

17. THE ALL INDIA SERVICES (LEAVE) RULES, 1955

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 Government of the States concerned, hereby makes the following rules, namely :—

1. **Short title.**—These rules may be called the All India Services (Leave) Rules, 1955.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) '*commuted leave*' means leave taken under the Rule 13;
- (b) '*completed year of service*' means continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave including extraordinary leave;
- (c) '*duty*' means duty as a member of the Service and includes—
 - (i) service as probationer;
 - (ii) joining time;
 - (iii) such other periods as the Government may, by general or special order, declare as '*duty*';
- (d) '*earned leave*' means leave earned under the Rule 10;¹
- (e) '*earned leave due*' means the amount of earned leave to the credit of a member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of earned leave calculated as prescribed in Rule 10 diminished by the amount of earned leave taken after the date on which he became subject to these rules;
- (f) '*foreign service*' means service where a member of the Service receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State;
- (g) '*Government*' means—
 - (i) in the case of a member of the service serving in connection with the affairs of the Union, the Central Government; or
 - (ii) in the case of a member of the Service serving under a foreign Government (whether on duty or on leave), the Central Government; or
 - (iii) in the case of a member of the Service serving in connection with affairs of State, the Government of that State; or

1. Deleted by DP & AR Notification No. 11019/5/76-AIS III, dated 20.6.1977 (Published under GSR No. 815, in the Gazette, dated 25.6.1977).

- (iv) in the case of a member of the Service on leave, the Government, who sanctioned him the leave :

¹Provided that, in the case of a member of the service, who is granted leave on expiry of his deputation to the Central Government, another State Government or foreign service. "Government" shall also include the Government of the State on whose cadre he is borne.

Explanation.—A member of the Service whose services are placed at the disposal of any company, corporation, organisation or any local authority by the Central Government or the Government of a State shall, for the purposes of these rules be deemed to be a member of the Service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State.

- (h) 'half pay leave' means leave earned under Rule 12 in respect of completed years of service;
- (i) 'half pay leave due' means the amount of half pay leave to the credit of member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of half pay leave calculated as prescribed in Rule 12 diminished by the amount of half pay leave including twice the amount of committed leave taken under these rules;
- (j) 'joining time' means the time allowed to a member of the Service in which to join a new post or to travel to or from a station to which he is posted;
- (k) 'leave' includes earned leave, half pay leave, commuted leave not due, extraordinary leave, study leave, special disability leave, maternity leave or any other authorised leave of absence;
- (l) 'leave salary' means the monthly amount admissible to a member of the Service, who has been granted leave under these rules;
- ²(m) 'member of the service' means a member of "an All India Service" as defined in Section 2 of the All India Services Act, 1951 (61 of 1951);
- (n) 'month' means a calendar month.

Explanation.—In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days of which month may consist shall first be calculated and the odd number of days calculated subsequently.

- (o) Omitted.

1. Ins. by MHA Notification No. 14/2/68-AIS (III), dated 5.9.1968.

2. Subs. by MHA Notification No. 14/9/66-AIS (III), dated 19.10.1966.

Government of India's decisions

(1) **GI MHA Letter No. 7/28/57-AIS (II), dated 18.11.1957.**—A State Civil/Police Service officer, who is appointed to the IAS/IPS while on leave into be governed by these rules with effect from the date on which the leave granted to him expires. The fact that the officer is appointed to the IAS/IPS during the currency of leave does not alter the validity of the order granting leave under the rules in force at the time the leave is granted.

(2) **GI MHA Letter No. 3/5/58-AIS (III), dated 27.6.1958.**—For the purpose of clause (i) all types of leave, in respect of which leave salary is restricted to half pay, shall be equated to half pay leave.

(3) **GI MHA Letter No. 4/2/59-AIS (II), dated 28.7.1959.**—State Civil/Police Officers, appointed on the IAS/IPS on probation shall be governed by these rules from the date of their appointment.

(4) **GI MHA UO No. 16/8/61-AIS (III), dated 20.10.1961.**—In accordance with the Explanation under clause (g), the notification granting leave to a member of the Service, whose services are placed at the disposal of a company, corporation, etc. is to be issued by the Government, Central or State by which his services were placed at the disposal of the corporation, etc.

(5.1) **GI MHA Letter No. 14/12/62-AIS (I), dated 28.11.1962.**—A question arose whether the past service, as an IPS probationer, or an IAS probationer would count for purposes of joining time, leave, etc.

(5.2) The attributes of a substantive holder that a probationer enjoys can apply to the Service or Post in which he is on probation. Consequently, on his appointment to the IAS before the completion of his probationary period in the IPS the officer is to be treated as the non-substantive holder of a post in the IPS. He will not, therefore, be entitled to joining time, joining time pay and transfer travelling allowance under the Government of India's Decision No. 4 below FR 105.

(5.3) The carry forward of the leave earned by the officer as an IPS probationer is permissible, as it does not depend on his status permanent or temporary.

3. Right of leave.—(1) Leave cannot be claimed as of right and when the exigencies of public service, so demand, leave of any description may be refused or revoked by the Government.

(2) It shall not be open to the Government to compel any member of the Service to proceed on leave or, except at the request of the member of the Service, to alter the nature of leave due and applied for.

4. Earning of leave.—Except as otherwise provided in the rules shall be earned by duty only.

Explanation.—For the purpose of this rule, the period spent on foreign service counts as duty if on account of such period contributions towards leave salary have been paid by the foreign employer or the member of the Service or remitted by the Government.

5. Commencement and termination of leave.—Leave ordinarily begins on the day on which a transfer of a change is effected and ends on the day proceeding that on which such charge is resumed. Where joining time is allowed to a member of the Service returning from leave out of India, the last day of his leave is the day before the arrival at her moorings or anchorage in

the port of debarkation on which the aircraft in which he returns, arrives at its first regular port in India;

Provided that, the Government may prescribe the circumstances in and conditions on which Sundays on other public holidays may be prefixed or affixed (or both prefixed and affixed) to leave.

Government of India's decisions

(1) DP & AR Letter No. 11019/13/77-AIS (III), dated 22.6.1977.—*Prefixing/suffixing of holidays to leave.*—Prefixing and suffixing holidays to leave other than leave on medical certificates, may be allowed automatically except in cases where for administrative reasons permission for prefixing/holidays to leave is specifically withheld. In the case of leave on medical certificates, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

(2) *Intimating of leave at credit.*—The order sanctioning the leave/half-pay leave to a member of the Service shall indicate the balance of such leave at his credit.

(3) DP & AR Letter No. 11019/3/98-AIS (III), dated 28.4.1982.—When a member of the service avails of leave towards the end of a half year and such leave extends beyond the close of the half year into the next half year, that portion of leave which falls in the half year which is coming to a close is to be deducted from the leave at the credit of member of the service and the balance leave carried forwarded to the next half year. The advance credit of 15 days due at the commencement of the next half year be allowed subject to the provision regarding maximum limit of 180 days. The portion of the leave which falls in the next half years is then to be debited in the leave account.

6. Return to duty on expiry of leave.—Except with the permission of the authority which granted him leave, no member of the Service on leave may return to duty before the expiry of the period of leave granted to him.

Government of India's decisions

GI, MHA Letter No. 4/23/59-AIS (II), dated 1.10.1959.—This rule is attracted only where a member has actually proceeded on leave and wishes to return to duty before its expiry. Where a member has been sanctioned leave but has not actually proceeded on leave he can have it cancelled at his option. Any leave so cancelled at his option cannot, however, be treated as refused leave and cannot consequently be availed of after the date of retirement.

7. Maximum period of absence from duty.—(1) No member of the Service shall be granted leave of any kind of a continuous period exceeding five years.

¹[(2)] *Omitted.*

8. Combination of leave.—Except as otherwise provided in these Rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

1. Omitted by MHA Notification No. 14/2/68-AIS (III), dated 5.9.1978.

19. **Grant of leave beyond the date of retirement.**—²(1) No leave shall be granted to a member of the service beyond the date on which he retires from service under Rule 16 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958.

³(2)

⁴(3)

“(4) The Government shall *suo motu* sanction to member of the service, who is deemed to have retired from service under sub-rule (1) of Rule 5-A of All India Services (Death-cum-Retirement Benefits) Rules, 1958, the cash equivalent of leave salary in respect of the period of earned leave at his credit on the deemed date of his retirement to the extent permissible under the orders issued by the Central Government in regard to the officers of the Central Civil Services, Group ‘A’.”

(5) Omitted.

Government of India's decisions

(1) **GI MHA Letter No. 13/4/63-AIS (III), dated 5.10.1963.**—A member of the service, who is required to retire or who himself chooses to retire under sub-rule (3) of Rule 16 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, may be allowed the leave due and admissible to him provided it does not extend beyond the date on which he attains the age of 58 years. If, the leave is allowed to be availed of before the expiry of the period of notice, the period of notice or unexpired period of notice as the case may be and the leave should run concurrently.

(2.1) **Department of Personnel and AR Letter No. 14/2/71-AIS (III), dated 28.8.1972.**—A question has been raised whether the instruction issued by the State Governments in the case of their employees, prescribing a time limit for applying for leave preparatory to retirement, etc. can be applied to the member of the All India Services serving in connection with the affairs of the State by invoking the provisions of clause (b) of Rule 2 of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960.

(2.2) The Government of India have been advised that clause (b) of Rule 2 of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960, is attracted where general rules have been made governing a condition of service, but such rules do not regulate a particular matter relating to that condition of service. Thus, even though specific rules, namely, the All India Services (Leave) Rules, 1955, have been made under the All India Services Act, 1951, as these rules do not prescribe any time-limit for applying for leave preparatory to retirement the orders issued by the State Government, fixing the time-limit for applying for leave preparatory to retirement in the case of members of their State Civil Service Class I, would apply to the members

1. Subs. by MHA Notification No. 14-1/69-AIS (III), dated 13.5.1970 and further modified by DP & AR Notification No. 11012/40/77-AIS (III), dated Feb. 1979. (GSR No. 396, dated 10.3.1979).
2. Subs. by Notification No. 11019/25/81-AIS (III), dated 3.2.1984, (GSR No. 163, dated 18.2.1984).
3. Deleted by DP & AR Notification No. 11019/95/81-AIS (III), dated the 3.2.1984 (GSR No. 163, dated 18.2.1984).
4. Ins. by DP & AR Notification No. 11019/7/76-AIS (III), dated 14.6.1977 (GSR No. 816, dated 25.6.1977) and deleted by DP & AR Notification No. 19/40/77-AIS (III), dated Feb. 1979, (GSR No. 366, dated 10.3.1979).

of the All India Services serving in connection with the affairs of the State by virtue of clause (b) of Rule 2 of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960.

(2.3) However, the members of the All India Services/State Civil Services on deputation to the Government of India will be governed by the procedure laid down in Department of Personnel and AR OM Nos. 1/2/72-AIS (III), dated 17.4.1972 and 5.1.1973.

(3) **GI DP & AR Letter No. 11019/5/78-AIS (III), dated 12.4.1978.**—It has been decided that the leave salary of members of All India Services, who are granted leave under Rule 9(2) of the AIS (Leave) Rules, 1955 will be determined in the manner indicated below :—

- (i) A member of the Service, who is granted leave in accordance with the provisions of Rule 2(2) of the AIS (Leave) Rules, 1955 shall be paid in lump-sum the amount equivalent to leave salary and allowances, if any admissible during such leave reduced by the amount of pension and pension equivalent of other retirement benefits, for the entire period of such leave as onetime settlement.
- (ii) If, a member of the service on leave under Rule 9(2) of the AIS (Leave) Rules, is permitted to take up employment, the leave salary for the leave shall no longer be restricted to that admissible during half pay leave. However, the leave salary shall continue to be subject to reduction on account of pension and pension equivalent of other retirement benefits.

4. **Deptt. of Personnel and AR Letter No. 11019/29/78-AIS (III), dated 18.1.1979.**—A question has been raised whether the leave granted to a member of the Service as leave preparatory to retirement, or under Rule 9(2) of the All India Services (Leave) Rules, 1955 can co-terminate with the date of retirement of the officer concerned. The matter has been considered and it has been decided that such leave can extend upto and include the date of retirement.

10. Rate and amount of earned leave.—¹(1) (a) The leave amount of a member of the Service shall be credited with 30 days earned leave in a calendar year. This shall be done in advance in two instalments of 15 days each on the 1st January and July, every year.

(b) The credit afforded under clause (a) above shall be reduced by 1/10th of the period of extraordinary leave only availed of during the previous half year, subject to a maximum of 15 days.

(c) The earned leave at the credit of a member of the service at the close of a half-year shall be earned forward to the next half-year subject to the condition that the earned leave so carried forward plus the credit for that half-year shall not exceed ²[300] days.

EXPLANATORY MEMORANDUM

Under the Government of India, Ministry of Personnel, Public Grievance and Pensions (Department of Personnel and Training OM No. 14028/19/86 Estt. (I), dated the 29th September, 1986, the ceiling on the accumulation and

1. Subs. by Department of Personnel and AR Notification No. 11019/5/76-AIS (III), dated 20.6.1977 (GSR No. 815, dated 25.6.1977).
2. Subs. by Noti. No. 60, dated 3rd March, 1998

encashment of Earned Leave in respect of Central Government employees has been enhanced from 180 to 240 days with effect from 1.7.1986 on the recommendations of the Fourth Pay Commission. It is proposed to make the same ceiling applicable with effect from 1.7.1986 in respect of All India Services under the All India Services (Leave) Rules, 1955. It is certified that no member of the service is likely to be adversely affected by these rules being retrospective effect.

(d) If a member of the Service is appointed on or after the 1st of January of a year, earned leave shall be credited to his leave account at the rate of 2-1/2 days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

(e) The credit for the half-year in which a member of the Service is due to retire or resigns from service shall be afforded only at the rate of 2-1/2 days per completed calendar month. If the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary overdrawn, if any.

(f) When a member of the Service is removed or dismissed from the service or dies while in service, credit of earned leave shall be allowed at the rate of 2-1/2 days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service. Where the quantum of earned leave is in excess of the leave, the over-payment of leave salary shall be recovered in such cases.

¹[(g) When a member of the service joins a new post without availing of full joining time by reason that—

- (a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled; or
- (b) he proceeds alone to a new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family;

the number of days of joining time, subject to a maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave :

Provided that the earned leave at his credit together with the un-availed joining time allowed to be so credited shall not exceed 240 days.]

(2) While affording credit under sub-rule (1) fraction of a day shall be rounded off to the nearest day.

Government of India's decisions

DP & AR Letter No. 11019/5/76-AIS (III), dated 6.12.1977.—A question has been raised as to whether a Central Civil Government servant, who is on leave on the last day of a particular half year may be allowed to avail himself of the advance credit of earned leave becoming due to him on the first of the succeeding half year without having to return to duty. It has been clarified by the Ministry of Finance (Department of Expenditure) that if a Government servant is on leave on the last day of any

particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half year provided the authority competent to grant leave has reason to believe that the Government servant will return to duty on its expiry, *vide* their OM No. 16(6)-E.IV(A)/74, dated 30.4.1976.

(3) In the case of a State service officer appointed to the All India Services the maximum limit on accumulation of leave laid down in ¹clause (c) of sub-rule (1) shall not apply during the period of the first five years from the date of his appointment to the Service or from that of the commencement of these rules whichever is later, and such an officer may be allowed during the said period of five years to avail himself of the accumulated leave to his credit :

Provided that, on the expiry of the said period of five years the leave at the credit of the officer in excess of the normal maximum limit of accumulation of leave laid down in sub-rule (2) shall lapse :

Provided further that, he shall not earn leave during that period unless the accumulated leave at his credit falls below 180 days.

Government of India's decisions

GI, MHA UO No. 4/13/59-AIS (II), dated 21.7.1959.—The intention of the Proviso to sub-rule (3) is that a State Service officer promoted to the IAS/IPS must exhaust the extra amount of leave, in excess of 180 days, which is allowed to be carried forward, before the expiry of 5 years from the 12th September, 1955 or the date of promotion to the IAS/IPS whichever is later, *i.e.*, whatever amount of leave in excess of the maximum limit of accumulation is unavailed of on the date of expiry of 5 years' limit will lapse.

11. Maximum leave admissible at a time.—²[(1) Subject to the provisions of Rule 9, the maximum earned leave that can be granted to a member of the Service at a time shall be 180 days :

³Provided that, earned leave granted ⁴[] or as preparatory to retirement shall be subject to a maximum of ⁵[300] days.

(2) Earned leave may be granted to a member of the Service exceeding a period of 120 days but not exceeding 180 days, if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon,⁶ Nepal and Pakistan :

Provided that, where earned leave exceeding a period of 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed 120 days.

1. Subs. by DP & AR Notification No. 11019/5/76-AIS (III), dated 20.6.1977, (GSR No. 815, Gazette, dated 25.6.1977).
2. Subs. by G.S.R. 252, dated 3.5.1993 (w.e.f. 22.5.1993).
3. Ins. by DP & AR Notification No. 11019/13-77-AIS (III), dated 1.7.1977 and amended by DP & AR Notification No. 11019/14/78-AIS (III), dated 27.1.1979 (GSR No. 431(E), dated 1.7.1977) and (GSR No. 190, dated 10.2.1979).
4. Deleted by Notification No. 11019/25/81-AIS (III), dated 3.2.1984, (GSR No. 163, dated 18.2.1984).
5. Subs. by G.S.R. 60, dated 14.3.1998.
6. The words Daman, Diu and Goa, omitted by MHA Notification No. 14/1/69-AIS (III), dated 13.5.1970 (GSR No. 815, dated 23.5.1970).

12. Half Pay Leave.—(1) The Half pay leave account of every member of service subject to the provisions of sub-rule (2) be credited with half pay leave in advance in two instalments of ten days each on the first day of January and July every calendar year.

(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month or service which he is likely to render in the half year of the calendar year in which he is appointed.

(b) The credit for the half year in which a member of service is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month upon the date of retirement or resignation.

(c) When a member of the service is removed or dismissed from service or dies while in service credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month upto the end of the calendar month in which he is removed or dismissed from service or dies in service.

Explanatory Memorandum.—¹[The Ministry of Finance (Expenditure) have revised the maximum limit for availing of earned leave from 120 days to 180 days with effect from 23.3.1978 in respect of Government servants who retire prematurely or are retired permanently by given notice of three months admissible to them under Rules 6 and 7 of Rule 39 of the C.C.S. (Leave) Rules, 1972, *Vide* their O.M No. P-14025/7/77-ESHIV (A), dated 23.2.1978. The abovementioned provision has been extended to the members of All India Services. No member of Service is likely to be affected adversely on account of this amendment being given retrospective effect.]

(3) The leave under this rule may be granted on Medical certificate or on private affairs.

Government of India's decisions

(1) **GI MHA Letter No. 13/7/64-AIS (III), dated October 1964.**—*See* Government of India's Decision 2 below Rule 2.

13. Commuted Leave.—²(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a member of the Service object to the condition that twice the amount of such leave shall be debitable to the half pay leave due.

(2) Commuted leave for a period not exceeding ninety days may be granted to a member of the Service during his entire service when such leave is availed of for course of study which is certified to be in public interest by the Government.

(3) No commuted leave may be granted under this rule unless the Government has reason to believe that the number of the Service will return to duty on its expiry.

1. Subs. by G.S.R. No. 411, dated 21.5.1986 (w.e.f. 7.6.1986).

2. Ins./Deleted/modified by DP & AR Notification No. 1/9/1974-AIS (III), dated 10.6.1975 (Effective from 1.11.1973), and DP & AR No. 17019/13/77-AIS (III), dated 1.7.1977. (GSR No. 431-E, Gazette, dated 1.7.1977).

¹(4) Where a member of the Service, who has been granted commuted leave resigns from service or, at his request, is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between leave 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 member of the Service for further service or in the event of his death.

Government of India's decisions

(1) GI MHA Letter No. 4/19/59-AIS (III), dated 10th August, 1959.—Commutated leave under Rule 13 can be granted to a member of the Service, if he applies for it, even though he has earned leave at his credit.

14. **Leave not due.**—Save in the case of leave preparatory to retirement, leave not due may be granted to a member of the Service for a period not exceeding 360 days during the entire service ²[* * *] on medical certificate.

Note.—(1) Leave not due shall not be granted to a member of the Service unless the Government is satisfied that as far as can be reasonably foreseen, he will return to duty and earn an equal amount of ³[half pay leave. Leave not due shall be debited against the half pay leave the member of the service may earn subsequently].

(2) A member of the Service, who is invalidated during the currency of or at the end of a period of leave not due, shall be retired from the date of expiry of such leave not due.

(3) Where a member of the Service, who has been granted leave not due under this rule applies for and is granted permission to retire, the leave not due shall be cancelled and his retirement shall have effect from the date on which such leave commenced.

Government of India's decisions

(1) GI MHA Letter No. 10/7/56-AIS (II), dated 24.10.1956.—The Government of India have decided that leave not due, if any, availed of by a member of the Service under the Ordinary Leave Rules or the Revised Leave Rules, 1933 (Central) or the corresponding rules of the State Governments shall be counted towards the limit of 360 days laid down in this rule. Government of India have decided that where a member of the service, who had been granted leave not due.

(2) File No. 11011/2/78-AIS (III).—(i) Resign from service without returning to duty, the leave not due shall be cancelled, his resignation taking effect from the date on which such leave had commenced and the leave salary shall be recovered; and

(ii) Returns to duty but resigns 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.

15. **Extraordinary leave.**—(1) Subject to the provisions of Rule 7, extraordinary leave may be granted to a member of the Service in the following special circumstances, that is to say—

1. Ins. by Notification No. 11019/24/81-AIS (III), dated 13.4.1983. (GSR No. 338, dated 30.4.1983).
2. Deleted *vide* Noti. No. 11019/11/88-AIS (III), dated 29.3.1989.
3. Subs. by *Ibid*.

- (a) when no other kind of leave is admissible, or
- (b) when any other kind of leave is admissible but the member of the Service applies in writing for the grant of extraordinary leave.

(2) Government may retrospectively convert periods of absence without leave into extraordinary leave even when any other kind of leave was admissible at the time when absence without leave commenced.

(3) Extraordinary leave shall not be debited to the leave account.

16. Special disability leave.—(1) Special disability leave, which may be combined with leave of any other kind, may be granted to a member of the Service under such conditions as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Government concerned.

(2) Such leave shall not be debited to the leave account except as provided in sub-rule (6) of Rule 20.

(3) Such leave may be granted on more than one occasion if the disability is aggravated or reproduced in similar circumstances on a later date but not more than twenty-four months of such leave in all shall be granted in consequence of any one disability.

(4) When a member of the Service suffers an injury while on service under the Armed Forces, any period of leave granted under the leave rules applicable in the Armed Forces in respect of that injury shall be treated as leave granted under this rule.

17. Study Leave.—(1) Leave may be granted to a member of the Service on such terms as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Government concerned to enable him to undergo, in India or out of India a special course of study or instructions approved by the Government in public interest.

(2) Such leave shall not be debited to the leave account.

18. Maternity leave.—¹[(1) Maternity leave may be granted to a woman member of the service with less than two surviving children on fully pay up to a period of ²[180 days] from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.]

(2) Such leave shall not be debited to the leave account.

(3) ³[(3) Maternity leave may be combined with leave of any other kind notwithstanding the requirement of production of Medical Certificate contained in Rules 13 and 14, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a measurement of ⁴[two years] pay, if applied for, be granted in continuance of maternity leave granted under sub-rule (1).]

1. Subs. by G.S.R. 397(E), dated 29.3.1989.

2. Subs. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

3. Subs. by G.S.R. 397 (E), dated 29.3.1989.

4. Subs. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

Note.—Maternity leave may also be granted in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave supported by a medical certificate.

¹[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 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.]

Government of India's decisions

(1) **GI DP & AR Letter No. 11019/9/75-AIS (III), dated 6th June, 1975.**—According to note below Rule 18 of the All India Services (Leave) Rules, 1955, a female member of the service may be granted maternity leave in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate.

(2) It has not been decided that, the abortion induced under the Medical Termination of Pregnancy Act, 1971, should also be considered as a case of abortion for the purpose of granting 'maternity leave' under the All India Services (Leave) Rules, 1955.

²[18-B. Paternity Leave.—A male member of the Service with less than two surviving children may be granted paternity leave for a period not exceeding fifteen days during the confinement of his wife :

Provided that notwithstanding anything contained in Rule 3, paternity leave under this rule shall not ordinarily be refused.]

1. Subs. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).
2. Ins. by G.S.R. 71, dated 3rd March, 1998.

¹[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.]

²[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.]

19. Conversion of one kind of leave into another kind.—(1) At the request of a member of the Service, the Government may convert any kind of leave retrospectively into leave of a different kind which may be admissible, but the member of the Service cannot claim such conversion as a matter of right.

(2) If one kind of leave is converted into another the amount of leave salary admissible shall be recalculated and arrears of leave salary paid or amounts overdrawn recovered, as the case may be.

20. Leave salary.—(1) A member of the Service on earned leave is entitled to leave salary equal to pay drawn immediately before proceeding on earned leave.

1. Ins. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

2. Ins. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

(2) A member of the Service on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1).

(3) A member of the Service on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).

(4) A member of service on extraordinarily leave is not entitled to leave salary.

(5) A member of the Service on special disability leave shall be entitled, in respect of the initial period of 120 days, to leave salary in accordance with sub-rule (1).

(6) In respect of special disability leave beyond the initial period of 120 days leave salary equal to the amount specified [in sub-rule (1)], may be granted at the option of the member of the Service for a further period limited to the number of days of earned leave due to him in which case the earned leave account shall be debited with half the number of days for which leave salary is granted under this sub-rule.

(7) The leave salary during special disability leave in respect of any period not covered by sub-rules (5) and (6) shall be at the rate specified in sub-rule (2).

Government of India's decision

GI, MHA Letter No. 1/133/63-AIS (II), dated 2nd December, 1963.—A member of the Service, on behalf pay leave/under suspension, whose leave salary/subsistence allowance falls below the amount on which dearness allowance is admissible to Central Government servants, would be entitled to dearness allowance. The leave salary actually drawn should be taken into account for both the purpose of monetary limits within which the allowance is admissible and for calculation of the amount of the dearness allowance.

1[20-A. Payment of cash equivalent of leave salary in case of retirement or death.]—(1) Where a member of the Service retires from the Service, whether on attaining the age of superannuation or under sub-rule (1) of Rule 15 or sub-rules (2), (2-A) or (3) of Rule 16, of the All India Services (Death-cum- Retirement Benefits) Rules, 1958, or dies the Government shall *suo motu* sanction to him or his family as the case may be, cash equivalent of leave salary ²[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 Half Pay Leave standing to his credit on the date on which he ceases to be a member of the Service and pay the same in lump-sum as a one time settlement.

³[The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus dearness allowances admissible on the leave salary for the first 300 days].

(2) The cash equivalent of leave salary payable to a member of the Service under sub-rule (1) shall also include Dearness Allowance but shall not include any other allowances.

1. Subs. by GSR 759(E), dated 22nd December, 1993 (w.e.f. 14.7.1982).

2. Subs. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

3. Added by Noti. No. 11019/10/2000-AIS-III, dated 7.2.2001.

(3) The cash equivalent of leave salary for Earned Leave payable under sub-rule (1) shall be calculated as follows :

Pay=admissible on the date
of retirement/death
Plus

Cash Payment in lieu of = Dearness Allowance
Earned Leave component admissible thereon
30

Number of days of unutilised
Earned Leave at credit up to
a maximum of ¹[300] days.

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

Cash payment in lieu of half pay leave component =
Half pay leave salary admissible on the date of retirement plus Dearness Allowance admissible on that date x
30

Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days :

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

(5) A member of the Service, who has been permitted by the State Government to voluntarily retire from service while under suspension or who is retired by the Central Government in public interest while under suspension shall be paid cash equivalent of leave salary under sub-rule (1) in respect of the period of leave at his credit on the date of his retirement from service provided that in the opinion of the authority competent to order reinstatement the member of the Service has been fully exonerated and the suspension was wholly unjustified".

EXPLANATORY MEMORANDUM

Government of India *vide* Department of Personnel and Training Office Memorandum No. 14020/1/90-Estt. (1), dated 6th April, 1993, have extended the benefit of encashment of Half Pay Leave to all Central Government employees retiring on superannuation. This benefit has been made applicable from 14th July, 1982. Since the entitlements of members of All India Services are normally kept at par with those of Central Government Group 'A', officers it is proposed to extend the provisions regarding encashment of Half Pay Leave to such members from 14th July, 1982. The rules relating to encashment of Leave salary on death, superannuation, voluntary retirement, etc., are also proposed to be simplified. It has, therefore, become necessary to amend the relevant rules with retrospective effect (*i.e.*, w.e.f. 14th July, 1982). If, as a result of the proposed amendments, any amount becomes recoverable, the same will not be recovered by the Government.

2. It is certified that, no member of the Service would be adversely affected by giving retrospective effect to the amendments.

1. Subs. by G.S.R. 60, dated 3.3.1998.

2. Subs. by Noti. No. GSR 707(E), dated 19th Sept., 2011 (w.e.f. 1.9.2008).

Note.—Principal rules were notified by Notification No. 5/2/53-AIS (II), dated 12.9.1955, published in Gazette of India, dated 17.9.1955 under GSR No. 1979, subsequently amended.

¹[20-B. **Payment of cash equivalent to leave salary to a member of the service who resigns from service.**—The Government shall *suo motu* sanction to a member of the service who resigns from the service the cash equivalent of leave salary in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of ²[150 days] ³[including the number of days of earned leave in respect of which encashment has been made under Rule 20-C.]

Explanatory Memorandum

On the recommendation of Fifth Central Pay Commission, the Government of India in the Department of Personnel and Training *vide* their Office Memorandum

- (iv) to receive 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, to be paid leave salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave.
- (b) 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 travelling allowances admissible to him as a member of the service for the journey but to draw until he joins his post, leave salary only.

Explanation.—For purpose of this rule leave out of India has the same meaning as given in sub-rule (2) of Rule 11.

NOTES

Rules made applicable by virtue of Rule 2 of the 1956 Rules. Rule 20-B in no uncertain terms provides that whole the cash equivalent of leave salary shall include dearness allowance it shall not include (i) city compensatory allowance and (ii) House rent allowance. [*Union of India v. Justice S.S. Sandhawalia*, 1994 (68) FLR 595 (SC).]

Cash equivalent to leave be given 180 days, who retired on or before 1.7.1986 and 240 days, who retired after on or 30.6.1986 and (ii) Judge be given gratuity of Rs. One lakh. [*Satish Chandra v. Union of India*, 1987 (2) UJ (SC) 474].

Where Payment of Cash equivalent of leave salary under Rule 20-B of Rules to retired Judges of High Court was delayed, it was held that the Judge is entitled to 12% interest on amount of such delayed payment. [*Bhalchandra Chintaman Gadgil v. Union of India*, 1992 (1) LLN 746 (Bom).]

1. Rules 20-D was inserted by Notification No. GSR 163, dated 18.2.1924 and re-numbered as Rule 20-B by Notification No. 11019/7/73, dated 22.12.1993, published in *Gazette of India*, Extraordinary, Part II, Section 3(i) No. 445, dated 22.12.1993.
2. Subs. by Notification No. GSR 60, dated 3.3.1928, published in *Gazette of India*, Part II, Section 3(i), dated 14th March, 1998.
3. Omitted by Notification No. GSR 707(E), dated 19th September, 2011 (w.e.f. 1.9.2008).

¹[20-C. Encashment of earned leave at the time of availing Leave Travel Concession.—(1) A member of the Service may be sanctioned encashment of ten days of earned leave out of the total earned leave at his credit while availing leave travel concession if—

(i) The total earned leave encashed under this rule during the entire service of such member does not exceed sixty days;

(ii) Omitted²

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.

(iii) A balance of at least thirty days earned leave remains at the credit of the member of the Service after availing of the earned leave during leave travel concession.

(2) The earned leave encashed under this rule ³[shall not be deducted from the total earned leave encashable by a member of the Service at the time of superannuation, resignation or death, as the case may be.

(3) The amount admissible in case of encashment of earned leave under sub-rule (1) shall be equal to the corresponding leave salary.]

⁴[(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.

1. Ins. and substituted *vide* DOP&T Notification No. 11019/6/97-AIS(III) dated 9.3.1998 (given effect from 7.10.1997) (GSR No. 71 dated 28.3.1998) and 3.3.1998 (given effect from 1.7.1997) (GSR No. 60 dated 14.3.1998).
2. Omitted *vide* Noti. No. 11019/27/08- AIS(III) dated 19.9.2011. [GSR No. 707(E) dated 21.9.2011].
3. Ins. *vide* Noti. No. 11019/27/08-AIS(III) dated 19.9.2011. [GSR No. 707(E) dated 21.9.2011].
4. Ins. *vide* Noti. No. 11019/27/08-AIS(III) dated 19.9.2011. [GSR No. 707(E) dated 21.9.2011].

21. Accepting any service or employment while on leave.—(1) A member of the service on leave shall not take any service or accept any employment without obtaining the permission of the Government :

Provided that, a member of the Service, who has been granted permission to take any service or accept any employment during leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty.

Note.—This rule does not apply to casual literary work or service as an examiner or similar employment.

(2) The leave salary of a member of the Service, who is permitted to take up employment ¹[] during leave preparatory to retirement shall be subject to such restrictions as the Central Government may, by general or special order, prescribe.

Government of India's decision

GI, DP & AR Letter No. 11019/13/77-AIS (III), dated 22nd June, 1977.—Under Rule 21(1) of the rules no member of All India Service shall be granted permission to accept private employment during LPR.

22. Re-call of a member of the Service while on leave.—²A member of the Service, who is re-called to duty before the expiry of the leave granted to him shall be entitled—

- (a) if the leave from which he is re-called is out of India :—
 - (i) to receive a free passage to India, and provided that he has not completed half the period of his leave by the date of leaving for India on re call or 90 days whichever period is shorter, to receive a refund of the cost of his passage from India;
 - (ii) to receive travelling allowance, admissible to him as a member of the Service in respect of the journey from the port of debarkation to the station to which he is posted;
 - (iii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
 - (iv) to receive salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post, to be paid leave salary at the same rate at which he would have drawn it had he not been re-called but returned in the ordinary course on the termination of his leave.
- (b) If the leave from which he is re-called 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 travelling allowances admissible to him as a member of the Service for the journey but to draw until he joins his post, leave salary only.

1. Deleted by Deptt. of Personnel and AR Notification No. 11019/13/77-AIS (III), dated 1st July, 1977, (GSR No. 431 (E), dated 1.7.1977).

2. Deleted by Deptt. of Personnel and AR Notification No. 11019/13/77-AIS (III), dated 1st July, 1977, (GSR No. 431 (E), dated 1.7.1977).

Explanation.—For purpose of this rule leave out of India has the same meaning as given in sub-rule (2) of Rule 11.

23. Rejoining of duty on return from leave on medical grounds.—No member of the Service, who has been granted leave on medical certificate shall return to duty without first producing a medical certificate of fitness in such form as the Government may, by order, prescribe. A similar certificate may be required in the case of a member of the Service, who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

24. Overstay after expiry of leave.—A member of the Service, who remains absent at the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were leave on half pay, unless his leave is extended by the Government wilful absence from duty after the expiry of leave may render a member of the Service liable to disciplinary action.

25. Effect of transfer to foreign service while on leave.—A member of the Service transferred to foreign service while on leave ceases, from the date of such transfer, to be on leave and shall not be entitled to draw leave salary from that date.

26. Regulation of leave during foreign service in India.—(1) A member of the Service, who is on foreign service in India shall not be granted leave otherwise than in accordance with these rules and shall not be entitled to avail himself of leave or draw leave salary from Government unless he is actually relieved of his duty under the foreign employer and proceeds on leave.

(2) If a member of the Service avails himself of leave to which he is not entitled, he may be required to refund leave salary irregularly drawn and in the event of refusing to refund he shall forfeit previous service under the Government and shall cease to have any claim on the Government in respect of either pension or leave salary.

27. Regulation of leave during service out of India.—(1) A member of the Service on foreign service out of India may be granted leave by his foreign employer on such conditions as the employer may determine. In any individual case, the authority sanctioning foreign service may determine before hand in consultation with the employer, the conditions subject to which such leave may be granted by the employer. The leave salary in respect of such leave granted by the employer will be paid by the employer and such leave shall not be debited to the leave account of the member of the Service.

(2) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangements with the member of the Service or the foreign employer under which leave may be granted to a member of the Service in accordance with these rules if the foreign employer or the member of the Service pays to the Consolidated Fund of India leave contribution at such rate as the Central Government may, by general or special order, prescribe.

¹**Note.**—In the case of a member of the Service, who remains on foreign service out of India and who, on reversion, immediately takes leave under

these rules, the leave salary shall be calculated in accordance with Rule 20 of these rules. The pay, which the member of the service would have drawn if on duty in India but for foreign Service out of India, shall be taken as the pay actually drawn for the purpose of calculating leave salary.

Government of India's decisions

See Government of India's Decisions below Rule 28.

28. Leave salary contribution while on foreign service in India.—(1) While a member of the Service is on foreign service in India contributions towards the amount of leave salary shall be paid to the Government concerned on his behalf.

(2) The contribution due under sub-rule (1) shall be paid by the member of the Service himself unless the foreign employer agrees to pay them.

(3) The rates of contribution payable under this rule shall be such as the Central Government may by general or special order, prescribe.

(4) The Government may, by general or special order, remit the contributions payable under this rules in any specific case or class of cases.

(5) A member of the Service on foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ.

(6) Neither the member of Service nor the foreign employer has any right of property in a contributions paid and no claim for refund shall be entertained.

Explanation.—For the purpose of calculating the rate of leave salary admissible the pay drawn in foreign service, less in the case of the member of the Service paying his own contribution, such part of pay as may be paid as contribution, shall count as pay.

Government of India's decisions

GI MHA Letter No. 10/9/55-AIS (II), dated 31st July, 1956.—In pursuance of sub-rule (3), the Government of India have decided that the rates of leave salary contribution in respect of officers of the All India Services on foreign service in India shall be the same as those applicable to officers of the Central Services, Class I, governed by the Revised Leave Rules, 1933, *viz.*, the rates, which are laid down in Appendix II-A in Volume II of the AGP and T's Compilation of Fundamental and Supplementary Rules. They have also decided that the same rates shall apply to officers on foreign service out of India failing within the purview of Rule 27(2).

29. Extent of leave admissible to a probationer in case of termination of service.—If for any reason it is proposed to terminate the services of a member of the Service on probation, any leave which may be granted to him shall not extend beyond the date on which probationary period already sanctioned or extended expires, or any earlier date on which his services, are terminated by an order of the Central Government.

Government of India's decisions

GI MHA Letter No. 16/5/61-AIS (III), dated 29th November, 1961.—1.1 A question arose whether on reversion a member of the Service can carry forward the balance of leave at his credit.

7. Subs. by DP & AR Notification No. 11019/25/80-AIS (III), dated 4.11.1982, (GSR No. 931).

1.2 This rule does not provide for the lapsing or carrying forward of leave on termination of Service. If, however, the leave rules of the Service, to which he is reverted or reappointed provide for the carrying forward of such leave, he can do so.

30. Counting of former service for leave in case of reinstatement after dismissal or removal or compulsory retirement from service.—A member of Service, who is dismissed or removed or compulsorily retired from the Service but is reinstated on appeal or revision, under the relevant provisions of the All India Services (Discipline and Appeal) Rules, 1955, shall be entitled to count his former service for leave.

31. Procedural Instructions.—(1) A leave account shall be maintained in respect of each member of the Service.

(2) Subject to any general or special order that may be issued by the Central Government, if necessary in consultation with the Comptroller and Auditor General of India, the Government may prescribe the procedure to be followed in regard to—

- (i) making of application for leave, and for permission to return from leave;
- (ii) granting of leave; and
- (iii) the payment of leave salary.

32. Relaxation of the provisions of the rules in individual cases.—Where the Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a member of the Service, it may, after recording its reasons for so doing and notwithstanding anything contained in any of these rules, deal with the case of such member in such manner as may appear to it to be just and equitable;

Provided that, the case shall not be dealt within any manner less favourable to such member than that prescribed in these rules.

133. Interpretation.—If any question arises as to the interpretation of these rules, the Central Government shall decide the same.

34. Repeal.—All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed :

Provided that, any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

35. 2[* * *]

MISCELLANEOUS EXECUTIVE INSTRUCTIONS

Clarifications have been sought by some Accountants General as to how the leave salary IAS/IPS probationers in respect of their past service under the

1. Subs. by DP and AR Notification No. 7/1/73-AIS (III)-A, dated 2nd January, 1975, (GSR No. 39, dated 18.1.1975).
2. Omitted by DP and ARs, Order No. 31/7/72-AIS (III), dated 22nd May, 1973.

Central Government is to be allocated and whether prior concurrence of the Central Ministry/Department concerned is necessary in the regard.

1. **Letter No. 1/9/72-AIS (III), dated 13th October, 1972.**—It is clarified that all previous services rendered by IAS/IPS/IFS probationers under the Central Government before their appointment to these Services, should count for leave if the service is continuous. The leave salary in such cases has to be allocated on the analogy of the provisions contained in Rule 9 of Part II-B of Appendix 3 to Accounts 3 to Accounts Code Vol. I. The occurrence of the concerned Ministry of the Government of India is not necessary. However, an intimation may be sent to them in this regard. As regards probationers, who were working under the State Government before their appointment to the IAS/IPS/IFS their previous service shall count for leave provided the State Government under whom they were working, agree to pay the leave salary.

2. **Department of Personnel and Administrative Reforms Letter No. 1/4/73-AIS (III), dated 31st January, 1973.**—A point has been raised whether in the case of a member of an All India Service, who is deputed to serve under the Central Government but applied for leave before assuming charge under the Central Government, who is the competent authority to grant him leave in such circumstances and the date from which the deputation of the officer of the Central Government actually commenced.

It is clarified that in the type of cases referred to in the preceding paragraph, the competent authority to grant leave is the State Government. The period of deputation to the Central Government in such cases commences from the date on which the officer assumes charge under the Central Government on the expiry of the leave so granted to him. The joining time admissible to him will commence on the expiry of the leave.

3. A question has been raised as to how leave at the credit of the Indian Civil Service members of the Indian Administrative Service and the Indian Police Members of the Indian Police Service, who were governed by the Ordinary Leave Rules prior to the commencement of the Former Secretary of State Service Officers (Conditions of Service) Act, 1972, should be carried forward as on the 1st October, 1972, to their leave account to be opened under the All India Services (Leave) Rules, 1955.

(2) It is clarified that the following procedure should be followed in this regard :—

- (i) The leave on average pay at the credit of an officer under column 6 of the leave account should be carried forward as earned leave to his leave account to be opened under the All India Services (Leave) Rules, 1955, subject to a maximum of 180 days. If the leave carried forward is 180 days, he will earn further leave under the new rules only when the accumulated leave at his credit falls below 180 days.
- (ii) Twice the credit of column 7 of the leave account under the Ordinary Leave Rules should be converted into days and carried forward to the new leave account as half pay leave and from 1st October, 1972, half pay leave shall be calculated under Rule 12 of the All India Services (Leave) Rules, 1955.

- (iii) If an officer had availed on leave on average pay on medical certificate exceeding four months as debited against the credit in column 7 of the leave account under this Ordinary Leave Rules, for a period of 240 days or more, he will not be entitled to any commuted leave under Rule 13 of the All India Services (Leave) Rules, 1955.
- (iv) The leave not due, if any, availed of by an officer under the Ordinary Leave Rules, shall be counted towards the limit of 360 days laid down in Rule 14 of the All India Services (Leave) Rules, 1955. If he has already availed of leave not due for 360 days or more upto 1st October, 1972, he shall not be entitled to any further leave not due.

(3) If an officer was sanctioned leave under the Ordinary Leave Rules before 1st October, 1972, and the period of the leave extends beyond 1st October, 1972, the portion of the leave falling beyond this date should be treated as leave sanctioned to him under the All India Services (Leave) Rules, 1955. Thus, in case the leave on average pay sanctioned to him was in excess of four months (120 days), the leave salary admissible to him, during the period of leave in excess of 120 days, falling beyond 1st October, 1972, would not be subjected to the ceiling prescribed under FR 89. The period of leave spent in India in such cases, should, however, not exceed 120 days.

[Department of Personnel and AR Letter No. 1/24/72-AIS (III), dated 24th May, 1973].

4. GI DP & AR Letter No. 14/1/70-AIS (III), dated 28th June, 1975 and No. 11019/6/81-AIS (III), dated 21.9.1981.—A point has been raised whether orders issued by some State Governments in regard to the encashment of leave to its employees could be extended to members of the All India Services working under them under Rule 2(b) of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960. It is clarified that encashment of leave to members of the AIS serving under the State Government is a matter relating to conditions of service and since there is no provision in any of the rules made under the All India Services Act, 1951 for encashment of leave, matters relating to encashment of leave in the case of members of the service serving in connection with affairs of the State are to be regulated in accordance with the rules, regulations and orders applicable to members of the State Civil Services. Class I in terms of Rule 2(b) of the AIS (Conditions of Service—Residuary Matters) Rules, 1960.

It is further clarified that in accordance with the provisions contained in Rule 2(a) of the Rules referred to in the previous paragraph, members of the All India Services serving in connection with the affairs of the Union are governed by the rules, regulations and orders as applicable to the Central Civil Services, Group 'A'. As the benefit of the leave encashment is not available to the members of the Central Civil Services, Group 'A', member of AIS serving in connection with the affairs of the Union are not entitled to this benefit. It is, therefore, not correct to sanction leave encashment to member of All India Services, who are serving in connection with the affairs of the Union.

Government of India's decisions

GI Letter No. 11019/7/78-AIS (III), dated 12th April, 1978.—The undersigned is directed to say that it has been decided to delegate to each Ministry/Department the powers of the Central Government under Rules 3(1), 6, 9(2), 11(2), 12(2), 13, 14, 15, 16, 18, 19, 20(6) of the AIS (Leave) Rules, 1955, in regard to the All India Service Officers working in or under each Ministry/Department.
