

never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.

- (ii) if a Government servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed six months.

(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, be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority; if however, he is granted leave under sub-rule (1) he shall be invalidated from service on the expiry of such leave,
- (b) if he is already on leave, he be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

21. Commencement and termination of leave.—Except as provided in rule 22, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

22. Combination of holidays with leave.—(1) When the day, immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the Government servant may be permitted to leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays:

Provided that—

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(2) On condition that the departing Government servant remains responsible for the moneys in his charge, the Head of Department may, in any particular case, waive the application of clause (a) of the proviso to sub-rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs—

- (a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and
- (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE.—A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

23. Recall to duty before expiry of leave.—(1) All orders recalling a Government servant to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory.

(2) Where the return to duty is optional, the Government servant shall not be entitled to any concession.

(3) Where the return to duty is compulsory, the Government servant shall be entitled,—

- (a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw—
 - (i) travelling allowance under rules made in this behalf for the journey; and
 - (ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty;
- (b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive,—
 - (i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, xx xx at the same rate at which he would have drawn it but for recall to duty;
 - (ii) a free passage to India;
 - (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;
 - (iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

24. Return from leave.—(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3)(a) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.

(b) If the Government servant is a gazetted officer the certificate under clause (a) shall be obtained from a Medical Board, except in the following cases:—

- (i) cases in which the leave is for not more than three months;
- (ii) cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the medical Board states, at the time of granting the original certificate or the certificate for extension, that the Government servant need not appear before another Medical Board for obtaining the certificate of fitness.

(c) In cases falling under clause (b), the certificate may be obtained from the Chief Medical Officer, the District Medical Officer, a Civil Surgeon, a Staff Surgeon or a Medical Officer of equivalent status including a Medical Officer of the Central Government Health Scheme or in a case covered by sub-rule (6) of rule

18, from the Authorised Medical Attendant or the Medical Superintendent of the hospital concerned.

(d) In the case of a non-gazetted Government servant, the authority under which the Government servant is employed on return from leave may, in its discretion, accept a certificate signed by a registered medical practitioner.

(4)(a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE.—A Government servant who had been suffering from tuberculosis may be allowed to resume duty on the basis of Fitness Certificate which recommends light work for him.

25. **Absence after expiry of leave.**—(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though 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.

(2) Wilful absence from duty after the expiry leave renders a Government servant liable to disciplinary action.

CHAPTER IV—Kinds of leave due and Admissible

26. **Earned leave for Government servants serving in Department other than vacation Departments.**—(1)

(a) A Government servant (other than a military officer) who is serving in a Department other than a vacation Department, shall be entitled to earned leave at the rate of 1/22nd of the period spent on duty if he is not in permanent employ and is in the first year of service, and at the rate of 1/11th of the period spent on duty if he is in permanent employ or quasi-permanent employ or if he is not permanent or quasi-permanent but has completed one year's service.

(b) The Government servant shall cease to earn such leave under clause (a) when the earned leave due amounts to 180 days.

(c)(i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of extraordinary leave since the date of permanent appointment or quasi-permanent appointment, such leave may, subject to the provisions of rule 10, be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

Exception:—The earned leave admissible to a Government servant of non-Asiatic domicile recruited in India, who is in continuous service from a date prior to the 1st February, 1949 and is entitled to leave passage, is one-seventh of the period spent on duty and he

ceases to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of rules 7 and 39 and sub-rules (1) and (3) of this rule, the maximum earned leave that may be granted at a time shall be:—

(i) 120 days, in the case of any Government servant employed in India, or

(ii) 150 days, in the case of a Government servant mentioned in the Exception to sub-rule (1).

(3) Earned leave may be granted to a Government servant in Class I or Class II service or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Ceylon, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 120 days or 150 days, as the case may be, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

27. **Calculation of earned leave.**—(1) In calculating earned leave referred to in sub-rule (1) of rule 26, the actual number of days of duty performed shall first be counted and then multiplied by 1/11 or 1/22, as the case may be, and the product expressed in days and fraction of day.

(2) In case there is a change in the rate of earning of leave, the fraction in the earned leave shall be rounded off to the nearest day, that is fraction below half shall be ignored and that half or more shall be reckoned as one day.

28. **Earned leave for persons serving in vacation Departments.**—(1) A Government servant (other than a military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(2)(a) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days, or 45 days when governed by the Exception to sub-rule (1) of rule 26, as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(b) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 26.

Explanation.—For the purposes of this rule, the term "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a vacation Department.

NOTE 1:—A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE 2.—When a Government servant serving in a vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations

which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacations that fall during the year commencing from the date on which he completed the previous year of duty.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government servant at a time under rule 26:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

29. Half pay leave.—(1) (a).—A Government servant (other than a military officer), shall be entitled to half pay leave of 20 days in respect of each completed year of service.

(b) The leave due under clause (a), may be granted on medical certificate or on private affairs:

Provided that in the case of a Government servant not in permanent employ or quasi-permanent employ, no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a medical authority.

(2) If a Government servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

30. Commuted leave.—(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), 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) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days;
- (c) commuted leave during the entire service shall be limited to a maximum of 240 days;
- (d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
- (e) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resignation or retiring voluntarily from service, he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE.—Commuted leave may be granted at the request of the Government servant even when earned leave is due to him.

31. Leave not due.—(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) 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) leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;
- (d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently;
- (e) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resigning or retiring voluntarily from service, he shall refund the the leave salary paid to him.

(2) (a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commended, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

32. Extraordinary leave.—(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances—

- (a) when no other leave is admissible;
- (b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, 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—

- (a) three months;
- (b) six months, where the Government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules;
- (c) twelve months, where the Government servant who has completed one year's continuous service is undergoing treatment for cancer, or for mental illness, in an institution recognised for the treatment of such disease or by a

Civil Surgeon or Staff Surgeon or a specialist in such disease;

- (d) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for—

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

NOTE.—The concession of extraordinary leave upto eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon, or

(iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned;

- (e) 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 continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a).

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub-rule (2), he shall be required to execute a bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination Training Course at the centres notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. Leave to a probationer, a person on probation and an apprentice.—(1) (a) A probationer shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend—

- (i) beyond the date on which the probationary period as already sanctioned or extended expires, or

- (ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to,—

- (a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under rule 32.

34. Persons re-employed after retirement.—In the case of a person re-employed after retirement the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. Leave of Military officers in civil employ.—Notwithstanding anything contained in these rules, where a military officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as follows:—

- (a) (i) instead of annual leave, he may be granted earned leave as calculated under rule 26 from the beginning of the calendar year following that in which he becomes subject to this rule; his leave account being initially credited with the earned leave equal to the number of days of annual leave which, on the date on which he becomes subject to this rule, it would be permissible to grant him under the leave rules of the Armed Forces:

Provided that, if annual leave under the leave rules of the Armed Forces is not admissible in respect of the calendar year of transfer, duty counting for earned leave shall commence on the date on which he becomes subject to this rule:

Provided further that in the case of a military officer serving in a vacation department the provisions of rule 23 shall, as far as may be, apply to the calculation and grant of leave:

Provided also that a military officer holding substantively a tenure post, who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any annual leave taken under the leave rules of the Armed Forces during the period being treated as earned leave taken under this rule;

- (ii) he may also be granted any leave, other than annual leave, admissible under the leave rules of the Armed Forces either alone or in combination with earned leave.

(b) The total period of leave shall be regulated by the limits in force under the leave rules of the Armed Forces to which the Military officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the military officer concerned at the time it was granted:

Provided that, except in the case of a military officer holding substantively a tenure post, no leave under sub-clause (ii) of clause (a) may