

LEAVE RULES

BRIEF DESCRIPTION

CHAPTER –VIII

The Punjab Civil Service Rules Vol. 1, Part 1

Leave Rules

(Brief description)

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SERVICE COUNTED FOR LEAVE

Rule 8.1, 8.2(a), (b)

1. Leave is earned by duty only.
2. Period spent on foreign service counts as duty if contribution towards leave salary is paid on account of such period.
3. Leave is earned, while on leave except extraordinary leave, taken otherwise than on medical certificate. (w.e.f. 24.11.88), vide letter No. 10/77/88-FP-I/10304, dated 24.11.88.
4. A Government employee if re-employed after invalid or compensation pension, if his gratuity thereupon is refunded, his pension is held in abeyance, his former service will count towards leave.
5. A Government employee who is dismissed or removed from service is reinstated on appeal or revision, is entitled to count his former service for leave.
6. Re-employment of an employee after superannuation, should be regulated by the rules applicable to temporary Government employee.

NOTE >> Resignation, even if it is followed by immediate re-employment, should entail forfeiture of past service. And therefore constitute an interruption in duty, for the purpose of these rule.

APPLICATION FOR LEAVE. 8.4, 8.5

1. Application for leave or for an extension of leave, shall be made to the authority competent to grant such leave or extension.

2. A Government employee on foreign service in India should submit his application through his employer to the authority competent to sanction such leave, Provided the leave is not exceeding 120 days, & it is leave other than earned leave.

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MEDICAL LEAVE RULES

Instructions for Medical Officers

Rule 8.6 to 8.13

- *A Medical Officer must not recommend the grant of leave in any case, in which there appears to be no reasonable prospect that the Government employee will ever be fit to resume his duties.*
- *Every certificate of a Medical committee or board, Medical Officer, recommending leave to a Government employee, contain a proviso that no recommendation shall be an evidence to claim any leave, not admissible to an employee.*
- *Every application for leave on medical ground made by the Government employee, must accompany a medical certificate, RMP, Vaid, or Hakim, or Homeopathic practitioner.*
- *The competent authority may waive of the condition of production of medical certificate, if the leave applied does not exceed three days.*
- *Competent authority may have a second opinion, by requesting PMO or ACS. PMO or ACS shall express his opinion both as regards the facts of illness and necessity of the amount of leave recommended.*
- *Possession of Medical certificate, as prescribed in the rules does not itself confer upon the Government employee concerned any right to leave.*
- *For a Government Employee in class IV service, the competent authority may accept any such certificate as it may deemed fit.*

GRANT OF LEAVE 8.15-8.20

- *Leave cannot be claimed as a matter of right.*
- *The competent authority may refuse, or revoke the leave of any description.*
- *Nature of leave due and applied for cannot be altered by the competent authority.*
- *A Government employee who absents himself without the permission of the competent authority is liable to have his absence treated as absence from duty without leave. Disciplinary action, must be taken against him.*
- *In cases where all applications for leave cannot be granted in the interest of public. Following considerations may be followed for sanction of leave:*
 1. *Government employee who can best be spared.*
 2. *Amount of leave due to various applicants.*
 3. *Amount of character of the service rendered by each applicant since last return from leave.*
 4. *The facts that any such applicant was compulsorily recalled from his last leave.*
 5. *The facts that any such applicant was refused leave in public interest.*

Contd.

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When a Medical Committee or board has reported that there is no reasonable prospects that a particular government employee will ever be fit to return to duty:

- 1. Leave should not necessarily be refused to such a Government employee.***
- 2. Where the board is unable to say, with certainty that an employee will ever be fit to resume duty, leave may not be granted for a period of more than 12 months. & should not be extended without further reference of Medical Board.***
- 3. Where the board is of the opinion that an employee is permanently incapacitated for further service, he should be invalidated from service:***
 - Either on the expiration of leave already granted.***
 - If he is on leave, when examined by the committee or board.***
 - If he is on duty the date of relief should be decided on receipt of medical report without any further delay.***
- 4. A Government employee declared permanently incapacitated may, in special cases be granted or extended leave not exceeding six months.***
- 5. Leave shall not be granted to a Government employee, whom a competent authority has decided to dismiss, remove or compulsorily retire from service.***
- 6. Leave should be sanctioned after due verification from the authority maintaining the leave account, in case of Gazetted or non-Gazetted employees.***

Leave Beyond date of Retirement.

Rule 8.21

8.21: Leave at the credit of the Government employee in his leave account shall lapse on his date of retirement.

A. Retiring on superannuation on or after 30.9.77

B. Retiring prematurely, voluntarily, or on invalidation.

c. Retiring compulsorily as a measure of punishment and in whose case cut in the amount of pension has not been ordered by the competent authority.

Shall subject to the provisions of sub rule (C) be entitled to cash payment in lieu of the unutilized leave due as leave preparatory to retirement.

- The cash payment shall be equivalent to leave salary limited to 300 days.**
- The cash payment shall become payable on retirement or superannuation in lump sum as a one-time settlement.**
- The leave salary shall not include compensatory allowance or house rent allowance.**
- No deduction on account of pension, pensionary benefits equivalent of other retirement benefits be made from the cash thus paid.**

The authority competent to grant leave may withheld, whole, or part of cash equivalent to leave in case of Government employee who retires from service on superannuation while under suspension or while disciplinary or criminal proceedings are pending against him. If he is of the opinion that there is some possibility of some money being recoverable.

◆ Cash payment equal to leave shall be calculated as follows:

$\{(PAY + DP + DA)/30\} * LEAVE AT CREDIT (MAXIMUM 300 DAYS)$

◆ *Government employee remained in service after the date of superannuation will earn leave at the rate of 1/12th of the duty performed.*

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AUTHORITIES COMPETENT TO SANCTION LEAVE.

See:

Appendix -12 in part II

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COMMENCEMENT AND EXPIRY OF LEAVE AND COMBINATION OF HOLYDAYS WITH LEAVE.

8.25 -8.26

- *Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed.*
- *Authority competent to sanction leave may permit the prefixing and suffixing Sundays or other holidays with leave.*
- *Competent authority may allow the government employee to make over or hand over the charge on the afternoon of the day immediately preceding the holidays or series of holidays.*

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ACCEPTANCE OF EMPLOYMENT DURING LEAVE. 8.41

- *No Government employee will take any service or accept employment during leave, without the previous permission of the competent authority:*
- *If proposed service or employment is out of India.*
- *The Government or any lower authority empowered to appoint him, if proposed service or employment lies in India.*

These rules shall not apply

1. *To casual literary work or service as examiner*
2. *A Government employee who avails himself of leave on medical certificate cannot undertake regular employment during such leave.*
3. *No permission during leave preparatory to retirement.*
4. *A government employee who volunteers for premature retirement in order to take up private employment should be treated as having resigned.*

RECALL FROM LEAVE

8.42

In case a Government employee is recalled to duty before the expiry of his leave, he is entitled to:

1. If the leave from which he is recalled is out of India:

- a) Free passage to India, provided he has not completed the half of the period of leave or three months period which ever is less.*
- b) To count the period of voyage to India as duty for purpose of calculating leave.*
- c) To receive leave salary during voyage to India and for the period from the date of landing in India to date of joining his post, to be paid leave salary at the same rate at which he would have drawn, had he not been recalled.*

If the leave from which he is recalled is in India

- His period will be treated as duty from the day he starts for the station to which he is ordered.*
- Draw travelling allowance as per T.A Rules.*

RETURN FROM LEAVE 8.43

- ▶ *A Government employee may not return from leave to duty before the expiry of leave unless he is permitted to do so by the authority granting him leave.*
- ▶ *Government employee on LPR shall be precluded from withdrawing his request to retire without the permission of the competent authority.*
- ▶ *A Government employee on leave on medical certificate may not return from leave without producing the certificate of medical fitness*
- ▶ *Gazetted Government employee must report his return from leave to Government.*
- ▶ *Government employee return from leave is not entitled in the absence of specific orders to return to the same post which he was holding before going on leave.*

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OVERSTAYAL OF LEAVE

8.47

- *Unless the authority competent to sanction leave extends the leave a Government employee is not entitled to leave salary after the expiry of leave. Such period will be debited to his leave account as though it were half pay leave, to the extent such leave is due, the period in excess will be treated as extraordinary leave.*
- *Wilful absence from duty after the expiry of leave renders a Government employee liable to disciplinary action.*

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Payment of Leave Salary

- ***Unless the competent authority through special or general orders otherwise directs the leave salary shall be drawn in rupees in India.***
- ***Payment of leave salary which represents overseas pay drawn in sterling shall be paid in sterling***
- ***Leave salary in sterling shall be subject to such restrictions in the matter of foreign exchange.***

Any leave outside India shall be subject to deduction of Income tax in India

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LEAVE ACCOUNT

8.50

- *Leave account shall be maintained in form CSR 16 w.e.f. 1st July, 1959*
- *Leave account of gazetted government employee shall be maintained by the Head of the Department.*
- *Separate leave account should be kept for leave earned by an employee under different Governments.*

The balance of earned leave and half pay leave at the credit of Govt. Employee, shall invariably be indicated on the order sanctioning such leave.

CASUAL OR QUARANTINE LEAVE

8.60 & 8.61

- *A Government employee on casual leave or on quarantine leave is not treated as absent from duty and his pay and allowances are in intermitted, as such leave is not recognised regular leave and is not subject the rules in this chapter.*
- *Rules relating to the grant of casual leave and quarantine leave are given in Appendix 17.*

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SOME SPECIAL DEFINITIONS

8.113

Leave includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave.

Earned leave means leave earned in respect of period spent on duty.

Half pay leave means leave earned in respect of completed year of service.

Earned leave due means the earned leave at the credit of the Government employee.

Half pay leave due means the amount half pay leave calculated as per rule 8.119.

Commutated leave means leave taken under clause (c) of Rule 8.119.

“Government employee on permanent employ” means a Government employee who holds substantively a permanent post or holds a lien on a permanent post or suspended lien on any permanent post.

“Completed year of Service” and “one year’s continuous service” means continuous service of a specified duration under Punjab Government and includes the period spent on duty as well as on leave including extraordinary leave.

“Vacation Department” means a department, or part of a department, to which regular vacations are allowed, during which Government employees serving in the Department are permitted to be absent from duty.

NOTE



**THE QUANTITY OF LEAVES & RULES RELATED TO THEM WILL BE
DEALT WITH SEPARATELY IN OTHER ARTICLE.**

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General Rules and Conditions

8.114 and 8.115

- *Any kind of leave may be granted in combination of any other kind of leave.*

The authority competent to grant leave may commute the leave of a Government employee retrospectively in leave of different kind but Government employee cannot claim it as a matter of right.

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EARNED LEAVE

RULE 8.116 AND 8.133

- i) *The earned leave is admissible to a Government employee in permanent employ*
- a) *1/24 of the period spent on duty or on leave except extraordinary leave taken otherwise than on medical certificate, during the first 10 years.*
- b) *1/18 of the period spent on duty during the next 10 years of his service. And 1/12 of the period spent on duty thereafter.*

Note1 >>> *break in service caused as a result of retrenchment shall not entail forfeiture of previous service for the purpose of this rule.*

Note2 >>> *Any fraction of leave shall be rounded off at the rate of changes of earned leave.*

Note3 >>> *Period spent on duty shall include all kinds of leave except extraordinary leave for the purpose of calculation of earned leave.*

- *Accumulation of leave shall be permissible upto 450 days and there shall be no restriction of availing of earned leave at that time.*
- *Rule 8.117 Earned leave is not admissible to a Government employee serving in a vacation department in respect of duty performed in any year in which he avails himself of full vacation. AS Per Govt. letter No. 10/36/89/4FP I/2033 dated 8.3.90, earned leave shall be allowed 8 days during the year for this staff.*

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