director, central Statistical organisation approves the subject of research and the institution at which the research is to be undertaken and certifies that the study will be valuable in the matter of increasing the efficiency of the officer.

To a Medical officer for prosecuting a course of postgraduate study in Medical Sciences if the DGHS certifies that the study will be valuable in the matter of increasing the efficiency of the officer.

To a specialist or a technical person for prosecuting postgraduate course of study directly related to sphere of duty in case the Head of the Department or the Secretary of the Ministry/Department certifies that the course of study shall:-

- a) enable him to keep abreast with modern developments in the field of his duty
- b) improve his technical standards and competence; and
- c) thus substantially benefit the Department.

Who will bear TA and cost of fees? Ordinarily Government servant himself. But in exceptional cases, the President may sanction payment of such allowance or fees. What if bond obligation is violated or the condition enunciated in the bond is not met if the Government servant-

fails to complete the course of study; or
resigns/takes voluntary retirement without return to duty; or

returns to duty but resigns/takes voluntary retirement before serving for 3 years on expiry of study leave.

Consequences of such violation:

Study leave is converted into leave due and admissible and extraordinary leave. Excess payment of leave salary is recovered.

Before the resignation is accepted or the Government servant is permitted to retire voluntarily the actual amount together with interest comprising-
Leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government of India and

The cost incurred by other agencies such as foreign governments foundations and Trusts in connection with the course of study shall be recovered.

However, no such recovery will be made if the Government servant is permitted to retire on medical grounds or to resign for his permanent absorption in the public interest in an autonomous or statutory body or institution to which he was deputed to serve by Government on return from study leave.

Leave Salary during Study Leave

Study leave in India:

Pay drawn on duty immediately before proceeding on leave and DA and HRA thereon. This amount shall be reduced by the amount, if any received by the Government servant as stipend, scholarship or remuneration for any part-time employment. However, the net leave salary shall not be less than the leave salary admissible on HPL.

LEAVE ENCASHMENT

I. EARNED LEAVE

The authority competent to grant leave shall **suo motto** issue an order granting cash equivalent of leave salary for Earned Leave, if any, at the credit of Government servant concerned, on the last day of his service subject to a maximum of 300 days in respect of the following categories:

- retirement on attaining the age of superannuation; [39(2)]
 - cases where the service has been extended, in the interest of public service beyond the date of retirement on superannuation; [39(4)]
 - voluntary/pre-mature retirement; [39(5)]
 - where the services are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with terms and conditions of appointment; [39(6)(a)(I)]
 - termination of re-employment after retirement; [39(6)(a)(iii)]
 - to the family of the deceased Government servant died while in service; [39A]
 - invalidation on Medical ground; [39-B]
 - compulsory retirement as a measure of punishment without reduction in pension; [39(5)(A)]

 - absorption in a Public Sector Undertaking/autonomous body wholly or substantially owned or controlled by the Central/State Government; [39-D]
 - transfer to an industrial establishment; [Rule 6]
2. Half of the leave at credit on the date of cessation of service, subject to a maximum of 150 days is to be encashed in case when a Government servant resign or quits service, of his own accord. [39(6)(a)(ii)]
3. Encashment not exceeding 10 days Earned Leave at a time is permissible for availing LTC subject to the condition that.

- (a) The total leaves so encashed during the entire career does not exceed 60 days in the aggregate.
- (b) EL of at least an equivalent duration is also availed simultaneously;
- (c) A balance of at least 30 days of EL is still available to the credit after taking into account the period of encashment as well as leave; and
- (d) The period of leave encashed shall be deducted from the quantum of leave that can be normally encashed at the time of superannuation [i.e. the total encashment along with LTC awhile in service should not exceed the maximum limit of 300 days or 150 days as the case may be].

II. HALF PAY LEAVE

A Government servant is also entitled to encashment of HPL subject to the conditions that in the following cases the period of Earned Leave plus HPL does not exceed the period between the date of actual retirement and the date on which he/she would have retired in the normal course on attaining the age of superannuation

- Premature or voluntary retirement.
- Invalidation on Medical ground (only those permanent and quasi-permanent).

[This restriction is not applicable if encashment of EL alone is due and granted subject to maximum of 300 days.]

2. Cash equivalent of HPL is subject to reduction on account of pension (P), relief on pension (RP) if DA is admissible on HPL, and pension equivalent of gratuity (PEG). If the recoverable amount in respect of (P), (PR), and (PEG) were more than HPL cash equivalent, encashment of HPL would not be admissible.

3. The encashment at (ii) would be subject to the condition that the total of EL and HPL encashed does not take the Government Servant beyond the date of superannuation.

Formula for calculation:-

$$\left[\left\{ \left(\text{Half-pay leave salary plus D.A. (if admissible)} \right) \text{ minus } \left(\text{Pension plus Pension equivalent of Gratuity plus Relief on Pension} \right) \right\} \text{ divided by } 30 \right] \text{ multiplied by no. of days of HPL due.}$$

No HRA/CCA is admissible for HPL encashment.

Note: Allowances, like HRA/CCA etc. in the Leave Salary will be admissible at the prescribed rates, fixed by the Ministry of Finance from time to time.