

PART VI

Chapter 13

Leave Rules

FR. 84 to 98

SR 59 to 139

Term:

1. Leave due and admissible
2. Leave admissible

Two categories:

1. Leave that a govt. servant earns
 - a. Earned leave...FR 90
 - b. Half pay leave ... SR 93
 - i. Commuted leave... SR 94
 - ii. And leave not due...SR 95
 - c. Extra – ordinary leave...SR 96 (does not earn but falls under this category)
2. Leave is not earned by govt. servant but it may be admissible under (special) certain conditions
 - a. Special disability leave...FR 93.
 - b. Study leave (upto 2 years)...FR 95
 - c. Maternity leave...SR 111
 - d. Cancer/leprosy/TB leave...SR 114.

Leave that the govt. servant earns:

- a. Earned leave
 - i. Leave is earned by duty only... SR 59
 - Duty includes the leave availed by a govt. servant...
 - Duty includes leave under foreign service...SR 59
 - Duty includes period under approved course of training
 - ii. Leave cannot be claimed as a matter of right...SR 62 (i)
 - iii. May be refused or revoked but cannot be changed by the leave sanctioning authority...SR 62 (ii)
 - iv. Commutation of the nature of the leave granted to another kind of leave...SR 65

Admissible, provided the govt. servant request for commutation within six months....govt. circular.

Eg. E.O.L granted w.e.f. 01.07.2004 to 15.07.2004 because being a temporary govt. servant and no leave is admissible to him. Confirmed on 01.09.2004 w.e.f. 01.06.2004. He may change to leave not due w.e.f. 01.07.2004 to 15.07.2004 if he applies for at within 6 months.

- v. Combination of leave
 - Leave may be combined with other kind of leave....SR 66
 - Leave may be combined with holidays on private affairs...SR 89
 - Leave may be combined with holidays on medical ground...SR 90

e.g:-

2nd October – Holiday

3rd October – Sunday

4th October- Monday

Example of prefix – medical certificate is on the 5th October

Example of suffix- medical fitness is on the 1st October

Depends on the medical certificate and medical fitness certificate.

In foreign service:

1. The foreign employer is competent to grant leave
2. The foreign employer will make payment of the leave salary.
3. The foreign employer will demand the expenditure or leave salary from govt. at a six monthly demand.
4. The govt. will bear the expenditure only on leave salary and not compensatory allowances (contribution is for leave salary only and not on allowances).

Leave salary :- FR. 92 includes

1. Pay
2. Special pay
3. Personal pay

EARNED LEAVE

Earning and accounting of earned leave

1. EL is earned @ 30 days in a calendar year...FR 90 (a) (i)
2. The 30 days earned will be credited in advance in the leave account in two installments @ 15 days on 1st January and 1st July each year...FR. 90 (a) (ii)
(note below is deleted vide c/s no. 43)
FR. 90 (b)
 1. Amended to 240 days w.e.f. 15.12.1988 to 06.10.1997 vide c/s no 34.
 2. Amended to 300 days w.e.f. 07.10.1997 vide c/s no. 49
 3. The balance of EL at the close of half year to be carried forward to the next half year...FR.90 (b)
 4. The maximum amount of earned leave at any time is 300 days w.e.f. 07.10.1997...
FR 90 (b)
Insert F(PR)76/2017/21dt 8thdec 2017

e.g.

- End of 31.12.2018 – 295 days.
- Credit 01.01.2019 – 15 days
- EOL or Dies non period for 46 days availed between 01-07-2018 to 31-12-2018

- Earned leave to be reduced by 5 days
 - Therefore, credit only 10 days. Add $(295+10) = 305$ reduced to 300 days... SR 92(d), as amended by c/s No. 43, dt, 26th March, 1992.
5. The earned leave to be credited at the commencement of each half year will be reduced by $1/10^{\text{th}}$ of the EOL or Dies – non period of the previous half year subject to the maximum of 15 days...SR 92(d)
E.g. Dies non period 200 days. $1/10^{\text{th}}$ of 200 days = 20 days. Not to be reduced by 20 days but by 15 days.
 6. New entrants - the earned leave to be credited in the first half year of entry in govt. service will be credited @ $2\frac{1}{2}$ days for each completed months of service...SR 92 (a) e.g. entered service on 26.8.2019. w.e.f 1-9-2019 to 31.12.2019 = 4 months. Credit @ $2\frac{1}{2}$ days per completed month $4 \times 2\frac{1}{2} = 10$ days
 7. In case of a govt. servant who dies in govt. service resigned / retired the leave for that half year will be credited @ $2\frac{1}{2}$ days for each completed month of service...SR. 92 (b)
 8. The EL may be sanctioned to a govt. servant at one time is subject a maximum of 120 days...FR 90(c)

Exercise:

1. A govt. servant applied for earned leave for 30 days. w.e.f. 15.10.2004. From the following particulars determine the leave at his credit on the date of application:
 - a. Balance as on 31.12.2001=12 days
 - b. Availed EL for 27 days w.e.f. 03.02.2002 followed by commuted leave for 24 days from 02.03.2002 and EOL from 26.03.2002 to 15.05.2002.
2. A g/s died on 17.03.2004. on verification of his service record it was found that his leave a/c was last recorded only upto 31-12-2001 with a balance of (1) EL 227 days and (2) HPL 540
From the following particulars determine the EL at his credit on the date of his death
 - a. Availed EL for 45 days from 13.03.2002 to 26.04.2002.
 - b. Placed under suspension from 21.09.2002 to 27.03.2003
 The period under suspension is to be treated as dies non period.

Solution:-

1. Balance of earned leave as on 31.12.2002 = 12 days
Add Credit of EL w.e.f. 01.01.2002 to 30.06.2002= 15 days
Less availed EL for 27 days w.e.f. 03.02.2002 to 01.03.2002 = 27 days
Total = Nil
Availed EOL w.e.f. 26.03.2002 to 15.05.2002 = 51 days.
Credit EL w.e.f. 01.07.2002 to 31.12.2002 = 15 days
Less = $1/10^{\text{th}}$ of 51 days = 5 days.
Total EL = 10 days

Credit EL w.e.f. 01.01.2003 to 31.12.2003 = 30 days

Credit EL w.e.f. 01.01.2004 to 30.06.2004 = 15 days

Total EL= 55 days

Solution :-

2. Balance of Earned leave as on 31.12.2001 = 227 days

Add : credit EL w.e.f. 01.01.2002 to 30.06.2002 = 15 days

Total = 242 days.

Less: availed earned leave w.e.f. 13.03.2002 to 26.04.2002 = 45 days.

Total = 197 days

Add : credit earned leave w.e.f. 01.07.2002 to 31.12.2002 = 15 days

Total = 212 days

Less : under suspension w.e.f. 21.09.2002 to 31.12.2002 = 102 days

1/10th of 102 days=10 days

Add : credit earned leave w.e.f. 01.01.2002 to 30.06.2003

(15-10) days = 5 days

Less u/s w.e.f. 01.01.2003 to 27.03.2003 = 86 days

1/10th of 86 days = 9 days

Add : credit earned leave w.e.f. 01.07.2003 to 31.12.2003 = 6 days

(15-9) days = 6 days

EARNED LEAVE

1. Earned leave may be sanctioned either on private affairs or on medical ground.
2. During the period of earned leave a govt. servant is entitled to full leave salary which is equal to the pay last drawn immediately before proceeding on leave....FR 92 (i)
3. When a govt. servant dies while in service, the unutilized earned leave at his credit will be available for encashment....FR 97
SR.. 97 clarified vide office memorandum no. FEG 70/1/198 dated 11.06.1986.
Encashment will be leave salary plus DA on the basis of leave salary.
Basic pay – ₹ 6000 DA @ on the basis of ₹ 6000 under FR 7 (17) (i). Special pay-₹ 300
4. On retirement – on superannuation/ voluntary or asked by govt. to retire compulsory retirement but not as a punishment.
5. In case of invalid retirement – leave encashment not only for EL but also HPL and the case has been referred to medical board. HPL is also admissible for leave encashment as the govt. servant must have exhausted all the leave due to prolonged illness.

Problem :- A govt. servant retired on 31.03.2004. From the following particulars determine the EL at this credit on the date of retirement and the amount of leave encashment admissible to him.

Particulars:-

1. Leave as on 31.12.2002.....225 days
2. Availed EL for availing LTC tour from 21.12.2003 to 15.01.2004
3. Pay on 31.03.2004....pay ₹ 6500 and SP ₹ 300 pm. DA @ 50 % of pay.

Formula for leave encashment =

= pay on the date of retirement + DA on that pay/30 x earned leave at credit

= 6500+3250/30 x 236 = ₹ 76700

Leave as on 31.12.2002	= 225 days
Credit : EL w.e.f. 01.01.2003 to 31.12.2003	= <u>30 days</u>
	255 days
Less EL availed w.e.f. 20.12.2003 to 31.12.2003	= <u>12 days</u>
	243 days
Add Credit EL w.e.f. 01.01.2004 to 31.03.2004	= <u>8 days</u>
	251 days
Less Earned leave availed w.e.f. 01.01.2004 to 15.01.2004	15 days
Leave at credit	236 days

Half pay leave... SR 93

1. Shall be entitled to 20 days half pay leave in a year. Advance credit of 10 days of HPL on the 1st of January and 1st of July. (O/M no F(PR)76/2017/21 dt 8th Dec.,2017)
2. May be granted on private affairs or on medical certificate.....SR 93 (b)
3. During HPL a govt. servant is entitled to half of the leave salary.... FR 93 (ii)
4. Sanctioning authority should satisfy himself that the govt servant will return to duty after expiry of leave. (O/M no F(PR)76/2017/21 dt 8th Dec.,2017)

Commuted leave.....SR 94

1. Admissible to a govt. servant on medical certificate....SR 94(a)
2. Upto a maximum of half the amount of half pay leave....SR 94 (a)
3. The commuted leave availed will be debited double in the HPL account. SR 94 (a) (i)
4. During commuted leave a govt. servant is entitled to full leave salary (double the half leave salary) FR 92 (iii)
5. Total of earned leave plus commuted leave should not exceed 240 days.... SR 94 (a) (iii)
6. The authority must satisfy that the govt. servant will return to duty for which an undertaking must be obtainedSR 94 (a) (iv).
7. No limit for availing commuted leave provided credit is available in HPL a/c.

Without medical certificate:-a)For higher study in the interest of public service certified by a competent authority. Maximum of 180 days during the entire service.... SR 94 (a) (ii)
b)O/M no F(PR)76/2017/21 dt 8th Dec.,2017
(i)Upto a maximum of 66 days to a female employee if it is in continuation of maternity leave.

(ii) Upto a maximum of 60 days to a female employee on adoption of a child less than one year old and has less than 2 living children.

HPL includes

1. HPL.....SR 93
2. Commuted leave.....SR 94
3. Leave not due.....SR 95.

Leave not due.....SR.95

Leave that a govt. servant applied is not due or no leave at credit.

- 1) Admissible only to a permanent govt. servant i.e. confirmed in any post.
- 2) Admissible on medical certificate as well as private affairs.
- 3) Granted in advance of the HPL that the govt. servant will earn on resuming duty. E.g.:-
- 4) Leave not due is limited to the amount of leave that he will earn subsequently,
- 5) Maximum amount of LND for entire service is 360 days.
- 6) Out of 360 days on private affairs limited to 180 days at a time not more than 90 days.
- 7) During LND a Govt. servant is entitled to HPL salary...FR 92(ii).

EOL

1. When no other leave is due
2. To regularize the period of unauthorized absence.....SR 96 (3)
3. May be granted either on medical ground or private affairs.

Limit for temporary govt. servants :- SR 96 (i)

- A. 3 months
- B. 6 months on medical ground
- C. 12 months at a time on account of mental illness
- D. 48 months for prosecution of study certified to be in public service may be extended upto 60 months with approval of finance department.

For permanent Govt. servant: - no limit under special circumstances but with approval of Finance Department.

SR. 67 – EL + HPL (CL+LND) + EOL = Maximum 5 years

FR 19 – Removal from office

Recall to duty:- FR 88

1. Treated as on duty (from the date he starts the journey)
2. Entitled to TA
3. Draw leave salary till he resumes duty

FR. 89 :- Overstayal of leave

1. entitled to no pay. FR 89 (i)

2. those period of overstayed to be debited to half pay leave accounts.... FR 89 (i)

3. Liable to disciplinary action....FR 89 (2)

May be regularized

a. granting of any leave due

b. if no leave due by granting of EOL

Vacation Departments

1. (a)High court except Chief Justice and Judges
(b)District and Session Court except Judges
(c)Except Magisterial Courts under Deputy Commissioner
2. Educational Institution

(a)Teaching staff but not Principal / Vice Principal, Headmaster/ Deputy Head

(b)Non teaching staffs who are not entitled to vacation.

Courts

FR 91 (ii) (a) Total vacation – 30 days

Working days – 3days

Therefore, EL = 3 days

Educational institution= Total vacation- 80 days

Working days -16 days

Earned Leave is worked out as follows:-

For 80 days , E L is 30days

For 1day el is 30/80

For 16 days , E L is 30/80x 16

= 6 days

c. if not fully availed the vacation, then 30 days EL

d. vacation department are entitled to half pay leave.

Special disability leave FR 93 (i)

Disabled in the performance of official duty.....FR 93 (i)

2. a. leave – as certified by the medical authority but should not exceed 24 months. FR 93 (3)

b. 24 months leave may be granted more than once....FR 93 (5)

3. leave salary :-

a. for the first 120 days – full leave salary.

- b. next 120 days – half leave salary but if govt. servant wants full leave salary then 120 days to be debited to HPL a/c
- c. balance = half leave salary.

STUDY LEAVE

Basic difference: - study leave to obtain degree or diploma on application by govt. servant.

Training is not to obtain degree or diploma but on deputation by govt.

Study leave

1. To undergo a special training. This will have a direct and relation with the sphere of his function/duty.
2. Study tour.
3. This will have a definite advantage to the govt. in the interest of the public i.e. specialized & technical subject

Restrictions FR 95 (1) to (5)

1. Not to the cause which have no advantage to govt. in public interest.
2. Not for academic or literate subject.
3. Where there is facilities in the subject in India, will not be granted for studies outside the country.
4. Normally not admissible to govt. servant with less than five years of service...FR 95 (5)
5. Not admissible to those having less than three years of service.
6. Not very frequently.

Maximum amount of study leave :-

1. Ordinarily – 12 months at a time till completion of course.
 2. Entire service – 24 months.....SR.98
- May be combined with other leave.

SR.101

1. Study leave may be combined with any leave due and admissible to a govt. servant.
2. Study leave plus other leave for which govt. servant drawing leave salary is subjected to a maximum of 28 months. (may be extended by EOL)

O.M No.FEG 83/83/7 dtd.11.10.1989 – for deputation on training abroad.

OM No.FEG 45/74/139 dtd.31.01.1977 – deputation on training in India.

Entitlement during study leave

- Leave salary plus DA but not compensatory allowance...SR 103.
E.g. before study leave he was drawing Basic pay of `4000 then this is the Basic pay he will draw during / throughout his training.
- In case of study leave abroad, also entitled to study allowance. SR 103 – (c).
E.g. Pay =4000. HPL = 2000
Stipend / part time pay =`3000

Has to reduce leave salary by `3000, but limited to `2000

TA during study leave:- normally, no TA.

Cost Fee: SR. 109 Normally to be borne by the govt. servant himself except special circumstances

Govt. servant on return must submit a report of the study...FR 95 (2) (b)

Payment of study allowance abroad:- paid through the Indian Mission SR. 106 (3)

Study leave	Training
1. To undergo higher studies or special training in professional and technical subject which have a direct and close connection with the sphere of duty FR 95	1. For strengthening the in-service knowledge of the employee in matter connected with the sphere of his work.
2. May be admissible for courses which may lead to acquire a Degree/diploma	2. Not admissible to courses which lead to award of degree/diploma
3. The govt. servant concerned applies for the leave.	3. Govt. will depute a govt. servant for the training.
4. It is a leave though not debited to any leave account	4. It is treated as on duty...FR 7 (5) (b)
5. A govt. servant is entitled to leave salary at the rate equal to the pay he drew immediately before proceeding on leave with dearness allowance for the entire period of leave.	5. Entitled to the pay in the time scale of pay of the post with all usual allowances.
6. Increment due to a govt. servant during study leave cannot be drawn though it will not postpone future increment.. (Note 3 to FR 28)	6. Increment due will be drawn from time to time,
7. May be combined with any other leave due and admissible including EOL (max leave – 28 months)	7. Does not arise
8. Not entitled to TA	8. If outside the headquarter of a govt. servant will be entitled to TA and DA for both journey
9. Not entitled to any compensatory allowance	9. During the course of training at the out station will be entitled to lodging allowance....SR 15. a. For the 1 st week ...full DA at the rate applicable in the place of training b. After six weeks... 3/4 th of DA for the remaining part of the year
10. Payment of leave salary at full rate during study leave is subjected to non-receipt of scholarship, stipend or pay for the part time employment for which certificate must be produced (not less than half leave salary)	10. Does not arise

leave for TB/Cancer/Leprosy/Hiv/AIDS SR114(1)

1. TB/cancer/leprosy leave will be granted after earned leave at the credit is exhausted.
2. Months of Leave Refer Notification No. FEG 23/94/216 dt 7th July,2011
3. After 18 months he may be granted by any leave due including EOL (leave not due should not be granted as he may not return to duty)

Entitlement:-

1. Leave salary equal to EL salary (constant as no increment)
2. Plus DA on the basis of L.S (increase every six months)
3. HRA – normally upto 8 months and with Finance Departments approval for the entire period of leave....SR 19 (a) (ii)
4. Other compensatory allowance – upto 120 days....SR 18..extend to 8 months in case of TB/Cancer/Leprosy leave
5. All medical expenses to be reimbursed...Refer Pg 194. Fell diseases
Special Disability leave...FR 93 (7)

Total – 182 days

First 120 days...full leave salary

Balance 62 days may be granted full leave salary provided he has HPL of 62 days in his leave account.

Suffixing of leave to holidays – SR 89 (3) (c) not admissible to