

# Leave Rules

- M.Sridevi, CAO

# Right to leave

- Leave cannot be claimed as of right.
- 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. Provided that leave applied under Rule 20, shall not be refused or revoked without reference to Medical Authority, whose advise shall be binding.
- The fourth pay commission has increased the ceiling on earned leave accumulation from 180 days to 240 days. While accepting the recommendations, the Cabinet have also observed that the earned leave should not ordinarily denied to any employee, especially in the last ten years of service. The leave sanctioned authorities are therefore, requested to ensure that the earned leave is not ordinarily denied to an employee.
- 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. (Rule 11 of leave rules)
- No Government servant shall be granted leave of any kind for a continuous period exceeding five years. (Rule 12(1) of Leave Rules)

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

- 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.
- 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 new one, such resignation shall not result in the lapse of the leave to his credit.
- 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. The same rule will be applicable to the Government servants who were retired on compensation or invalid pension or gratuity is re-employed.

# Leave not to be granted in certain circumstances( Rule 17)

- 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.
- Leave may not be granted to a Government servant under suspension.
- **Restricted Holiday:**
- The restricted holiday are similar to other closed holiday. It can be prefixed or suffixed to regular leave or casual leave. (Rule 22(2) of leave rules)

# Absence after expiry of leave (Rule 25)

- Unless the competent authority to grant leave extends the leave, the Government servant who remains absent after the end of the leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as through 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.
- Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

# Kinds of leave due and admissible

## Earned leave(Rule 26)

- Every Government servant who is serving in a Department shall be credited with earned leave, in advance, in two installments of 15 days each on the first day of January and July of every calendar year.
- The maximum ceiling limit of earned leave credit will be 300 days from 01-07-1997.
- The unavailed joining time can be credit to earned leave account subject to maximum of 15 days. Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 300 days.

# Calculation of Earned Leave (Rule 27)

- Earned leave shall be credited to the leave account of a Government servant at the rate of 2 ½ 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.
- The credit for the half year in which a Government servant is due for retire and resign from the service shall be afforded only at the rate of 2 ½ per completed calendar month up to the date of retirement.
- The same rule will be applicable to the government servants who removed, dismissed from service and expired from service.

# Half pay leave (Rule 29)

- Every Government servant who is serving in a Department shall be credited with Half pay leave, in advance, in two installments of 10 days each on the first day of January and July of every calendar year.
- Half Pay leave shall be credited to the leave account of a Government servant at the rate of  $\frac{5}{3}$  (1.6 days) 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.
- The credit for the half year in which a Government servant is due for retire and resign from the service shall be afforded only at the rate of  $\frac{5}{3}$  per completed calendar month up to the date of retirement.
- The same rule will be applicable to the government servants who removed, dismissed from service and expired from service.



# Commutated leave(Rule 30)

- Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government Servant 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) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
  - (c) Commuted leave upto 60 days without medical certificate to female Government servants on adoption of a child.

- Medical certificate not necessary for commuted leave in continuation of maternity leave.
- A Gazetted Government servant can be apply the commuted leave only with the Medical Certificate of a doctor in a Central Government Health Scheme Dispensary or by a Government Hospital.
- A Non-Gazetted Government servant can be apply the Commuted leave only with the Medical Certificate of a doctor in a Central Government Health Scheme Dispensary or by a Government Hospital or by an Authorised Medical Attendant.
- After expiry of the Commuted leave a fitness certificate to be produced by the Government servant.

# Leave not due(Rule 31)

- Leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:
- The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry.
- Leave not due shall be limited to the half pay leave he is likely to earn thereafter.
- Leave not due shall be debited against the half pay leave the Government servant may earn subsequently.

- 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 the entire service subject to the above conditions and with the following conditions:
- The Government servant put in a minimum of one year service.
- That the post from which the Government servant proceeds on leave is likely to last till his return to duty
- The request for grant of such leave is supported by a medical certificate.

- Leave not due can be granted without medical certificate to female Government servants on adoption of a child.
- Medical certificate not necessary for Leave not due in continuation of maternity leave.
- Leave not due can be granted as Child Care Leave without production of Medical Certificate.

# Extraordinary leave (Rule 32)

- Extraordinary leave may be granted to a Government servant in special circumstances:
- When no other leave is admissible
- When other leave is admissible, but the Government 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:
- Three months

- Six months where the Government servant has completed one year of continuous service on the date of expiry of leave with medical certificate.
- Eighteen months, where the Government servant who has completed one year continuous service is undergoing treatment for Tuberculosis, Leprosy, Cancer or for mental illness.
- 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 of continuous service on the date of expiry of leave.

# Cash equivalent of leave salary

- The cash equivalent of leave salary to the officers who were retired, compulsory retirement or quitting of service.
- In case a government servant dies while in service, the cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the deceased Government servant on the date of his death, not exceeding of 300 days.
- A Government servant who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted.



# Maternity leave (Rule-43)

- A female government servant with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 180 days from the date of its commencement.
- During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- Maternity leave not exceeding 45 days may also be granted to a female Government servant in case of miscarriage on production of medical certificate
- Maternity leave may be combined with leave of any other kind.
- Maternity leave shall not be debited against the leave account.

# Paternity leave( Rule 43-A)

- A male Government servant with less than two surviving children may be granted paternity leave for a period of 15 days, during the confinement of his wife for child birth, ie., upto 15 days or upto six months from the date of delivery of the child.
- Paternity leave may be combined with leave of any other kind.
- Paternity leave shall not be debited against the leave account.
- If paternity leave is not availed within specified period, such leave shall be treated as lapsed.

# Child care leave( Rule 43-C)

- A female and single male Governments may be granted child care leave for a maximum period of 730 days during entire service for taking care of two eldest surviving children up to the age of 18 years for looking after any of their needs subject to the following conditions:
- It shall not be granted for more than 3 spells in a calendar year.
- In case of single female Government servant the 3 spells in a calendar year can be extended to 6 spells.
- Child care leave cannot be granted for a period less than five days.

- Child care leave may be combined with leave of any other kind.
- Child care leave shall not be debited against the leave account.
- If child care leave is not availed within specified period, such leave shall be treated as lapsed.

# Leave Travel Concession

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# Salient features of the scheme

- The concession will cover self and family.
- Family means spouse, two surviving children, parents, minor brothers and sisters(unmarried/ divorced/ widow). For deciding the dependency, income from all sources not exceeding the minimum family pension and dearness relief thereon. The minimum family pension as per 7<sup>th</sup> pay commission will be Rs. 9000/-.
- The concession is admissible to all Government servants who have completed one year of continuous service on the date of journey.
- The concession can be availed during regular / casual leave or vacation. But it cannot be availed during the week-end or any other period of holidays alone.

- LTC can be availed during Maternity leave, Study leave and Child Care Leave.
- The concession can be combined with journeys on tour or transfer.
- The Government 's assistance will be limited to the fare by shortest direct route calculated on a through ticket basis, irrespective of the fact whether the journey was performed by the shortest route or any other route.
- When a Government servant is forced to reside at a place away from his headquarters for any reason, he can avail LTC from the place of residence but the reimbursement will be restricted to the amount admissible from the duty station to home town / place visited, as the case may be.

- **Not Admissible to** :- The concession is not admissible to :
- Government servants whose spouses are employed in National Airlines.
- A Government servant under suspension; however, his family can avail the concession.
- Government servant who proceeds on leave but resigns his post without returning to duty.
- No reimbursement shall be made in respect of air journey performed by children of less than 5years of Government servants who are not entitled for Air travel on LTC
- If the Government servant has to compulsorily avail the catering facility an the cost is included I the rail fare for Rajdhani/Shatabdi/ Duronto trains, the fare charged shall be reimbursable in full as per entitlement.



- LTC will be admissible only if the journey is performed by vehicles owned and operated by Tourism Development Corporations in Public Sector, State Transport Corporations and Transport services run by Central / other Government or local bodies. The fare will be restricted to the actual expenses limited to the Railway fare by the authorised class of accommodation.
- **Advance:** Advance upto 90% of the probable amount of reimbursement can be granted.
- **Reimbursement:** The Government will reimburse 100% of the to and from fare by rail/ road/ Steamer as per the entitlement of the Government servant. The Government's assistance will be limited to the fare by the shortest direct route calculated on a through ticket basis.

# Home town Concession

- The concession to home town is allowed once in a block of two calendar years. The block is counted from 1956-57 and the current block is 2022-2023.
- The declaration of Home town has to be given by the Government at the time of joining in the department.
- A Government servant who has his family living away from his headquarters at home town can avail this concession for himself alone every year.
- It is not necessary to have an elaborate check on the declaration of home town by an employee while joining in the department.

- When both husband and wife are Government servants, they can declare separate home towns independently.
- The declaration of home town once made shall ordinarily be treated as final. In exceptional circumstances, the Head of department a change in such declaration may be accepted, provided that such a change shall not be made more than once during the service of a Government servant.
- For checking the change of Home town declaration the following details has to be check:
  - The Government servant visiting the new declaration place frequently
  - The Government servant is having own / joint property in that place.
  - Government servant's relations permanently residing at that place.
  - Prior to the entry in the Govt service the Government servant had been living there for some years.

# Any place in India

- The concession to home town is allowed once in a block of four calendar years. The block is counted from 1974-77 and the current block is 2022-2025.
- Any place in India will cover any place within the territory of India.
- Any place in India will cover any place including the home town of Government servant.
- When the concession to visit any place in India is proposed to be availed of by the Government servant and his family members, the intended place of visit should be declared by the Government servant in advance to his Controlling Authority.
- The Government servant and his family members must visit the declared place to become eligible for making LTC claim.

- The declared place can be changed before commencement of the journey with the approval of the Competent Authority.
- The Government servant and his family may visit either same place or different places of their choice.
- In the event of return journey falling in the succeeding calendar year, the concession should be counted against the year in which the outward journey commenced.
- Advance can be granted upto 90% of the probable amount of the reimbursement.