

## 70. THE CENTRAL CIVIL SERVICES (LEAVE) RULES, 1972

### CHAPTER I PRELIMINARY

**1. Short title and commencement.**—(1) These rules may be called the Central Civil Services (Leave) Rules, 1972.

(2) They shall come into force on the 1st day of June, 1972.

**2. Extent of application.**—Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union, but shall not apply to—

- (a) Railway servants;
- (b) persons in casual or daily-rated or part-time employment;
- (c) persons paid from contingencies;
- (d) workmen employed in industrial establishments;
- (e) persons employed in work-charged establishment;
- (f) members of the All India Services;
- (g) persons locally recruited for service in Diplomatic, Consular or other Indian establishment in foreign countries;
- (h) persons employed on contract except when the contract provides otherwise;
- (i) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;
- (j) persons governed, for purpose of leave, by the Fundamental Rules or the Civil Service Regulations;
- (k) persons serving under a Central Government Department, on deputation from a State Government or any other source, for a limited duration.

#### NOTE

**Study leave.**—The petitioners have prayed for grant of study leave. The Government of NCT of Delhi are not releasing the petitioners to join the seats for which they have been selected. The study leave has been cancelled in view of requirement of medical staffs for Covid-19. The last date for taking admission has lapsed. Therefore, they were not entitled any relief. [*Ruchita Ghiloria v. Medical Superintendent*, AIR Online 2021 Del 263].

**3. Definition.**—(1) In these rules, unless the context otherwise requires,—

- (a) “Administrator” means an administrator of a Union Territory;
- (b) “Audit Officer” means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the Government servant is situated;



- (c) "*Authority competent to grant leave*" means the authority specified in column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in column (2) of the said Schedule;
- (d) "*Completed years of service*" or "*one year's continuous service*" means continuous service of specified duration under the Central Government and includes the period spent on duty as well as on leave extraordinary leave;
- <sup>1</sup>[(e) "*Date of retirement*" or "*date of his retirement*" in relation to a Government servant, means the afternoon of the last day of the month in which the Government servant attains the age prescribed for retirement under the terms and conditions Governing his services.]
- (f) "*Department of the Central Government*" means a Ministry or a Department of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President's Secretariat, the Vice-President's Secretariat, the Cabinet Secretariat and the Prime Minister's Secretariat;
- (g) "*Foreign service*" means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State <sup>2</sup>[or the Consolidated Fund of a Union Territory];
- (h) "*Form*" means a Form appended to the Second Schedule to these rules;
- (i) "*Government servant in quasi-permanent employ*" means—
  - (A) an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the Ministerial Services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that the vacancy is expected to become permanent, but is not confirmed after completion of three years' continuous service;
  - (B) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1965.
- (j) "*Government servant in permanent employ*" means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;
- (k) "*Head of Mission*" means Ambassador, Charge d'Affairs, Minister, Consul-General, High Commissioner or any other authority declared

1. Subs. by G.I., M.F., Noti. No. F. 5(7)-E. IV(A)/75, dated 2nd December, 1975.

2. Ins. by G.I., M.F., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.



as such by the Central Government, in the country in which the Government Servant undergoes a course of study or training;

- (l) "*Military Officer*" means an officer of the Armed Forces who is—
  - (i) a Commissioned Officer of the Army, the Navy or the Air Force, or
  - (ii) (a) a Junior Commissioned Officer (including an honorary commissioned officer), or an 'other rank' of the Army, or
  - (b) a Branch List Officer or rating of the Navy, or
  - (c) an airman including a Master Warrant Officer of the Air Force;
- (m) "*Vacation Department*" means a department or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules and Supplementary Rules shall have the meanings respectively assigned to them in the Fundamental Rules and Supplementary Rules.

**4. Government servants on temporary transfer or on foreign service.—**(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Indian Railways or to a State Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with UN agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

**5. Transfer from services or posts governed by other leave rules.—**Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply—

- (a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

<sup>1</sup>[Provided that where a military officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as per the provisions under these rules :

Provided further that in the event of his release/discharge from the Armed Forces, he shall carry forward the annual leave due to him with effect from the date of such release/discharge.]

- (b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at this credit

1. Ins. by G.I., Dept. of Per. and Trg., Noti. No. 11012/1/85-Est. (L), dated 23rd June, 1987, published as G.S.R. No. 516 in the Gazette of India, dated 4th July, 1987.



under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Rule 26. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the <sup>1</sup>[Department or the Government from which the Government servant proceeds on leave]:

<sup>2</sup>[Provided that in the case of military officer, half pay leave equal to the number of days of furlough shall also be carried forward in addition to the earned leave equal to the number of days of annual leave on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.]

**6. Transfer to industrial establishment.**—If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the authority competent to grant leave shall *suo motu* issue an order granting cash equivalent of leave salary in respect of earned leave at his credit subject to a maximum of <sup>3</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] and also in respect of all the half pay leave at his credit. The cash so granted shall be a sum equal to the leave salary as admissible for earned leave and/or leave salary as admissible for half pay leave plus dearness allowance admissible on that leave salary at the rates in force on the date the Government Servant ceases to be governed by the provision of the Central Civil Services (Leave) Rules, 1972. From the leave salary paid for the period of half pay leave, if any, for which the cash is payable, deductions shall be made equal to the pension, which he would have got had he retired from service on that date and pension equivalent of other retirement benefits and *ad hoc* relief/graded relief on pension. If the leave salary for the half pay leave component falls short of the deemed pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted :

Provided that the earned leave and the half pay leave so granted does not exceed the period between the date on which he is appointed in an industrial establishment and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service :

Provided further that in the event of his return to a post or service to which the Central Civil Services (Leave) Rules, 1972, apply the benefit of compensation against the terminal leave under Rule 39 will be modified as under—

(a) *On superannuation.*—Encashment of unutilised earned leave on that date will be subject to the condition that the number of days of earned

1. Subs. by G.I., Dept. of Per and Trg., Noti. No. 1402/4/91-Estt. (L), dated 18th September, 1995, published as G.S.R. No. 442, in the Gazette of India, dated 7th October, 1995.
2. Subs. by G.I., Dept. of Per and Trg., Noti. No. 1402/4/91-Estt. (L), dated 18th September, 1995, published as G.S.R. No. 442, in the Gazette of India, dated 7th October, 1995.
3. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



leave for which encashment has already been allowed under this rule and the number of days of earned leave to be encashed on superannuation does not exceed <sup>1</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. Cash equivalent of half-pay leave already made under this rule shall be recovered.

- (b) *On premature retirement.*—Cash equivalent of unutilised earned leave and half-pay leave applied for by way of terminal leave under Rule 39 would be subject to the condition that the number of days of earned leave for which the encashment had already been allowed under this rule and the number of days of earned leave applied for as terminal leave do not exceed <sup>2</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. Deduction of pension and pension equivalent of other retirement benefits shall be made from the cash equivalent in lieu of half-pay leave component of terminal leave :

Provided that the earned leave and the half-pay leave so granted together with the earned leave and the half-pay leave for which cash equivalent of leave salary was granted to him on the earlier occasion does not exceed the period between the date from which he is to retire prematurely and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service.

## CHAPTER II

### GENERAL CONDITIONS

7. **Right to leave.**—(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

8. **Regulation of claim to leave.**—A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

9. **Effect of dismissal, removal or resignation on leave at credit.**—(1) Except as provided in Rule 39 and this rule, any claim to leave to the credit of a Government Servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

1. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
2. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



(3) A Government Servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government Servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

**10. Commutation of one kind of leave into another.**—(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Government servant cannot claim such commutation as a matter of right :

<sup>1</sup>[Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned Government servant joining his duty on the expiry of the relevant spell of leave availed of by him.]

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

**Note.**—Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 31.

**11. Combination of different kinds 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.

*Explanation.*—Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

**12. Maximum amount of continuous leave.**—<sup>2</sup>[(1) No Government shall be granted leave of any kind for a continuous period exceeding five years.

(2) Unless the President, in view of the exceptional circumstances of the case, otherwise determines, a Government servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Government service :

Provided that, a reasonable opportunity to explain the reasons for such absence shall be given to that Government servant before provisions of sub-rule (2) are invoked.]

**13. Acceptance of service or employment while on leave.**—(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while

1. Added by Noti. No. GSR 727(E), dated 31.12.1997.

2. Subs. by Noti. No. GSR 261(E), dated 29.3.2012 (w.e.f. 29.3.2012).



on leave, including leave preparatory to retirement <sup>1</sup>[\* \* \*] shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of—

- (a) the President, if the proposed service or employment lies elsewhere than in India; or
- (b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2) (a) No Government servant while on leave, other than leave preparatory to retirement <sup>2</sup>[\* \* \*] shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

<sup>3</sup>(c) A Government servant while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment with a Public Sector Undertaking or a body referred to in clause (a) of sub-rule (2) of Rule 38 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Rule 40.

(3) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

<sup>4</sup>(b) The leave so cancelled under clause (a) shall be allowed to be cashed in the manner provided in sub-rule (2) of Rule 39.

<sup>5</sup>[(c) [\* \* \*]

<sup>6</sup>(d) [\* \* \*]

<sup>7</sup>(4) [\* \* \*]

### CHAPTER III

#### GRANT OF AND RETURN FROM LEAVE

**14. Application for leave.**—Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

1. Deleted by G.I., D.P. and A.R., Noti. No. P. 14028/9/80-Est. (L), dated 1st October, 1981.
2. Deleted by G.I., D.P. and A.R., Noti. No. P. 14028/9/80-Est. (L), dated 1st October, 1981.
3. Subs. by G.I., D.P. and A.R., Noti. No. P. 14028/9-80-Estt. (L), dated 1st October, 1981.
4. Subs. by G.I., D.P. and A.R., Noti. No. P. 14028/9-80-Estt. (L), dated 1st October, 1981.
5. Deleted by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.
6. Deleted by G.I., D.P. and A.R., Noti. No. P. 14028/9/80-Estt. (L), dated 1st October, 1981.
7. Deleted by G.I., D.P. and A.R., Noti. No. P. 14028/9/80-Estt. (L), dated 1st October, 1981.



**15. Leave account.**—Except as provided in the Note below, a leave account shall be maintained in Form 2 for each Government servant by the Audit officer in the case of Gazetted Government servants and by the Head of Office or an officer authorised by him in the case of non-Gazetted Government servants.

<sup>1</sup>**Note.**—In the case of Gazetted Government servants whose pay and allowance are drawn and disbursed by the Head of Office, the leave account shall be maintained by that Head of Office.

**16. Verification of title to leave.**—(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

<sup>2</sup>**Note.**—The order sanctioning leave shall indicate the balance of earned leave/half-pay leave at the credit of the Government servant.

(2)(a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding sixty days.

(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued, where necessary.

(b) In the case of Gazetted Government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding sixty days.

<sup>3</sup>**Note.**—[In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Rule 39], an undertaking for recovery of the leave salary, if any, paid in excess, shall be taken from the Government servant.

**17. Leave not to be granted in certain circumstances.**—Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

**18. [\* \* \*]<sup>4</sup>**

<sup>5</sup>**[19. Grant of leave on medical certificate to Gazetted and non-gazetted Government servants].**—(1) An application for leave on medical certificate made by—

(i) a Gazetted Government servant, shall be accompanied by a medical certificate in Form 3 given by a doctor in a Central Government Health Scheme Dispensary if such a Government servant as a

1. Subs. by G.I., M.P., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.

2. Ins. by G.I., D.P. and A.R., Noti. No. P.11012/1/77-E. IV(A), dated 21st November, 1979.

3. Subs. by G.I., D.P. and A.R., Noti. No. P. 14028/9/80-Est. (L), dated 1st October, 1981.

4. Deleted by G.I., D.P. and A.R., Noti. No. P. 13015/11/82-Ests. (L), dated 25th May, 1984.

5. Subs. by G.I., D.P. and A.R., Noti. No. P. 13015/11/82-Ests. (L), dated 25th May, 1984.



Central Government Health Scheme beneficiary or by a Government hospital or by an Authorised Medical Attendant if he is not a Central Government Health Scheme beneficiary; and by an Authorised doctor of the private hospital recognised under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalisation or indoor specialised treatment in respect of any particular kind of disease like heart disease, cancer, etc. for the treatment of which the concerned hospital has been recognised by the Ministry of Health and Family Welfare :

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

- (ii) a non-gazetted Government servant, shall be accompanied by medical certificate in Form 4 given by an Authorised Medical Attendant or a Registered Medical Practitioner;

defining as clearly as possible the nature and probable duration of illness.

**Note.**—In the case of non-gazetted Government servant, a certificate given by a registered Ayurvedic, Unani or Homoeopathic medical practitioner or by a registered Dentist in the case of dental ailments or by an honorary medical officer may also be accepted provided such certificate is accepted for the same purpose in respect of its own employees by the Government of the State in which the Central Government servant falls ill or to which he proceeds for treatment.]

(2) A Medical Officer shall not recommended the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the medical certificate.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose may either require the applicant to appear before himself or before a medical officer nominated by himself.

(5) The grant of medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.



(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

<sup>1</sup>[19-A. Recommendation of Fifth Central Pay Commission relating to Grant of Commuted Leave/Leave on Medical Certificate to Gazetted and non-Gazetted Government servants.—(1) The undersigned is directed to say that under the provisions of Rule 19 of Central Civil Services (Leave) Rules, 1972, an application for leave on medical certificate made by—

- (i) a Gazetted Government servant shall be accompanied by a medical certificate in Form 3 given by an Authorised Medical Attendant;
- (ii) a non-Gazetted Government servant shall be accompanied by a medical certificate in Form 4 given by an Authorised Medical Attendant or a Registered Medical Practitioner;

defining as clearly as possible the nature and probable duration of the illness.

(2) The Fifth Central Pay Commission in para 117.14 of its report, has recommended that medical leave for all the categories of Government employees should be sanctioned only on production of medical/fitness certificate from either a doctor in a CGHS Dispensary or from an Authorised Medical Attendant in place where CGHS Dispensaries are not available. This recommendation is under consideration of the government and pending a final decision thereon, the President is pleased to decide that a non-Gazetted Government servant applying for leave on medical certificate would be required to produce the requisite Medical/Fitness certificate from a CGHS doctor in case the employee is a beneficiary of the Central Government Health Scheme (CGHS) and is residing in the area covered by the CGHS at the time of illness.

(3) These orders take effect from 1st November, 1997. Formal amendments to the Central Civil Services (Leave) Rules, 1972 are being issued separately.]

**20. Leave to a Government servant who is unlikely to be fit to return to duty.**—(1)(a) When a medical authority has reported that there is no reasonable prospect that the Government servant will ever be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions :—

- (i) if the medical authority is unable to say with certainty that the Government servant will 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,—

- <sup>1</sup>[(a) if he is on duty, be invalidated from service during his service period 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, be invalid dated 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.**—<sup>2</sup>(1)(i) When the day, immediately preceding the day on which a Government servant's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of series of holidays, the Government servant shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) 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 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.

(ii) In the case of leave on medical certificate—

- (a) When a Government servant is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is certified shall be allowed automatically to be prefixed to

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1. Sub-rule *vide* GI Dept of Per & Trg, Notification No. 13026/1/2002 Estt (L) dated 15th and 16th January, 2004. Published as GSR 186, Gazette of India, dated the 5th June, 2005.

2. Subs. by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.



leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and

- <sup>1</sup>[(b) When a Government servant is certified medically fit for joining duty, holiday(s), if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave].

(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) [\* \* \*]<sup>2</sup>

(2) [\* \* \*]<sup>3</sup>

(3) <sup>4</sup>[In case a Government servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and 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—

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1. Subs. *vide* G.I., D.P. and A.R., Noti. No. P. 11012/2/80-Est. (L), dated 24th August, 1981.  
 2. Deleted by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.  
 3. Deleted by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.  
 4. Subs. for the words "Where the return to duty is compulsory, the Government servant shall be entitled" by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.



- (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, 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 certificates 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 month;
- (ii) Cases in which leave is for more than three months or leave for three months or less is extend 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 no 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 of leave renders a Government servant liable to disciplinary action.

#### NOTE

**Charge for disobedience of order.**—It was held that as the Leave Rules has been made applicable and Rule 25 Contemplates disciplinary action being taken under the CCS (CCA) Rules, for overstaying after expiry of leave, where it is wilful, hence rejected. It was held by this Court that disciplinary enquiry could be validly held in the circumstances of the case under CCS (CCA) Rules for violation of conduct rules with respect would not be inconsistent with the ratio of decision to the extent applicable. This decision does no help the applicant. Penalty imposed by disciplinary authority on the basis of proven misconduct cannot be interfered with. [*M.A. Haleem, since deceased v. The Secretary to Government Ministry of Water Resources*, 1998 (1) SLJ (CAT) 489 (Hyd)].

### CHAPTER IV

#### KINDS OF LEAVE DUE AND ADMISSIBLE

**26. Earned leave for Government servants serving in Departments other than vacation departments.**—(1) <sup>1</sup>(a)(i) The leave account of every Government servant (other than a military Officer) who is serving in a Department other than a vacation Department, shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

<sup>2</sup>[(ii) When a Government servant joins a new post without availing 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 the 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,

1. Subs. by G.I., D.P. and A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.

2. Subs. by G.I., Dept. of Per. and Trg., Noti. No. P. 13012/12/86-Est.(L), dated 10th March, 1989, published as G.S.R. 198 in the Gazette of India, dated 25th March, 1989.



the number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central Civil Services (Joining Time) Rules, 1979, subject to the 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 unavailed joining time allowed to be so credited shall not exceed <sup>1</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

<sup>2</sup>(b) The leave at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit to <sup>3</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] :

<sup>4</sup>[Provided that where the earned leave at the credit of Government servant as on the last day of December or June is <sup>5</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] or less but more than <sup>6</sup>[285 days], the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (i) of clause (a) of sub-rule (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the Government servant takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave *plus* leave already at credit do not exceed the maximum limit of <sup>7</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]].

(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 in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of leave on half-pay or 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.

1. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
2. Subs. by G.I., M.F., Noti. No. 16(6)-E. IV(A)/74, dated 31st July, 1976.
3. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
4. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 13026/2/90-Estt. (L), dated 22nd October, 1990, published as G.S.R. 55 in the Gazette of India, dated 26th January, 1991.
5. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
6. Subs. by Noti. No. 13026/1/99-Estt.(C), dated 18.4.2002.
7. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



<sup>1</sup>[**Note.**—The provisions of this clause shall apply to Government servants whose first year of service or any part thereof in temporary capacity was rendered before the 1st November, 1973, when rate of earning such leave used to be 1/22nd of period spent on duty.

(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 passages, is one-seventh of the period spent on duty and he ceases to earn such leave when the earned leave due amounts to <sup>2</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(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) <sup>3</sup>[180] 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 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 <sup>4</sup>[180] days but not exceeding <sup>5</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan :

Provided that where earned leave for a period exceeding <sup>6</sup>[180] days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

<sup>7</sup>[**27. Calculation of earned leave.**—(1) Earned leave shall be credited to the leave account of a Government servant 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.

1. Ins. by G.I., M.F., Noti. No. F. 16(5)-E. IV(A)/74, dated 11th April, 1975.

2. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.

3. Subs. for 120 days by G.I., M.F., Noti. No. 11014/3/89-Estt. (L), dated 2nd May, 1991, published as G.S.R. 303 in the Gazette of India dated 18th May, 1991.

4. Subs. for 120 days by G.I., M.F., Noti. No. 11014/3/89-Estt. (L), dated 2nd May, 1991, published as G.S.R. 303 in the Gazette of India dated 18th May, 1991.

5. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.

6. Subs. for 120 days by G.I., M.F., Noti. No. 11014/3/89-Estt. (L), dated 2nd May, 1991, published as G.S.R. 303 in the Gazette of India dated 18th May, 1991.

7. Subs. by G.I., M.F. Noti. No. 16(6)-E. IV(A)/74, dated 31st July, 1976.



(2)(a) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of 2-1/2 days per completed calendar month up to the date of retirement or resignation.

1[(b) When a Government servant is removed or dismissed from service, credit of earned leave shall be allowed at the rate of 2-1/2 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service;

(c) When a Government servant dies while in service, credit of earned leave shall be allowed at the rate of 2-1/2 days per completed month of service up to the date of death of the Government servant.]

2(3) If a Government servant has availed of extraordinary leave and/or some period of absence has been treated as *dies non* in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/or *dies non* subject to maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

**3[28. Earned leave for persons serving in Vacation Departments.—(1)**

(a) The leave account of a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school shall be credited in advance with earned leave in two instalments of five days each on the first day of January and July, of every year.

(b) If a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school has availed of extraordinary leave and/or some period of absence has been treated as *dies non* during a half-year the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/30th of the period of such leave and/or *dies non* subject to a maximum of 5 days.

(c) The credit for the half-year in which a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school is appointed/ ceases to be in service shall be allowed at the rate of 5/6th day for each completed month of service which he had rendered or is likely to render in the half-year in which he is appointed/ ceases to be in service.

(2) *Subject to provisions of sub-rule (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.

(3)(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 :

1. Subs. by Noti. No. GSR 160, dated 12.5.2011 (w.e.f. 28.5.2011).

2. Subs. by G.I., D.P. & A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.

3. Subs. by G.I., D.P. & A.R., Noti. No. P. 18011/3/80-Est.(L), dated 12th July, 1984.



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 purpose 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 vacation that falls during the year commencing from the date on which he completed the previous year of duty.

**Note 3.**—In the case of a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school the earned leave, if any, admissible under sub-rule (3) will be in addition to the earned leave admissible under sub-rule (1).

(4) 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.

(5) The earned leave under this rule at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward *plus* the credit for the half-year do not exceed the maximum limit of exceeding <sup>1</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

<sup>2</sup>[**Note.**—The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments, in

1. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.

2. Ins. *vide* G.I., Dept. of Per & Trg., Noti. No. 13012/12/86-Est. (L), dated 10th March, 1989, published as G.S.R. 198 in the Gazette of India, dated 25th March, 1989 and takes effect from that date.



accordance with the provisions of sub-clause (ii) of clause (a) of sub-rule (1) of Rule 26.]

<sup>1</sup>[29. **Half pay leave.**—(1) The half pay leave account of every Government servant (other than a military officer and those covered by Rule 28) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of 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 of 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 Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

<sup>2</sup>(c) When a Government servant is removed or dismissed from service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service;

(c-a) When a Government servant dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed month of service up to the date of death of the Government servant.]

<sup>3</sup>(d) Where a period of absence or suspension of a Government servant has been treated as "*dies non*" in a half-year, the credit to be afforded to his half-pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of "*dies non*" subject to a maximum of ten days.]

(3) A Government servant who is eligible for Departmental leave under Rule 49, shall be entitled to half-pay leave of twenty days on completion of twelve months of actual duty.

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

<sup>4</sup>[(5) While affording credit of half-pay leave, fraction of a day shall be rounded off to the nearest day] :

Provided that in the case of Government servant not in permanent employ or quasi-permanent employ, no half-pay leave shall be granted unless the authority competent to grant leave has reasons 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.

1. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 13014/1/85-Est. (L), dated 3rd December, 1985. Published as G.S.R. No. 1139 in the Gazette of India, dated 14th December, 1985 w.e.f. 1st January, 1986.
2. Subs. by Noti. No. GSR 160, dated 12.5.2011 (w.e.f. 28.5.2011).
3. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 13014/1/87-Est. (L), dated 17th June, 1987, published as G.S.R. No. 515 in the Gazette of India, dated 4th July, 1987.
4. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 13014/1/87-Est. (L), dated 17th June, 1987, published as G.S.R. No. 515 in the Gazette of India, dated 4th July, 1987.



**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;
- <sup>1</sup>(b) *Deleted.*
- <sup>2</sup>(c) *Deleted.*
- (d) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;
- <sup>3</sup>(e) *Deleted.*

<sup>4</sup>(1-A) Half-pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(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 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 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.**—<sup>5</sup>[(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) limited to a maximum of 360 days during the entire service on medical certificate 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;

1. Deleted by G.I., D.P. & A.R., Noti. No. P. 11012/1/77(A), dated 21st November, 1979.

2. Deleted by G.I., M.F., Noti. No. 16(5)-E. IV(A)/74, dated 11th April, 1975.

3. Deleted by G.I., M.F., Noti. No. 16(5)-E. IV(A)/74, dated 11th April, 1975.

4. Ins. by G.I., M.F., Noti. No. 16(5)-E. IV(A)/74, dated 11th April, 1975.

5. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 6th June, 1988, published as G.S.R. No. 476 in the Gazette of India, dated 18th June, 1988 (w.e.f. 18th June, 1988.)



- (c) leave not due shall be debited against the half-pay leave the Government servant may earn subsequently.]

(1-A) Leave not due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service, subject to fulfilment of conditions in <sup>1</sup>[clauses (a) to (c) of sub-rule (1)] and subject to the following conditions, namely :—

- (i) that the Government servant has put in a minimum of one year's service;
- (ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clauses (c) and (d) of sub-rule (2) of Rule 32.

(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 commenced, 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 :

<sup>2</sup>[Provided further that no leave salary shall be recovered under clause (a) or clause (b), if the Government servant is compulsorily retired prematurely under Rule 48(1)(b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56(j) or Fundamental Rule 56(l).]

**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 :—

1. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 6th June, 1988, published as G.S.R. No. 476 in the Gazette of India, dated 18th June, 1988 (w.e.f. 18th June, 1988).
2. Ins. by G.I., D.P. & A.R., Noti. No. 16(9)-E. IV(A)/76, dated 31st December, 1980.



- (a) three months;
- (b) six months, where the Government servant has completed <sup>1</sup>[one year's 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;
- <sup>2</sup>(c) *Deleted.*
- (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 up to 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;
- (iv) 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.
- (e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided that 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), 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

1. Subs. by G.I., D.P. & A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.  
2. Deleted by G.I., D.P. & A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.



of his not returning to duty on the expiry of such leave or quitting the service before a period of three 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 probationer, a person on probation and an apprentice.—(1)**

(a) A probationer shall be entitled to leave under these rules 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 a 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. [\* \* \*]<sup>1</sup>

36. [\* \* \*]<sup>2</sup>

1. Deleted by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 23rd June, 1987, published as G.S.R. No. 516 in the Gazette of India, dated 4th July, 1987.

2. Ibid.



37. [\* \* \*]<sup>1</sup>

**38. Leave preparatory to retirement.**—(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding <sup>2</sup>[300] days together with half pay leave due, <sup>3</sup>[subject to the condition that such leave extends up to and includes the date of retirement].

**Note.**—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

<sup>4</sup>[(2)(a) Where a Government servant who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under Central Government.

<sup>5</sup>(b) The Government servant on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of Rule 39.

(c) <sup>6</sup>[\* \* \*]

(3) Where a Government servant is on foreign service in or under a local body other than the one mentioned in clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer :

Provided that where the Government servant continues in service under such foreign employer, the Government servant <sup>7</sup>[shall not be eligible for grant of cash payment in lieu of leave under Rule 39].

<sup>8</sup>[**38-A. Encashment of Earned Leave along with Leave Travel Concession while in service.**—A Government servant may be permitted to encash earned leave up to 10 days at the time of availing of Leave Travel Concession while in service, subject to the conditions that :

- (1) earned leave of at least an equivalent duration is also availed of simultaneously by him;
- (2) a balance of at least 30 days of earned leave may be available to his credit after taking into account the period of encashment as well as leave;

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1. Deleted by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 23rd June, 1987, published as G.S.R. No. 516 in the Gazette of India, dated 4th July, 1987.  
2. Subs. by Noti. No. O.M. 14028/7/97, Estt. (L) dated 7.10.1997 (w.e.f. 1.7.1997).  
3. Subs. by G.I., M.F., Noti. No. 14025/12/78-E. IV(A), dated 4th October, 1978.  
4. Subs. by G.I., M.F. Noti. No. 5(16)-E-IV(A)/73, dated 15th January, 1976.  
5. Subs. by G.I., D.P. & A.R., Noti. No. P. 14028/9/80-Est. (L), dated 1st October, 1981.  
6. Deleted G.I., Dept. of Per. & Trg., Noti. No. P. 14028/16/82-Est. (L), dated 31st May, 1985.  
7. Deleted G.I., Dept. of Per. & Trg., Noti. No. P. 14028/16/82-Est. (L), dated 31st May, 1985.  
8. Ins. by Noti. No. 13026/1/99-Estt. (L), dated 18.4.2002.



(3) the total leave so encashed during the entire career does not exceed 60 days in the aggregate;

(4) the cash equivalent shall be calculated as follows, namely :—

Pay admissible on the date of availing of the Leave Travel Concession plus dearness allowance admissible on that date	x	Number of days of EL subject to the maximum 10 days at one time.
30		

Cash equivalent =

No House Rent Allowance or City Compensatory Allowance shall be payable;

(5) the period of leave encashed shall be deducted from the quantum of leave that can normally be encashed by him under Rules 6, 39, 39-A, 39-B, 39-C and 39-D.

**<sup>1</sup>39. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service.—**(1) No leave shall be granted to a Government servant beyond—

- (a) the date of his retirement, or
- (b) the date of his final cessation of duties, or
- (c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
- (d) the date of his resignation from service.

(2)(a) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall *suo motu* issue an order granting <sup>2</sup>[cash equivalent of leave salary for earned leave], if any, at the credit of the Government servant on the date of his retirement, subject to a maximum of <sup>3</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(b) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lump sum as a one-time settlement.

No House Rent Allowance or City Compensatory Allowance shall be payable—

Pay admissible on the date of retirement <i>plus</i> dearness allowance admissible on that date	x	Number of days of unutilised earned leave at credit on the date of retirement subject to the maximum of [300] days.
30		

Cash equivalent =

1. Subs. by G.I., D.P. & A.R., Noti. No. P. 14028/9/80-Est. (L), dated 1st October, 1981 and heading substituted, vide G.I. Dept. of P. & T. Noti. No. 14028/18/86-Est. (L), dated 23rd March, 1988.
2. Ins. by G.I., D.P. & A.R., Noti. No. P. 14025/9/81-Est. (L), dated 16th April, 1982.
3. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



<sup>1</sup>[(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any].

(4)(a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted—

- (i) during the period of extension, any earned leave due in respect of the period of such extension *plus* the earned leave which was at his credit on the date of his retirement subject to a maximum of <sup>2</sup>[180] days/<sup>3</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)], as the case may be, as prescribed in Rule 26.
- (ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-rule (2) in respect of earned leave at credit on the date of retirement, *plus* the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of <sup>4</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

**Note.**—A Government servant who attained the age of retirement before 30.7.1977 and was on extension of service on or beyond this date shall be entitled to cash equivalent under sub-rule (2) in respect of earned leave at credit on the date of expiry or extension which may consist of the earned leave that had been refused to him under Rule 39(2) as it existed before coming into operation of this rule, and was allowed to be carried forward into the period of extension, *plus* earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of <sup>5</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)].

(b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-rule shall be calculated in the manner indicated in clause (b) of sub-rule (2) above.

(5) A Government servant who retires or is retired from service in the manner mentioned in clause (c) of sub-rule (1), may be granted, *suo motu*, by

1. Subs. by G.I., D.P. & A.R., Noti. No. P. 14028/6/81-Est. (L), dated 17th October, 1983.
2. Subs. for 120, by G.I., Dept. of Per & Trg., Noti. No. 11014/3/89-Est. (L), dated 2nd May, 1991, published as G.S.R 303 in the Gazette of India dated 18th May, 1991.
3. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
4. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
5. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of <sup>1</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] and also in respect of all the half-pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. 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 allowance admissible on the leave salary for the first <sup>2</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)], at the rates in force on the date the Government servant so retires or is retired from service. The pension and pension equivalent of other retirement benefits and *ad hoc* relief/graded relief on pension shall be deducted from the leave salary paid for the period of half-pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one *lump sum* as a one-time settlement. No House Rent Allowance or City Compensatory Allowance shall be payable :

Provided that if leave salary for the half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted.

[\* \* \*]<sup>3</sup>

[(5-A) x x x]<sup>4</sup>

(6)(a) (i) Where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of <sup>5</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)] :

1. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
2. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
3. Proviso deleted by G.I., Dept. of Per & Trg., Noti. No. P. 14028/16/82-Est. (L), dated 31st May, 1985.
4. Sub-rule (5-A) deleted by G.S.R. 47, dated 13.2.2006 (w.e.f. 13.2.2006) old sub-rule (5-A) runs as under :

“(5-A) Where a Government servant is compulsorily retired as a measure of penalty under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of the Central Civil Services (Pension) Rules, 1972, the authority competent to grant leave shall *suo motu* issue an order granting cash equivalent of leave salary for earned leave, if any, at credit of the Government servant on the date of such retirement, subject to a maximum of 300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service) which equivalent has been allowed while in earned in the manner indicated in clause (b) of sub-rule (2).

5. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.



(ii) If a Government servant resigns or quits service, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cession of service, to the extent of half of such leave at his credit, subject to a maximum of <sup>1</sup>[150 days].

(iii) A Government servant, who is re-employed after retirement may, on termination of his re-employment, be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of <sup>2</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)], <sup>2</sup>[including the period for which encashment was allowed at the time of retirement].

<sup>3</sup>[(b) The cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-rule (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the dearness allowance appropriate to that pay.]

### NOTES

**Encashment of leave.**—The persons in casual or daily-rated or part-time employment, specifically by clause (b) of Rule 2, are excluded from the application of the Leave Rules. Earned leave is a benefit entitled to a regular employee by reason of Rule 26 of the Leave Rules. In such circumstance, merely because the casual service has been reckoned for terminal benefits, it would not enable the credit of the earned leave; for reason only of no eligibility for earned leave, for the period of casual employment. [*Union of India v. K.V. Sujaya*, AIROnline 2020 Ker 618].

**Payment of amount towards leave encashment.**—The authority does have power to withhold the amount payable towards earned leave if a proceeding either disciplinary or criminal is pending against a person who got retired but that would be limited to a case where one faces charges where an order may possibly be made for recovery of the amount but here in the instant case, the petitioner has been put to a departmental proceeding on the allegation of insinuating employees of the CMPF to participate in gharao and strike which can never be resulted into a punishment of recovery of any amount, even if the petitioner is found guilty in the department proceeding. Therefore, the petitioner is entitled to have the amount payable towards leave encashment. [*Ramesh Chandra Prasad v. Union of India*, 2011 (131) FLR 322 (Jhar)].

<sup>4</sup>[39-A. **Cash equivalent of leave salary in case of death in service.**—In case a Government servant dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for <sup>5</sup>[300 days (including the number of days for which encashment has

1. Subs. by Notification No. O.M. 13026/1/99-Estt. (L), dated 18.4.2002.

2. Added by Notification No. P.-14025/9/80-Estt. (L), dated 16th April, 1982.

3. Subs. vide G.I., Dept. of Per. & Trg., Noti. No. P. 14028/16/82-Est. (L), dated 31st May, 1985.

4. Ins. by G.I., M.F. Noti. No. 16(5)-E.IV(A)/74, dated 11th April, 1975.

5. Added by Notification No. P.-14025/9/80-Estt. (L), dated 16th April, 1982.



been allowed along with Leave Travel Concession while in service)], shall be paid to his family <sup>1</sup>[in the manner specified in Rule 39-C] without any reduction on account of pension equivalent of death-cum-retirement gratuity.

**Note.**—In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of dearness allowance only as per order issued in this behalf separately.

**<sup>2</sup>39-B. Cash equivalent of leave salary in case of invalidation from service.**—A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-rule (5) of Rule 39. A Government servant not in permanent employ or quasi-permanent employ shall not however be granted cash equivalent of leave salary in respect of half-pay leave standing at his credit on the date of his invalidation from service.

**<sup>3</sup>39-C. Payment of cash equivalent of leave salary in case of death, etc., of Government servant.**—In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 39, 39-A and 39-B, such amount shall be payable—

- (i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

**Explanation.**—The expression “eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) to the eldest surviving widowed daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;
- (vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;

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1. Ins. vide G.I., D.P. & A.R., Noti. No. P. 114028/1/81-Est. (L), dated 19h July, 1984.  
 2. Ins. by G.I., D.P. & A.R., Noti. No. P. 14028/9-80-Est. (L), dated 1st October, 1981.  
 3. Ins. by G.I., D.P. & A.R., Noti. No. P. 14028/1/81-Est. (L), dated 19th July, 1984.



- (viii) failing (i) to (vii) above, to the eldest surviving unmarried sister;
- <sup>1</sup>[(ix) failing (i) to (ix) above], to the eldest surviving widowed sister;
- <sup>2</sup>(x) failing (i) to (viii) above, to the eldest surviving married daughter; and
- (xi) failing (i) to (x) above, to the eldest child of the eldest pre-deceased son.]

**39-D. Cash equivalent of leave salary in case of permanent absorption in public sector undertaking/autonomous body wholly or substantially owned or controlled by the Central/State Government.**—A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government of State Government or in or under a body controlled or financed by one or more than one such Government shall <sup>4</sup>[xx] be granted *suo motu* by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of <sup>5</sup>[300 days (including the number of days for which encashment has been allowed along with Leave Travel Concession while in service)]. This will be calculated in the same manner as indicated in clause (b) of sub-rule (2) of Rule 39.

<sup>6</sup>[**Note.**—The expression 'permanent absorption' used in Rule 39-D shall mean the appointment of a Government servant in a Public Sector Undertaking or an Autonomous Body, for which he had applied through proper channel and resigns from the Government service to take up that appointment.]

**40. Leave Salary.**—<sup>7</sup>(1) Except as provided in <sup>8</sup>[sub-rule (7)], a Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

**Note.**—In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(2) [\* \* \*]

1. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 14028/10/91-Estt. (L), dated 8th August, 1995, published as G.S.R. No. 385 in the Gazette of India, dated 19th August, 1995.
2. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 14028/10/91-Estt. (L), dated 8th August, 1995, published as G.S.R. No. 385 in the Gazette of India, dated 19th August, 1995.
3. Ins. by G.I., Dept. of Per. & Trg., Noti. No. 13026/2/90-Estt. (L), dated 22nd October, 1990, published as G.S.R. No. 55 in the Gazette of India, dated 26th January, 1991.
4. The words "if such absorption is declared by the Government is declared by the Government to be in the public interest" deleted, by G.I., Dept. of Per. & Trg., Noti. No. 13026/2/90-Estt. (Leave, dated 20th April, 1993, published as G.S.R. No. 225 in the Gazette of India, dated 8th May, 1993.
5. Subs. by Notification No. 13026/1/99-Estt. (L), dated 18.4.2002.
6. Ins. by Noti. No. GSR 255(E), dated 28.3.2012 (w.e.f. 28.3.2012).
7. Subs. for the previous sub-rules (1) and (2), by G.I., M.F., Noti. No. F. 6(3)-E. IV(A)/75, dated 7th October, 1976 and takes effect from the 1st March, 1976.
8. Subs. by G.I., Dept. of Per. & Trg., Noti. No. P. 14028/16/82-Estt. (L), dated 31st May, 1985.



(3) A Government servant on half pay leave or leave not due in entitled to leave salary equal to half the amount specified in <sup>1</sup>[sub-rule (1)] <sup>2</sup>[\* \*]

(4) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under [sub-rule (1)].

(5) A Government servant on extraordinary leave is not entitled to any leave salary.

(6) [\* \* \*]<sup>3</sup>

(7) (a) [\* \* \*]<sup>4</sup>

(b) [\* \* \*]<sup>5</sup>

<sup>6</sup>(c) In the case of a Government servant who is granted leave earned by him during the period of re-employment <sup>7</sup>[xx] the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(8) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

<sup>8</sup>(9) (a) If, in the case of a Government servant who retires or resigns from the service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by a Government servant who is dismissed or removed from service or who dies while in service is in excess of the leave credit under Clause (b) of sub-rule (2) of Rule 27, the over-payment of leave salary shall be recovered in such cases.

**41. Drawal of leave salary.**—The leave salary payable under these rules shall be drawn in rupees in India.

**42. Advance of leave salary.**—A Government servant, including a Government servant on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of <sup>9</sup>[leave salary up to a month's pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, Recovery of Advances, etc.].

1. Subs. by G.I., Dept. of Per. & Trg., Noti. No. P. 14028/16/82-Estt. (L), dated 31st May, 1985.
2. The words "subject to a maximum of Rs. 750 per mensem" and the proviso deleted, by G.I., M.F., Noti. No. 16(5)-E. IV(A)/74, dated 11th April, 1975.
3. Deleted by G.I., D.P. & A.R., Noti. No. P. 14028/9/80-Estt. (L), dated 1st October, 1981.
4. Ibid.
5. Deleted by G.I., D.P. & A.R., Noti. No. P. 14028/9/80-Estt. (L), dated 1st October, 1981.
6. Subs. by *ibid*.
7. Deleted by G.I., Dept of Per & Trg., Noti. No. P. 14028/16/80-Estt. (L), dated 31st May, 1985.
8. Ins. by G.I., M.F., Noti. No. 16(6)/E. IV(A)/74, dated 31st July, 1976.
9. Subs. by G.I., D.P. & A.R., Noti. No. P. 11012/1/77-E. IV(A), dated 21st November, 1979.



## CHAPTER V

## SPECIAL KINDS OF LEAVE OTHER THAN STUDY LEAVE

<sup>1</sup>[43. **Maternity Leave.**—(1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of <sup>2</sup>[135 days] from the date of its commencement.

(2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

**Note.**—In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

<sup>3</sup>(3) Maternity leave not exceeding 45 days may also be granted to a female Government servant (irrespective of the number of surviving children) during the entire service of that female Government servant in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19 :

Provided that the maternity leave granted and availed of before the commencement of the CCS (Leave) Amendment Rules, 1995, shall not be taken into account for the purpose of this sub-rule.]

(4) (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the Kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.]

## NOTES

**Object of the maternity leave.**—The object of the maternity leave is to protect the dignity of motherhood by providing for full and healthy maintenance to the woman and her child. Maternity leave is intended to achieve the object of ensuring social justice to women. Motherhood and childhood both require special attention.

Not only are the health issues of the mother and the child considered while providing for maternity leave, but the leave is provided for creating a bond of affection between the two. To distinguish between a mother who begets a child through surrogacy and a natural mother, who gives birth to a child, would result in insulting womanhood and the intention of a woman to bring up a child begotten through surrogacy. Motherhood never ends on the birth of the child and a commissioning mother cannot be refused paid maternity leave. A woman cannot be discriminated, as

1. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 6th June, 1988, published as G.S.R. No. 476 in the Gazette of India, dated 18th June, 1988.
2. Subs. by Noti. No. 13026/1/99-Estt. (L), dated 18.4.2002.
3. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 13018/7/94-Estt. (L), dated 31st March, 1995, published as G.S.R. No. 317 (E) in the Gazette of India, No. dated 31.3.1995.



far as maternity benefits are concerned, only on the ground that she has obtained the baby through surrogacy. A newly born child cannot be left at the mercy of others as it needs rearing and that is the most crucial period during which the child requires care and attention of his mother. The tremendous amount of learning that takes place in the first year of the baby's life, the baby learns a lot too. A bond of affection has also to be developed. [*Sushma Devi v. State of Himachal Pradesh*, AIROnline 2021 HP 122].

**Child adoption leave.**—Child adoption leave shall not be debited against the leave account. Child adoption leave is available to a female government servant on adoption of a child below the age of one year. [*Neetu Mattu v. State of Himachal Pradesh*, AIROnline 2022 HP 193].

**Study leave.**—A second delivery, which, has resulted in a third child, cannot be interpreted so as to add to the mathematical precision that is defined in the Rules. The admissibility of benefits would be limited if the claimant has not more than two children. Even otherwise it is debatable as to whether the delivery is not a second delivery but a third one, inasmuch as ordinarily when twins are born they are delivered one after another, and their age and their *inter-se* elderly status is also determined by virtue of the gap of time between their arrivals, which amounts to two deliveries and not one simultaneous act, but without entering into these issues any further, the Rule under interpretation clearly spells out that the benefit would be available only if the claimant has not more than two children. Therefore, this fact changes the entire nature of the relief which is sought for by the respondent/writ petitioner which aspect has been completely over looked by the Single Judge. Thus, the Single Judge appears to have erroneously extended the benefit to the respondent/writ petitioner. [*Union of India v. M. Asiya Begum*, AIROnline 2020 Mad 613].

**Grant of leave.**—In fact, Government of India from its Ministry of Home Affairs and Department of Personnel and Training all the time encourage the Government employees to take leave regularly, preferably annually by its Circular issued by the Government of India M.H.A.O.M. No. 6/51/60 Ests. (A), dated 25 January, 1961, reiterated *vide* Government of India letter dated 22/27th March, 2001. As per those circulars where all applications for leave cannot, in the interest of public service, be granted at the same time, the leave sanctioning authority may draw up phased programme for the grant of leave to the applications by turn with due regard to the principles enunciated under the aforesaid circulars.

In the present case the respondents have not shown any reason to refuse 730 days continuous leave. The grounds taken by them and as held by High Court cannot be accepted for the reasons mentioned above. [*Kakali Ghosh v. Chief Secretary, Andaman and Nicobar Administration*, 2014 (142) FLR 16 : 2014 (3) Supreme 361 : 2014 (3) SCJ 714 : 2014 (5) JT 482 : 2014 (3) Bom CR 751 : 2014 (2) Pat LJ 54 : 2014 (5) Scale 62 (SC)].

**Right to claim maternity leave.**—In terms of sections 4 and 5 of the Act, the women employee is entitled to 6 weeks maternity leave prior to delivery and 6 weeks thereafter. The petitioner applied for maternity leave on 6.12.2008 and had premature labour and delivered twins, on 28.1.2009. As per Sections 4 and 5 of the Act, the petitioner has the right to claim maternity leave 6 weeks before 28.1.2009 *i.e.*, from 14.12.2008 to 28.1.2009 and 6 weeks thereafter *i.e.*, from 29.1.2009 to 12.3.2009. The respondent gave notice of termination on 20.2.2009, which was to take effect on 23.3.2009. The absence of the petitioner from duty on the dates shown in the office order of the respondent dated 28.1.2009 (Annexure-J) and after 6.12.2008 till her service was terminated by invoking Clause 27 of the terms and conditions of the contract agreement, is due to the reasons for her pregnancy and the state of affairs in which she was placed. In the circumstances, *the respondent ought to have examined the request keeping*



*in view the humane conditions of work, women's dignity and the provisions of the Act. The action taken being otherwise, cannot be upheld.*

Petitioner does not dispute the fact that, as on the date the office order at Annexure-J was passed by the respondent, she had only 17 days of leave at credit and that, she absented from duty for 106 days, on health grounds. Since the petitioner was a contract employee and did not have the leave at her credit, the respondent is right in treating the period as leave without allowances *i.e.*, for the absence period, in excess of the leave at the credit of the petitioner. Since the petitioner claimed maternity leave 6 weeks continuously prior to the expected date of delivery, *i.e.*, by excluding the period covered under Annexure-J, the grievance of the petitioner against the office order as at Annexure-J, is not sound and acceptable. In the circumstances, the respondent's action in passing the order at Annexure-J cannot be found fault with.

The period of appointment of the petitioner being 3 years stood expired on 31.8.2010. One month's notice of termination was given on 20.2.2009, to be effective from 23.3.2009. Hence the petitioner's prayer to permit her to resume duty in the respondent-Corporation is not tenable, since the appointment was purely, on contract basis, which the petitioner agreed, before joining duty on 31.8.2009. When this position was pointed out to counsel, rightly and fairly conceded that, the petitioner has no right to rejoin duty in the respondent-Corporation, on account of expiry of the contract period. The prayer of the petitioner to permit her to rejoin duty is untenable and stands rejected.

However, the petitioner is entitled to all the benefits, following the terms of appointment, for the period from 14.12.2008 to 12.3.2009 and thereafter for a period of one month, being the notice period, commencing from 13.3.2009 *i.e.*, upto 12.4.2009. In the said view of the matter, it is necessary to quash the communication of the respondent, as at Annexure-K.

In the result, the writ petition is allowed in part. [*Smt. C. Vidya Murthy v. Bangalore Metro Rail Corporation Ltd., Bangalore, 2012 (132) FLR 318 (Kant)*].

**<sup>1</sup>[43-A. Paternity leave.—(1) A male Government servant (including an appropriate) with less than two surviving children, may be granted paternity leave by an authority competent to grant leave for a period 15 days, during the confinement of his wife for children *i.e.*, upto 15 days before, or up to six months from the date of delivery of the child.**

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drain 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 of within the period specified in sub-rule (1) such leave shall be treated as lapsed.

*Note.*—The paternity leave shall not normally be refused under any circumstances.



**<sup>1</sup>[43-AA. Paternity leave for child adoption.—**(1) A male Government servant (including an apprentice) with less than two surviving children, on valid adoption of a child below the age of one year, may be granted Paternity Leave for a period of 15 days within a period of six months from the date of valid adoption.

(2) During such period of 15 days, he 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 of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

*Note.*—The Paternity Leave shall not normally be refused under any circumstances.

<sup>2</sup>[*Note.*—"Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special Will, conferred upon that ward the same status as that of a natural born child.]

**<sup>3</sup>[43-B. Child Adoption Leave.—**(1) A female Government servant, with fewer than two surviving children, on valid adoption of a child below the age of one year may be granted child adoption leave, by an authority competent to grant leave, for a period of 135 days immediately after the date of valid adoption.

(2) During the period of child adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) (a) Child adoption leave may be combined with leave of any other kind.

(b) In continuation of the child adoption leave granted under sub-rule (1), a female Government servant on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period up to one year reduced by the age of the adopted child on the date of valid adoption, without taking into account child adoption leave. Provided that this facility shall not be admissible in case she is already having two surviving children at the time of adoption.

(4) Child adoption leave shall not be debited against the leave account.]

1. Ins. by Notification No. F. No. 11012/1/2009-Estt. (L), dated 1st December, 2009, published in the Gazette of India, dated the 5th December, 2009.
2. Ins. by Notification No. F. No. 13026/5/2011-Estt. (L), dated 4th April, 2012; published in the Gazette of India, dated the 4th April, 2012.
3. Subs. by Noti. No. 13018/4/2004-Estt. (L), dated 31.3.2006.



<sup>1</sup>[Note.—"Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special Will, conferred upon that ward the same status as that of a natural born child.]

<sup>2</sup>[43-C. (1) Subject to the provisions of this rule, a woman Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of 730 days during her entire service for taking care of her two eldest surviving children, whether for rearing or for looking after any of their needs, such as education sickness and the like.

(2) For the purposes of sub-rule (1), 'child' means—

- (a) a child below the age of eighteen years; or
- (b) <sup>3</sup>[an offspring of any age] with a minimum disability of forty per cent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No. 16-18/97-N1.1 dated the 1st June, 2001.

(3) Grant of child care leave to a woman Government servant under sub-rule (1) shall be subject to the following conditions, namely—

- (i) it shall not be granted for more than three spells in a calendar year;

<sup>4</sup>[\*\*\*]

- <sup>5</sup>[(ii)] it shall not ordinarily be granted during the probation period except in case of certain extreme situations, where the leave sanctioning authority is satisfied about the need of child care leave to the probationer :

Provided that, the period for which such leave is sanctioned is minimal.

- <sup>6</sup>[(iii)] Child care leave may not be granted for a period less than 5 days at a time.]

(4) During the period of child care leave, the woman Government servant shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(5) Child care leave may be combined with leave of any other kind.

(6) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind

1. Ins. by Noti. No. GSR 283(E), dated 4.4.2012 (w.e.f. 4.4.2012).
2. Subs. by Noti. No. GSR 648(E), dated 27.8.2011 (w.e.f. 27.8.2011).
3. Subs. by G.S.R. 554(E), dated 6th June, 2018 (w.e.f. 06-06-2018), for words "a child below the age of twenty-two years".
4. Omitted by Noti. No. GSR 711(E), dated 9.10.2014 (w.e.f. 9.10.2014).
5. Re-numbered by Noti. No. GSR 711(E), dated 9.10.2014 (w.e.f. 9.10.2014).
6. Ins. by G.S.R. 554(E), dated 6th June, 2018 (w.e.f. 06-06-2018).



due and admissible (including Commuted Leave not exceeding sixty days and Leave Not Due) up to a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).

(7) Child care leave shall not be debited against the leave account.]

**44. Special disability leave for injury intentionally inflicted.**— (1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with the promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by an Authorized Medical Attendant and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7), be debited against the leave account.

(7) Leave salary during such leave shall,—

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave :

Provided that a Government servant may, at his option, be allowed leave salary as in sub-rule (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half-pay leave account.

**Note.**—Leave salary in respect of special disability leave granted to a Government servant who has rendered service under more than one Government may be apportioned between the Governments in accordance with the normal rules.

(8) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule



shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) The provisions of this Rule shall also apply—

- (i) to a civil Government servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; and
- (ii) to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

**45. Special disability leave for accidental injury.**—(1) The provisions of Rule 44 shall apply also to a Government servant whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions,—

- (i) that the disability, if due to disease, must be certified by an Authorized Medical Attendant to be directly due to the performance of the particular duty;
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and
- (iii) that the period of absence recommended by an Authorized Medical Attendant may be covered in part, by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceeds 120 days.

**46. Hospital leave.**—(1) The authority competent to grant leave may grant hospital leave to—

- (a) Class IV Government servants, and
- (b) such Class III Government servants whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks,

while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.



(2) Hospital leave shall be granted on the production of medical certificate from an Authorized Medical Attendant.

<sup>1</sup>(3) Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary—

- (i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and
- (ii) equal to leave salary during half pay leave, for the remaining period of any such leave.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

(5) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

**47. Seamen's sick leave.**—(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks :

Provided that such leave shall not be granted if a Government medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely :—

- (a) a Government Medical Officer must certify the disability;
- (b) the disability must not be due to the seaman's own carelessness or inexperience;
- (c) the vacancy caused by his absence must not be filled.

(3) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule

1. Subs. by G.I., M.F., Noti. No. 14(8)-E. IV(A)/73, dated 2nd November, 1974.



shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

48. [\* \* \*]<sup>1</sup>

49. **Departmental leave.**—(1) Departmental leave may be granted to—

- (a) Class III Government servants (other than Division I staff and clerks) and to Class IV Government servants in the Survey of India, attached to Survey Parties with field and recess duties;
- (b) members of the seasonal staff in the Posts and Telegraphs Department, whose duties are not continuous but are limited to certain fixed periods in each year.

(2) In addition to leave due and admissible, departmental leave may be granted only to Government servants are temporarily not required.

(3) (a) Departmental leave with leave salary may be granted during the recess by the head of the party or office to which the Government servant belongs in the Survey of India or an authority not lower than the Divisional Superintendent of Post Offices in the Posts and Telegraphs Department, as the case may be, provided the authority granting the leave considers in the case of a Class IV Government servant that it is desirable to re-employ the Government servant in the ensuing season.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, up to a maximum of eighteen months in all.

(4) (a) Departmental leave with leave salary may be granted at times other than the recess, for the more than six months at a time, by Directors in the Survey of India, provided the leave is granted in the interests of Government and not at the request of the Government servant.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General up to a maximum of one year in all.

(c) Leave on medical certificate shall not be regarded as granted in the interests of Government.

(5) Where the President by general or special order so authorizes, departmental leave without leave salary may be granted by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, in continuation of the departmental leave with leave salary.

(6) <sup>2</sup>(a) A Government servant on Departmental Leave with leave salary shall be paid leave salary equal to 25 per cent of the said salary admissible during the earned leave under sub-rule (1) of Rule 40. No allowance, other than dearness allowance, shall be admissible on hat leave salary.]

1. Omitted by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 23rd June, 1987, published as G.S.R. No. 516 in the Gazette of India, dated 4th July, 1987.

2. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 13026/12/86-Est. (L), dated 10th March, 1989, published as G.S.R. No. 198 in the Gazette of India, dated 25th March, 1989.



(b) <sup>1</sup>[A Government servant while on departmental leave with leave salary shall be paid leave salary at the end of each month <sup>2</sup>[up to first six months] and thereafter it should be paid when the Government servant returns to duty]:

Provided that where a Government servant dies while on departmental leave, his leave salary up to the date of his death, or the last day of such leave with leave salary, whichever is earlier, shall be paid in his heirs.

(7) Departmental leave does not count as duty <sup>3</sup>[and such leave not shall not be debited to his leave account].

(8) Departmental leave may be granted when no leave is due.

(9) Departmental leave may be combined with any other kind of leave which may be due.

(10) (a) When a Government servant to whom these rules apply, holds a post in which the Surveyor-General or the Post-master-General or the Director of Posts and Telegraphs, as the case may be (hereinafter in this sub-rule referred to as the authority) considers that he is unlikely to be eligible for departmental leave in future the authority may, by order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the authority may fix, any balance of leave at debit in the Government servant's leave account should be cancelled.

(b) All leave earned after such date shall be credited as due in the Government servant's leave account and all leave taken after such date, including departmental leave with leave salary, if any, shall be debited in it.

<sup>4</sup>**Note.**—This sub-rule applies to cases of Government servants who have debit balance in their leave account due to their availing of departmental leave before the 1st November, 1973, when departmental leave with leave salary used to be debited to leave account.

## CHAPTER VI

### STUDY LEAVE

**50. Conditions for grant of study leave.**—(1) Subject to conditions specified in this Chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted—

(i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to

1. Subs. by G.I., M.F., Noti. No. 16(5)-E. V(A) 74, dated 11th April, 1975.
2. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 14028/18/86-Est. (L), dated 23rd March, 1988, published as G.S.R. No. 260 in the Gazette of India, dated 9th April, 1988.
3. Subs. by G.I., M.F., Noti. No. 16(5)-E. V(A)/74, dated 11th April, 1975.
4. Ins. by G.I., M.F., Noti. No. 16(5)-E. V(A)/74, dated 11th April, 1975.



be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

- (ii) for the purpose of studies connected with the frame-work or background of public administration subject to the conditions that—
  - (a) the particular study or study tour should be approved by the authority competent to grant leave; and
  - (b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave;
- (iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

**Note.**—Application for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless,—

- (i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;
- (ii) it is for prosecution of studies in subjects other than academic or literary subject:

Provided that an officer of the Indian Economic Service or Indian Statistical Service may be granted study leave for prosecuting a course of study for obtaining Ph. D., on a research thesis, subject to the conditions that—

- (a) the subject of search and the institution at which such research is to be undertaken are got approved by the Chief Economic Adviser to the Government of India, in case the applicant is a member of the Indian Economic Service, or by the Director, Central Statistical Organisation, in case the applicant is a member of the Indian Statistical Service;
- (b) the applicant obtains a certificate from the said authority to the effect that such study will be valuable in the matter of increasing the efficiency of the officer in the performance of his duties as member of the Indian Economic Service or the Indian Statistical Service, as the case may be; and
- (c) in cases where the study is to be undertaken at a foreign university, the applicant obtains a further certificate that the facilities for research on the particular subject chosen for the study are not available at any University or other institution in India:

Provided further that a Medical Officer may be granted study leave for prosecuting a course of post-graduate study in Medical Sciences if the Director-General of



Health Services certificates to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties :

<sup>1</sup>Provided also that a specialist or a technical person may be granted study leave, on merits of each case for prosecuting a post-graduate course of study directly related to the sphere of his duty in case the Head of the Department or the Secretary to the Department or Ministry concerned certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep abreast with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Department or Ministry.

- (iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India :

<sup>2</sup>Provided that in releasing foreign exchange to Government servants proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such Government servants comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.

(4) Study leave out of India shall not be granted for the prosecution of studies in for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

<sup>3</sup>[(5) Study leave may be granted to a Government servant,—

- (i) who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Government;
- (ii) who is not due to reach the age of superannuation from the Government service within <sup>4</sup>[three years (five years in the case of a Central Health Service Officer, who has been granted thirty-six months study leave under sub-rule (2) of Rule 51) from] the date on which he is expected to return to duty after the expiry of the leave; and
- (iii) who executes a bond as laid down in Rule 53(4) undertaking to serve the Government for a period of <sup>5</sup>[three years (five years in the case of a Central Health Service Officer, who has been granted thirty-six months study leave under sub-rule (2) of Rule 51) from] the expiry of the leave.]

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

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1. Ins. by G.I., M.F., Noti. No. 16(8)-E. IV(A)/74, dated 26th May, 1975.
  2. Ins. by G.I., M.F., Noti. No. 4(9)-E. IV(A)/76, dated 14th March, 1977.
  3. Subs. vide G.I., Dept. of Per. & Trg., Noti. No. 13023/20/84-Est. (L), dated 11th December, 1986.
  4. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).
  5. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).



<sup>1</sup>[51. **Maximum amount of study leave.**—(1) The maximum amount of study leave, which may be granted to a Government servant, other than Central Health Service Officers, shall be,—

- (a) ordinarily twelve months at any one time, and
- (b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

(2) In respect of Central Health Service Officers, study leave may be granted for thirty-six months for acquiring postgraduate qualification, subject to the condition that a Central Health Service Officer who has been granted such study leave shall execute a bond under sub-rule (4) of Rule 53 to serve the Government for a period of five years after completion of the study course.]

**52. Applications for study leave.**—(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

**53. Sanction of study leave.**—(1) A report regarding the admissibility of the study leave shall be obtained from the Audit Officer :

Provided that the study leave, if any, already availed of by the Government servant shall be included in the report.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave provided that where such leave has been granted by an Administrator, the intimation shall be sent through the Ministry concerned.

**Note.**—The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

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1. Subs. by Noti. No. 13023/3/98 (GSR 229, dated 26.10.2007) Estt. (L), Vol II, dated 26.10.2007).



(4) (a) Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 7 or Form 8, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10, as the case may be, before the study leave or extension of such study leave granted to him commences.

(c) The Authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the Government servant referred to in clause (a) or clause (b) has executed the requisite bond.

(5) (a) On completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority in charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

**54. Accounting of study leave and combination with leave of other kinds.—**(1) Study leave shall not be debited against the leave account of the Government servant.

<sup>1</sup>[(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty-eight months generally and thirty-six months for the courses leading to Ph. D. degree from the regular duties of the Government servant.

*Explanation.*—The limit of twenty-eight months/thirty-six months of absence prescribed in this sub-rule includes the period of vacation.]

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave <sup>2</sup>[\*\*\*] :

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

**55. Regulation of study leave extending beyond course of study.—**When the course of study falls short of study leave granted to a Government servant, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

1. Subs. by Noti. No. 13026/2/90-Est. (L), dated 22nd October, 1990.

2. Words "and subject to the other conditions laid down in rule 57 being satisfied, draw study allowance in respect thereof" omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).



**56. Leave salary during study leave.**—<sup>1</sup>[(1) During study leave availed of outside India, a Government servant shall draw leave salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the dearness allowance, <sup>2</sup>[House Rent Allowance].

(2) <sup>3</sup>[(a) During study leave availed of in India, a Government servant shall draw leave salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the dearness allowance and house rent allowance as admissible in accordance with the provisions of Rule 60.]

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

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

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

(e) During the currency of study leave within or without India on or after 1st day of January, 1996, a Central Government servant shall draw benefits of revised pay from the date such revision took place.

<sup>4</sup>[57. \*\*\*]

<sup>5</sup>[58. \*\*\*]

<sup>6</sup>[59. \*\*\*]

**60. Admissibility of allowances in addition to study allowance.**—<sup>7</sup>[(1) For the first <sup>8</sup>[180] days of the study leave, house rent allowance shall be paid at the rates admissible to the Government servant from time to time at the station from where he proceeded on study leave. The continuance of payment of house rent allowance beyond <sup>9</sup>[180] days shall be subject to the production

1. Subs. by G.I., D.P. & A.R., Noti. No. P. 13023/1/82-Est. (L), dated 16th April, 1983.
2. Subs. by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018), for the words "House Rent Allowance and Study Allowance as admissible in accordance with the provisions of Rules 57 to 60".
3. Subs. by G.I., D.P. & A.R., Noti. No. P. 13023/1/82-Est. (L), dated 16th April, 1983.
4. Rule 57 omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).
5. Rule 58 omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).
6. Rule 59 omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).
7. Subs. by G.I., D.P. & A.R., Noti. No. P. 13023/1/82-Est. (L), dated 16th April, 1983.
8. Subs. by G.I., Dept. of Per & Trg., Noti. No. 11014/3/89-Est. (L), dated 21st January, 1992, published as G.S.R. No. 49 in the Gazette of India, dated 8th February, 1992.
9. Ibid.



of a certificate as prescribed in para. 8(d) of Ministry of Finance, O.M. No. 2(37)-E. II(B)/64, dated 27.11.1965, as amended from time to time.

(2) Except for house rent allowance as admissible under sub-rule (1) and the dearness allowance <sup>1</sup>[\*\*\*], where admissible, no other allowance shall be paid to a Government servant in respect of the period of study leave granted to him.]

**61. Travelling allowance during study leave.**—A Government servant to whom study leave has been granted shall not ordinarily be paid travelling allowance but the President may in exceptional circumstances sanction the payment of such allowance.

**Note.**—Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of travelling allowance.

**62. Cost of Fees for study.**—A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction the grant of such fees :

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

**Note.**—Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

**63. Resignation or retirement after study leave <sup>2</sup>[or non-completion of the course of study].**—(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of <sup>3</sup>[three years (five years in the case of a Central Health Service Officer, who has been granted thirty-six months leave under sub-rule (2) of Rule 51) from] such return to duty <sup>4</sup>[or fails to complete the course of study and is thus unable to furnish the certificates as required under sub-rule (5) of Rule 53] he shall be required to refund,—

- (i) the actual amount of leave salary, <sup>5</sup>[\*\*\*], cost of fees, travelling and other expenses, if any, incurred by the Government of India; and
- (ii) the actual amount, if any, of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study,

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1. Words "and the Study Allowance" omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).
2. Ins. by G.I., D.P. & A.R., Noti. No. P. 13023/2/81-Est. (L), dated 12th October, 1983.
3. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).
4. Ins. by G.I., D.P. & A.R., Noti. No. P. 13023/2/81-Est. (L), dated 12th October, 1983.
5. Words "Study Allowance" omitted by G.S.R. 08(E), dated 1st January, 2018 (w.e.f. 01-01-2018).



together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise :

<sup>1</sup>[Provided that except in the case of employee who fail to complete the course of study nothing in this rule shall apply]—

- (a) to a Government servant who, after return to duty from study leave, is permitted to retire from service on medical grounds; or
- (b) to a Government servant who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in his rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servant.

## CHAPTER VII

### MISCELLANEOUS

**64. Interpretation.**—Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India in the <sup>2</sup>[Ministry of Personnel, Public Grievances and Pensions] for decision.

**65. Power to relax.**—Where any Ministry or Department of Government of India is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and

1. Ins. by G.I., D.P. & A.R., Noti. No. P. 13023/2/81-Est. (L), dated 12th October, 1983.

2. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 6th June, 1988, published as G.S.R. No. 476 in the Gazette of India, dated 18th June, 1988.



conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the <sup>1</sup>[Ministry of Personnel, Public Grievances and Pensions].

**66. Repeal and saving.**—(1) On the commencement of these rules, every rule, regulation or order, including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation, anything done or any action taken or any earned by, or granted to, or accrued to the credit of, a Government servant, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

## SCHEDULE I

[See Rule 3(c)]

### Authorities Competent to grant leave

Sl. No.	Kind of leave	Authority competent to grant leave
(1)	(2)	(3)
1.	Earned leave, Half-Pay Leave, Commuted Leave, Leave not due, Extraordinary Leave, Maternity Leave, Hospital Leave, Seamen's Sick Leave, [Paternity Leave	<p>Child Adoption Leave, Paternity Leave for Child Adoption and Child Care Leave</p> <p>(ii) <i>Foreign employer</i>—Power to be exercised only in respect of earned leave not exceeding 120 days and while taking decision to grant or refuse leave preparatory to retirement, prior concurrence of the lending authority under the Central Government shall be obtained as provided in sub-rule (2) of Rule 38.</p> <p><b>Note 2.</b>—If the Government servant is serving with a State Government, the State Government or such authority as may be specified by that Government:</p> <p>(a) While take decision to grant or refuse leave preparatory to retirement, prior concurrence of lending authority under the Central Government shall be obtained :</p>

1. Subs. by G.I., Dept. of Per. & Trg., Noti. No. 11012/1/85-Est. (L), dated 6th June, 1988, published as G.S.R. No. 476 in the Gazette of India, dated 18th June, 1988.
2. Ins. by Noti. No. GSR 898(E), dated 26.12.2011 (w.e.f. 26.12.2011).



(1)	(2)	(3)
		<p>(b) In case, the leave is so refused in public interest, it may be availed of by Government servant to the extent admissible under Rule 39 from the date of quitting service.</p> <p>(c) In case the lending authority under the Central Government is not agreeable to the refusal of leave preparatory to retirement, it shall be granted to the Government servant and if the State Government needs the services of the officer during that period, the Government servant may be re-employed by that Government concurrently with the leave preparatory to retirement and leave salary regulated in accordance with the provisions of sub-rule (6) of Rule 40.</p>
2.	Special Disability Leave.	<p>(i) Ministry/Department of the Central Government.</p> <p>(ii) Administrator.</p> <p>(iii) Comptroller and Auditor-General.</p> <p>(iv) Head of Department.</p> <p>(v) Any other authority which is the appointing authority.</p>
3.	Study leave.	<p>(i) Ministry/Department of the Central Government.</p> <p>(ii) Administrator.</p> <p>(iii) Comptroller and Auditor-General.</p>

## SCHEDULE II

[See Rule 3 (h)]

### FORM 1

[See Rule 14]

#### Application for leave or for extension of leave

1. Name of applicant.....
2. Post held.....
3. Department, office and section.....
4. Pay.....
5. House rent and other compensatory allowances drawn in the present post.....
6. Nature and period of leave applied for and date from which required.....
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave.....



8. Grounds on which leave is applied for.....
9. Date of return from last leave, and the nature and period of that leave.....
10. I propose/do not propose to avail myself of leave travel concession for the block years.....during the ensuing leave.....
11. Address during leave period.....

*Signature of Applicant*  
(with date)

12. Remarks and/or recommendation of Controlling Officer.....

*Signature (with date)*  
Designation

### Certificate regarding admissibility of leave

13. Certified that.....(*nature of leave*) for.....(*period*) from..... to..... is admissible under Rule.....of the Central Civil Services (Leave) Rules, 1972.

*Signature (with date)*  
Designation

- <sup>1</sup>14. Order of the authority competent to grant leave.....

*Signature (with date)*  
Designation

### FORM 2

[See Rule 19]

### Medical Certificate for Gazetted Officers Recommended Leave or Extension of Leave or Commutation of Leave

Signature of the Government servant.....

1,.....after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari.....whose signature is given above, is suffering from.....and I consider that a period of absence from duty of.....with effect from.....is absolutely necessary for restoration of his/her health.

<sup>2</sup>[\*\*\*]

Civil Surgeon/Staff Surgeon/  
Authorised Medical Attendant

Dated.....

.....Dispensary

**Note 1.**—<sup>3</sup>[Deleted].

1. If the applicant is drawing any compensatory allowance, it should also be indicated in the orders on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying similar allowance.
2. Deleted by G.I., D.P. & A.R., Noti. No. P. 13015/11/82-Est. (L), dated 25th May, 1984.
3. Subs. by G.I., D.P. & A.R., Noti. No. P. 13015/11/82-Est. (L), dated 25th May, 1984.



**Note 2.**—This form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a <sup>1</sup>[Civil Surgeon/Staff Surgeon/ Authorised Medical Attendant] to decide the question of his/her fitness for service.

**Note 3.**—No recommendation contained in this certificate shall be evidence a claim to any leave not admissible to the Government servant.

### FORM 3

[See Rule 19]

#### Medical Certificate for Leave or Extension of Leave or Commutation of Leave

Signature of the Government servant.....

I,.....after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari.....whose signature is given above, is suffering from.....and I consider that a period of absence from duty of.....with effect from.....is absolutely necessary for the restoration of his/her health.

Authorised Medical Attendant.....  
Hospital/Dispensary or other  
Registered Medical Practitioner

Dated.....

**Note 1.**—The nature and probable duration of the illness should be specified.

**Note 2.**—This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

**Note 3.**—Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon, who shall express an opinion both as regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government

1. Subs. by G.I., D.P. & A.R., Noti. No. P. 13015/11/82-Est. (L), dated 25th May, 1984.



servant to appear before himself or before a medical officer nominated by himself.

**Note 4.**—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

#### FORM 4

[See Rule 24(3)]

### Medical certificate of fitness to return to duty

Signature of Government servant.....

We, the members of Medical Board

Of.....

I,.....*Civil Surgeon/Staff Surgeon,  
Authorised Medical Attendant,  
Registered Medical Practitioner*

do hereby certify the we/I have carefully examined Shri/Shrimati Kumari..... whose signature is given above, and find that he/she recovered from his/her illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision, we/I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

Members of the Medical Board

- (1) .....
- (2) .....
- (3) .....

*Civil Surgeon/Staff Surgeon, Authorised  
Medical Attendant, Registered Medical  
Practitioner*

Dated.....

**Note.**—The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

#### FORM 5

[See Rule 32(3)]

### Bond for temporary Government Servants granted Extraordinary Leave in relaxation of Rule 32(2)(e) for study

Know all men by these presents that we..... residents of..... in the District of..... at present employed as.....in the Ministry/Office of.....(hereinafter called "the Obligor") and Shri/Shrimati/Kumari..... son/daughter of.....of.....(hereinafter called "the sureties"), do hereby jointly and severally bind ourselves and our respective



heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs. .... (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas the Government has at the request of the above bounden Shri/Shrimati/Kumari.....employed as a....., granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of.....months.....days with effect from.....in order to enable him/her to study at.....

And whereas the Government has appointed/will have to appoint a substitute to perform the duties of.....during the period of absence of.....Shri/Shrimati/Kumari.....on extraordinary leave.

And whereas for the better protection of the Government, the Obligor has agree to execute this bond with two sureties with such condition as hereunder written :

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the bounden.....

Now the condition of the above written obligation is that in the event of the above bounden, Shri/Shrimati/Kumari.....failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and serve the Government after rejoining for such period not exceeding a period of.....years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under the rules, the said Shri/Shrimati/Kumari.....or his/her executors and administrators shall forthwith pay to the Government on demand the said sum of Rs.....together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari.....and or Shri/Shrimati/Kumar.....and/or Shri/Shrimati/Kumari.....the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue :

Provided always that the liability of the sureties hereunder shall not be impaired or discharge by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari.....and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.



The bond shall in all respects be governed by the laws of India for the tie being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of.....one thousand nine hundred and.....

Signed and delivered by the obligor  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : 1.....  
2.....

Signed and delivered by the surety  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : 1.....  
2.....

Signed and delivered by the surety abovenamed Shri/Shrimati/Kumari.....  
in the presence of.....

Witnesses : 1.....  
2.....

Accepted for and on behalf of  
the President of India

#### FORM 6

[See Rule 53(4)]

#### **Bond to be executed by a Government Servant in permanent employ, when proceeding on study leave**

Know all men by these presents that I.....resident of.....in the District of.....at present employed as.....in the Ministry/ Office of.....do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called the 'Government') on demand the sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas I.....am granted study leave by Government.



And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written :

Now the condition of the above written obligation is that <sup>1</sup>[in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service] without returning to duty after the expiry or termination of the period of study leave <sup>2</sup>[or failing to complete the course of study] or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon my making such payment the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of.....one thousand nine hundred and.....

Signed and delivered by.....

.....  
in the presence of.....

Witnesses : (1).....

(2).....

Accepted for and on behalf of  
the President of India

#### FORM 7

[See Rule 53(4)]

#### **Bond to be executed by a Government servant in permanent employ, when granted extension of study leave**

Know all men by these presents that I.....resident of..... in the District of.....at present employed as..... in the Ministry/Office of..... do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

1. Subs. by G.I., M.F., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.

2. Ins. by G.I., D.P. & A.R., Noti. No. P. 13023/2/81-Est. (L), dated 12th October, 1983.



And together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas I..... was granted study leave by Government for the period from.....to..... in consideration of which I executed a bond, dated....., for Rs..... (Rupees..... only) in favour of the President of India.

And whereas the extension of study leave has been granted to me at my request until.....

And whereas for the better protection of the Government I have agreed to execute this bond with such conditions as hereunder are written.

Now the condition of the above written obligation is that <sup>1</sup>[in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service] without returning to duty after the expiry or termination of the period of study leave so extended <sup>2</sup>[or failing to complete the course of study] or any time <sup>3</sup>[within a period of three years/five years after] my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon my making such payment the above-written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

<sup>4</sup>[x x x]

Signed and dated this..... day of..... two thousand and.....

Signed and delivered by.....

.....  
in the presence of.....

Witnesses : (1).....

(2).....

Accepted for and on behalf of  
the President of India

#### FORM 8

[See Rule 53(4)]

### **Bond to be executed by a Government servant not in permanent employ, when proceeding on study leave**

Know all men by these presents that we..... residents of..... in the district of..... at present employed as..... in the Ministry/Office

1. Subs. by G.I., M.F., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.
2. Ins. by G.I., D.P. & A.R., Noti. No. P. 13020/2/81-Estt. (L), dated 12th October, 1983.
3. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).
4. The words "the Government of India have agreed to bear the stamp duty payable on this bond" deleted by GSR 186 dated 5.6.2004.



of..... (hereinafter called "the Obligor") and Shri/Shrimati/ Kumari..... son/daughter of..... of..... and Shri/Shrimati/Kumari..... son/daughter of..... of..... Shri/Shrimati/Kumari..... son/daughter of.....of.....(hereinafter called "the sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

And together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas the obligor is granted study leave by the Government.

And whereas for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.....

Now the condition of the above written obligations is that in the event of the obligor Shri/Shrimati/Kumari..... <sup>1</sup>[failing to resume duty, or resigning from service or otherwise quitting service] without returning to duty after the expiry or termination of the period of study leave <sup>2</sup>[or failing to complete the course of study] or at any time <sup>3</sup>[within a period of three years/ five years after] his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari..... and/or Shri/Shrimati/Kumari..... and/or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above-written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue :

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary, for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari.....and Shri/Shrimati/Kumari.....or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

1. Subs. by G.I., M.F., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.
2. Ins. by G.I., D.P. & A.R., Noti. No. P. 13020/2/81-Estt. (L), dated 12th October, 1983.
3. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).



<sup>1</sup>[x x x]

Signed and dated this.....day of.....two thousand and.....

Signed and delivered by the obligor  
abovenamed Shri /Shrimati/Kumari

.....  
in the presence of.....

Witnesses : (1).....  
(2).....

Signed and delivered by the surety  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : (1).....  
(2).....

Signed and delivered by the surety  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : (1).....  
(2).....

Accepted for and on behalf of  
the President of India

#### FORM 9

[See Rule 53(4)]

#### **Bond to be executed by a Government servant not in permanent employ, when granted extension of study leave**

Know all men by these presents that we..... residents of..... in the district of..... at present employed as..... in the Ministry/Office of..... (hereinafter called "the Obligor") and Shri/Shrimati/ Kumari..... son/daughter of..... of..... and Shri/Shrimati/Kumari..... son/daughter of.....(hereinafter called "the sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country, converted at the official rate of exchange between that country and India.

And together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

1. The words "the Government of India have agreed to bear the stamp duty payable on this bond" deleted by GSR 186 dated 5.6.2004.



Whereas the obligor was granted study leave by Government from the period from..... to..... in consideration of which he executed a bond, dated....., for Rs..... (Rupees..... only) in favour of the President of India.

And whereas the extension of study leave has been granted to the obligor at his request until.....

And whereas for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.....

Now the condition of the above written obligations is that in the event of the obligor Shri/Shrimati/Kumari..... <sup>1</sup>[failing to resume duty, or resigning from service or otherwise quitting service] without returning to duty after the expiry or termination of the period of study leave so extended <sup>2</sup>[or failing to complete the course of study] or at any time <sup>3</sup>[within a period of three years/five years after] his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari.....and, or Shri/Shrimati/Kumari.....and, or Shri/Shrimati/Kumari.....the sureties aforesaid making such payment the above-written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue:

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted of by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary, for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari.....and Shri/Shrimati/Kumari.....or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

<sup>4</sup>[x x x]

Signed and dated this.....day  
of.....two thousand and.....

1. Subs. by G.I., M.F., Noti. No. 4(7)-E. IV(A)/72, dated 30th April, 1973.

2. Ins. by G.I., D.P. & A.R., Noti. No. P. 13020/2/81- Estt. (L), dated 12th October, 1983.

3. Subs. by Noti. No. GSR 601(E), dated 5.8.2011 (w.e.f. 5.8.2011).

4. The words "the Government of India have agreed to bear the stamp duty payable on this bond" deleted by GSR 186 dated 5.6.2004.



Signed and delivered by the obligor  
abovenamed Shri/Shrimati /Kumari

.....  
in the presence of.....

Witnesses : (1).....

(2).....

Signed and delivered by the surety  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : (1).....

(2).....

Signed and delivered by the surety  
abovenamed Shri/Shrimati/Kumari

.....  
in the presence of.....

Witnesses : (1).....

(2).....

Accepted for and on behalf of  
the President of India

#### FORM 10

[See Rule 53(4)]

#### **Bond to be executed by a Government servant not in permanent employ, when granted extension of study leave**

Know all men by these presents that we ..... residents of ..... in the District of ..... at present employed as ..... in the Ministry/Office of ..... (hereinafter called "the obligor") and Shri/Shrimati/Kumari ..... son/daughter of ..... of ..... and ..... Shri/Shrimati/Kumari ..... son/daughter of ..... of ..... (hereinafter called "the sureties"), do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs. .... (Rupees ..... ) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas the obligor was granted study leave by the Government from the period from ..... to ..... in consideration of which he executed a bond, dated ..... for Rs. .... (Rupees ..... only) in favour of the President of India :



And whereas the extension of study leave has been granted to the obligor at his request until.....

And whereas for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written :

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.....

Now the condition of the above written obligation is that in the event of the obligor Shri/Shrimati/Kumari ..... <sup>1</sup>[failing to resume duty, or resigning from service or otherwise quitting service] without returning to duty after the expiry or termination of the period of study leave so extended <sup>2</sup>[or failing to complete the course of study] or at any time <sup>3</sup>[within a period of three years/five years after] his return to duty, the obligor and sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. .... (Rupees ..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari..... and or Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue :

Provided always that, the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obliger before suing the sureties Shri/Shrimati/Kumari..... and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.

The bond shall in all respect be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary by accordingly determined by the appropriate Courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and.....

Signed and delivered by the obligor abovenamed Shri/Shrimati/Kumari..... in the presence of.....

Witness : 1. ....

2. ....

1. Subs. by G.I., M.F., Notification No. 4(7)-E. IV(A)/72, dated the 30th April, 1973.
2. Ins. by G.I., D.P., & A.R., Notification No. P. 13023/2/81-Estt. (L), dated the 12th October, 1983.
3. Subs. by Notification No. GSR 601(E), dated 5th August, 2011. Published in Gazette of India, Extra. Part III, Section 36- A, dated 5th August, 2011.



Signed and delivered by the surety abovenamed Shri/Shrimati/  
Kumari..... in the presence of .....

Witness : 1. ....

2. ....

Signed and delivered by the surety abovenamed Shri/Shrimati/  
Kumari..... in the presence of .....

Witness : 1. ....

2. ....

*Accepted*

for and on behalf of the  
President of India

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