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**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

**(Department of Personnel and Training)**

**NOTIFICATION**

**New Delhi, the 19th September, 2011**

**G.S.R. 707(E).**—In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules further to amend the All India Services (Leave) Rules, 1955, namely :—

1. (1) These rules may be called the All India Services (Leave) Amendment Rules, 2011.
- (2) They shall be deemed to have come into force on the 1st day of September, 2008.
2. In the All India Services (Leave) Rules, 1955, (hereinafter referred to as the said rules), in rule 18,—
  - (i) in sub-rule (1) for the figures and word “135days”, the figures and word “180 days” shall be substituted;
  - (ii) in sub-rule (3), for the words “one year”, the words “two years” shall be substituted.”
3. In the said rules, for rule 18 (A), the following rule shall be substituted, namely:—
 

**“18(A) Leave to a female member of Service on adoption of child—**(1) A female member of the Service with less than two surviving children, on valid adoption of a child below the age of one year, may be granted child adoption leave for a period of 180 days immediately after the date of such adoption :

Provided that child adoption leave shall not be admissible where such member is already having two or more surviving children at the time of such adoption.

  - (2) During the period of child adoption leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
  - (3) Child adoption leave can be combined with leave of any other kind.
  - (4) In continuation of child adoption leave granted under sub-rule(1), a female member of the Service on valid adoption of a child, if so applies, may also be granted leave of the kind due and admissible (including commuted leave without production of medical certificate for a period not exceeding 60 days and leave not due), for such period and in such manner as may be specified hereunder, namely:—
  - (a) if the age of the adopted child is less than one month on the date of adoption, leave up to one year may be allowed;
  - (b) if the age of the child is six months and above but less than seven months, leave up to six months may be allowed;
  - (c) if the age of the child is nine months and above but less than ten months; leave up to three months may be allowed;

(5) Child adoption leave shall not be debited against the leave account.”
4. In the said rules, after the rule 18(B), the following rules shall be inserted , namely,—
 

**“18 (C) Paternity leave for child adoption—**(1) A male member of the Service (including a probationer) with less than two surviving children, on valid adoption of child below the age of one year, may be granted Paternity Leave by the competent authority for a period of 15 days, within a period of six months from the date of such adoption:

Provided that such leave shall not be refused under any circumstances.

  - (2) During the period of Paternity Leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
  - (3) The Paternity Leave may be combined with leave of any other kind.
  - (4) The Paternity Leave shall not be debited against the leave account.
  - (5) If Paternity Leave is not availed within the period specified in sub-rule (1), such leave shall be treated as having lapsed.

**18 (D) Child Care Leave to a Female member of the Service —**(1) A female member of the Service having minor children below the age of eighteen years may be granted child care leave by the competent authority for a maximum of 730 days during her entire service for taking care of up to two children.

  - (2) During the period of child care leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
  - (3) Child care leave may be combined with leave of the kind due and admissible.
  - (4) Notwithstanding the requirement of production of medical certificates contained in sub-rule (1) of rule 13 or rule 14, leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) up to a maximum of one year, if applied for, be granted in continuation of child care leave granted under sub-rule (1).
  - (5) Child care leave may be availed in more than one spell.
  - (6) Child care leave shall not be debited against the leave account of the member of the Service.”

5. In the said rules, in rule 20A,—

“(i) in sub-rule (1), for the words, brackets, figures and letter “in respect of the earned leave (subject to a maximum of 300 days including the number of days of earned leave in respect of which encashment has been made under rule 20 C.)” and, the words and figures “in respect of both earned leave and half pay leave, if any, standing in his credit on the date on which he ceases to be member of the Service subject to a maximum of 300 days and” shall be substituted;

(ii) for sub-rule (4), the following sub rule shall be substituted, namely,-

The leave salary payable for the half pay leave component under sub-rule (1), shall be calculated as follows:

|  |   |  |   |  |
|--|---|--|---|--|
| Cash payment in lieu<br>of half pay leave<br>component | = | Half pay leave salary<br>admissible on the date of<br>retirement plus Dearness<br>Allowance admissible on<br>that date | x | Number of days of half pay<br>leave at credit subject to the<br>total of earned leave and half<br>pay leave at credit not<br>exceeding 300 days. |
|  |   | 30   |   |  |

Provided that to make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.

6. In the said rules, in rule 20(B), the words “including the number of days of earned leave in respect of which encashment has been made under rule 20C” shall be omitted.

7. In the said rules, in rule 20(C),-

(i) in sub-rule (1),—

(a) clause (ii) shall be omitted

(b) the following proviso shall be inserted, namely:-

“Provided that the encashment of earned leave up to ten days at the time of availing leave travel concession is without any linkage to the number of days and the nature of leave availed by the member of the Service while proceeding on leave travel concession.

(ii) in sub-rule (2), for the words “shall be deducted”, the words “shall not be deducted” shall be substituted;

(iii) after sub-rule (3), the following sub-rule shall be inserted, namely,—

“(4) Where both husband and wife are members of the Services, the encashment of leave equal to ten days at the time of availing Leave Travel Concession shall continue to be available to both, subject to the provisions of clause (i) of sub-rule (1).”

[Explanatory Memorandum.— Government of India's Resolution No. 1/1/2008-I.C., dated 29th August, 2008 published in the Gazette of India Extraordinary, Part I, Section 1, relating to implementation of the recommendation of the Sixth Central Pay Commission provides that the revised allowances, other than dearness allowance, will be effective from 1st day of September, 2008, which has been implemented in respect of members of the All India Services. Accordingly, these rules have been made effective from the 1st day of September, 2008, except amendments to rule 20(C) (1) which has been made effective from the 3rd day of June, 2009 and amendments to rules 18 A and rule 18(C) which have been made effective from the 22nd day of July, 2009. It is certified that no member of the Service will be adversely affected on account of retrospective application of these rules]

[ F.No. 11019/27/2008-AIS-III]

NAVNEET MISRA, Under Secy.

Note.— The principal rules were published vide notification No. 5/2/53-AIS (II), dated the 12th September, 1955 in Gazette of India under number G.S.R. 1979, dated the 17th September, 1955 and subsequently amended vide :—

| S.No. | Notification No.       | Date       | G.S.R. No. | Date of Publication |
|-------|------------------------|------------|------------|---------------------|
| 1.    | 14/9/66-AIS (III)      | 19-10-1966 | 1633       | 29-10-1966          |
| 2.    | 14/2/68-AIS (III)      | 05-09-1966 | 1562       | 14-09-1968          |
| 3.    | 7/1/73-AIS (III)       | 02-01-1975 | 39         | 18-01-1975          |
| 4.    | 1/9/74-AIS (III)       | 10-06-1975 | 754        | 21-06-1975          |
| 5.    | 11019/5/76-AIS (III)   | 20-06-1977 | 815        | 25-06-1977          |
| 6.    | 11019/7/76-AIS (III)   | 20-06-1977 | 816        | 26-06-1977          |
| 7.    | 25011/46/76-AIS (III)B | 28-03-1978 | 451        | 08-04-1978          |

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|-----|-------------------------|------------|--------|------------|
| 8.  | 11019/9/76-AIS (III)    | 17-07-1977 | 1109   | 31-07-1976 |
| 9.  | 11019/13/77-AIS (III)   | 01-07-1977 | 431(E) | 01-07-1977 |
| 10. | 11019/3/1977-AIS (III)  | 28-06-1978 | 894    | 15-07-1978 |
| 11. | 11019/14/1978-AIS (III) | 27-01-1979 | 190    | 10-02-1979 |
| 12. | 25011/34/77-AIS (II)B   | 12-02-1978 | 254    | 18-02-1978 |
| 13. | 11019/40/77-AIS (III)   | 22-02-1979 | 366    | 10-03-1979 |
| 14. | 11019/5/78-AIS (III)    | 19-04-1980 | 475    | 03-05-1980 |
| 15. | 11019/17/79-AIS (III)   | 28-04-1980 | 950    | 29-09-1980 |
| 16. | 11019/25/90-AIS (III)   | 04-11-1982 | 931    | 20-11-1982 |
| 17. | 11019/24/81-AIS (III)   | 13-04-1983 | 338    | 30-04-1983 |
| 18. | 11019/25/83-AIS (III)   | 03-02-1984 | 153    | 18-02-1984 |
| 19. | 11019/10/84-AIS (III)   | 15-11-1985 | 1111   | 30-11-1985 |
| 20. | 11019/16/85-AIS (III)   | 26-05-1986 | 411    | 07-06-1986 |
| 21. | 11019/10/86-AIS (III)   | 14-05-1987 | 406    | 30-05-1987 |
| 22. | 11019/11/88-AIS (III)   | 29-03-1989 | 397(E) | 29-03-1989 |
| 23. | 11019/4/88-AIS (III)    | 08-01-1990 | 45     | 27-01-1990 |
| 24. | 11019/6/90-AIS (III)    | 11-04-1991 |        |            |
| 25. | 11019/2/90-AIS (III)    | 06-02-1992 | 94(E)  | 11-02-1992 |
| 26. | 11019/6/91-AIS (III)    | 03-05-1993 | 252    | 22-05-1993 |
| 27. | 11019/3/91-AIS (III)    | 02-09-1992 | 422    | 26-09-1992 |
| 28. | 11019/7/93-AIS (III)    | 22-12-1993 | 52     | 22-12-1999 |
| 29. | 11019/6/97-AIS (III)    | 03-03-1998 | 60     | 14-03-1998 |
| 30. | 11019/15/2003-AIS (III) | 19-10-2004 | 373    | 30-10-2004 |
| 31. | 11019/15/2003-AIS (III) | 19-03-2007 | 207(E) | 19-03-2007 |
| 32. | 11019/70/2005-AIS (III) | 19-03-2007 | 208(E) | 19-03-2007 |
| 33. | 11019/50/2006-AIS (III) | 26-07-2007 | 510(E) | 26-07-2007 |