

NOTIFICATION

New Dehli, the 16th January, 2004

G.S.R. 186.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely :—

1. (1) These rules may be called the Central Civil Services (Leave) Amendment Rules, 2004.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Leave) Rules, 1972, (hereinafter referred to as the said rules),
- (A) in rule 19, for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) An application for leave on medical certificate made by,—

(i) a Gazetted Government servant, shall be accompanied by a medical certificate in Form 3 given by a doctor in a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by a Government Hospital or by an Authorised Medical Attendant if he is not a Central Government Health Scheme beneficiary; and by an Authorised Doctor of the private hospital recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment in respect of any particular kind of disease like heart disease, cancer, etc. for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare :

Provided that the Gazetted Government servant who is a Central Government Health Scheme beneficiary, if at the time of illness, is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters will produce Medical Certificate or Fitness Certificate in Form 3 and Form 5, as the case may be, given by an Authorised Medical Attendant;

(ii) a non-Gazetted Government servant, shall be accompanied by a medical certificate in Form 4 given by a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by Government Hospital or by an Authorised Medical Attendant if he is not a Central Government Health Scheme beneficiary; and by an Authorized Doctor of the private hospital, recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment duly approved by the competent authority in respect of particular kind of disease like heart disease, cancer, etc. for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare :

Provided that the non-Gazetted Government servant who is a Central Government Health Scheme beneficiary, if at the time of illness is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters

will produce Medical Certificate or Fitness Certificate in Form 4 or Form 5, as the case may be, given by an Authorized Medical Attendant or by Registered Medical Practitioner if there is no Authorised Medical Attendant available within a radius of eight kilometers from his residence or place of temporary stay outside his Headquarters and also in the circumstances when he finds it difficult to obtain Medical Certificate or Fitness Certificate from a doctor in a Central Government Health Scheme Dispensary or an Authorized Medical Attendant;

defining clearly the nature and probable duration of illness.

(B) in rule 20 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall—

(a) if he is on duty, not be invalidated from service during his service period ;

(b) if he is already on leave, not be invalidated from service on the expiry of that leave or extension of leave, if any granted to him under sub-rule (1).”;

(C) in rule 38 of the said rules, for the figures and word “240 days”, the figures and word “300 days” shall be substituted;

(D) for rule 56 of the said rules, the following rules shall be substituted, namely :—

“56 Leave Salary during study leave,—

(1) Except as provided in sub-rule (6), during study leave availed of outside India, a Government servant shall draw leave salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the dearness allowance, house rent allowance and study allowance as admissible in accordance with the provisions of rules 57 to 60.

(2) Except as provided in sub-rule (6), during study leave availed of in India, a Government servant shall draw leave salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the dearness allowance and house rent allowance as admissible in accordance with the provisions of rule 60.

(3) Payment of leave salary at full rate under sub-rule (2) shall be subject to furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(4) The amount, if any, received by a Government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-rule (2) of rule 57, shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half-pay leave.

(5) No study allowance shall be paid during study leave for courses of study in India.

(6) During the currency of study leave within or outside India on or after the 1st day of January, 1996, a Central Government servant shall draw benefits of revised pay from the date such revision took place.”; and

(E) in the Second Schedule to the said rules, in Bond Forms 6, 7, 8, 9 and 10, the words “The Government of India have agreed to bear the stamp duty payable on the bond”, shall be omitted.

[No. 13026/1/2002-Estt. (Leave)]

RITA MATHUR, Dy. Secy.

Foot note : The principal rules, were notified vide number S.O. 940 dated 8th April, 1972 have been subsequently amended vide :—

Sl. No.	No. and Date of Notification	Particulars of Gazette Notification No. and Date
1	2	3
1.	F.16(3) E. IV(A)/71 dt. 11-01-72	G.S.R. 3724 dated 4th Nov., 1972
2.	F. 4(7) E. IV(A)/72 dt. 30-04-73	G.S.R. 1399 dated 19th May, 1973
3.	F. 5(14) E. IV(A)/73 dt. 13-07-73	G.S.R. 821 dated 4th Aug., 1973
4.	F. 14(10) E. IV(A)/73 dt. 11-06-74	G.S.R. Readily not available

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| 5. F. 5(8)E. IV(A)/73 dt. 19-07-74 | G.S.R. 818 dated 23rd Aug., 1974 |
| 6. F. 14(8)E. IV(A)/74 dt. 02-11-74 | G.S.R. 1242 dated 23rd Nov., 1974 |
| 7. F. 16(3)E. IV(A)/74 dt. 20-12-74 | G.S.R. 1374 dated 28th Dec., 1974 |
| 8. F. 16(5)E. IV(A)/74 dt. 11-04-75 | G.S.R. 526 dated 26th April, 1975 |
| 9. F. 16(8)E. IV(A)/74 dt. 26-05-74 | G.S.R. 686 dated 7th June, 1975 |
| 10. F. 4(1)E. IV(A)/74 dt. 24-06-75 | G.S.R. 834 dated 12th July, 1975 |
| 11. F. 16(5)E. IV(A)/74 dt. 20-09-75 | G.S.R. 287 dated 27th Dec., 1975 |
| 12. F. 5(7)E. IV(A)/75 dt. 02-12-75 | G.S.R. 2877 dated 27th Dec., 1975 |
| 13. F. 5(16)E. IV(A)/73 dt. 15-01-76 | G.S.R. Not readily available |
| 14. F. 16(6)E. IV(A)/74 dt. 31-07-76 | G.S.R. 1184 dated 14th Aug., 1976 |
| 15. F. 6(3)E. IV(A)/75 dt. 07-10-76 | G.S.R. 1587 dated 13th Nov., 1976 |
| 16. F. 4(9)E. IV(A)/76 dt. 14-03-77 | G.S.R. 611 dated 14th May, 1977 |
| 17. F. 14(11)E. IV(A)/76 dt. 12-09-78 | G.S.R. 1159 dated 23rd Sept., 1978 |
| 18. F. 14025/1/78E. IV(A) dt. 04-10-78 | G.S.R. 1255 dated 21st Oct., 1978 |
| 19. P. 13024/1/78E. IV(A) dt. 29-08-79 | G.S.R. 1150 dated 15th Sept., 1979 |
| 20. P. 11012/1/77E. IV(A) dt. 21-11-79 | G.S.R. 1422 dated 1st Dec., 1979 |
| 21. P. 14018/1/80-LU dt. 25-11-80 | G.S.R. 1260 dated 13th Dec., 1980 |
| 22. F. 16(9)E. IV(A)/76 dt. 31-12-80 | G.S.R. 263 dated 24th Jan., 1981 |
| 23. P. 11012/2/80-Estt.(L) dt. 24-08-81 | G.S.R. 811 dated 5th Sept., 1981 |
| 24. P. 14028/9/80-Estt.(L) dt. 01-10-81 | G.S.R. 927 dated 17th Oct., 1981 |
| 25. P. 14025/9/81-Estt.(L) dt. 16-04-82 | G.S.R. 423 dated 8th May, 1982 |
| 26. P. 13023/1/82-Estt.(L) dt. 16-04-83 | G.S.R. 430 dated 4th June, 1983 |
| 27. P. 14028/8/82-Estt.(L) dt. 27-07-83 | G.S.R. 589 dated 13th Aug., 1983 |
| 28. P. 13023/2/81-Estt.(L) dt. 12-10-83 | G.S.R. 804 dated 5th Nov., 1983 |
| 29. P. 14028/6/81-Estt.(L) dt. 17-10-83 | G.S.R. 350 dated 24th March, 1983 |
| 30. P. 13015/11/82-Estt.(L) dt. 25-05-84 | G.S.R. 566 dated 9th June, 1984 |
| 31. P. 18011/3/80-Estt.(L) dt. 12-07-84 | G.S.R. 788 dated 28th July, 1984 |
| 32. P. 14028/1/81-Estt.(L) dt. 19-07-84 | G.S.R. 817 dated 4th Aug., 1984 |
| 33. P. 14028/16/82-Estt.(L) dt. 31-05-85 | G.S.R. 558 dated 14th Dec., 1986 |
| 34. P. 13014/1/85-Estt.(L) dt. 03-12-85 | G.S.R. 1139 dated 14th Dec., 1985 |
| 35. P. 14028/19/86-Estt.(L) dt. 09-12-86 | G.S.R. 1072 dated 20th Dec., 1986 |
| 36. P. 13023/20/84-Estt.(L) dt. 11-12-86 | G.S.R. 1102 dated 27th Dec., 1986 |
| 37. P. 13014/1/87-Estt.(L) dt. 17-06-87 | G.S.R. 515 dated 4th July, 1987 |
| 38. P. 11012/1/85-Estt.(L) dt. 23-06-87 | G.S.R. 516 dated 4th July, 1987 |
| 39. P. 14018/18/86-Estt.(L) dt. 23-03-88 | G.S.R. 260 dated 9th April, 1988 |
| 40. P. 11012/1/85-Estt.(L) dt. 06-06-88 | G.S.R. 476 dated 18th June, 1988 |
| 41. P. 13012/12/86-Estt.(L) dt. 10-03-89 | G.S.R. 198 dated 25th March, 1989 |
| 42. P. 13026/2/90-Estt.(L) dt. 22-10-90 | G.S.R. 055 dated 26th Jan., 1991 |
| 43. P. 11014/3/89-Estt.(L) dt. 02-05-91 | G.S.R. 303 dated 18th May, 1991 |
| 44. P. 11014/3/89-Estt.(L) dt. 21-01-92 | G.S.R. 49 dated 8th Feb., 1992 |
| 45. P. 13026/2/90-Estt.(L) dt. 04-03-92 | G.S.R. 119 dated 4th March, 1992 |
| 46. P. 13026/2/90-Estt.(L) dt. 20-04-93 | G.S.R. 225 dated 8th May, 1993 |
| 47. P. 13018/7/94-Estt.(L) dt. 31-03-95 | G.S.R. 317(E) dated 31st March, 1995 |
| 48. P. 14028/10/91-Estt.(L) dt. 08-08-95 | G.S.R. 385 dated 19th Aug., 1995 |
| 49. P. 14028/4/91-Estt.(L) dt. 18-09-95 | G.S.R. 442 dated 7th Oct., 1995 |
| 50. P. 14015/2/97-Estt.(L) dt. 31-12-95 | G.S.R. 727(E) dated 31st Dec., 1997 |
| 51. P. 13026/1/99-Estt.(L) dt. 18-04-02 | G.S.R. 149 dated 27th April, 2002 |