

# Leave Rules: An overview

## AIS & CSS

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# How CSS Leave Rules is organised

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# General Conditions

# Right to leave [R – 7]

1. Leave cannot be claimed as of right [AIS-3]
2. Can be refused, revoked or curtailed [AIS-3]
3. Government servants to be encouraged to take leave regularly
4. Leave should not ordinarily be denied during the last ten years of service
5. Authority cannot alter the kind of leave due and applied for except at the written request of GS [AIS-3(2)]
6. No leave during suspension

# Effect of dismissal, removal or resignation [R – 9]

- Claim to leave at credit ceases in case of dismissal or removal or resignation from service
- Technical resignation is an exception

# Commutation of one kind of leave into another [R – 10]

- Is permissible
- If request received within 30 days of joining duty
- Subject to adjustment of leave salary

# Combination of different kinds of leave

## [R – 11] [AIS-8]

- May be permitted
- Except Casual Leave
- Casual Leave is not recognized as leave under the Leave Rules

# Maximum amount of continuous leave [R – 12]

- 5 years [no similar provision for MoS of AIS]
- Exception:
  - Persons with Disability on medical certificate may be sanctioned leave beyond 5 years [GID (1) below R – 20]

**Grant of and return from leave**

# Grant of and return from leave [AIS-22]

- Grant of leave is subject to verification of title to leave [R – 16]
- Leave shall not be granted in case it has been decided to dismiss, remove or compulsorily retire a Government Servant [R – 17]
- Leave is not granted during 'suspension' [GID (1) under R – 17]
- Combination of holidays with leave: Holidays before is pre-fixed & holidays following expiry of leave are suffixed and deemed to have been permitted [R – 22]
- Restricted Holidays too may be prefixed or suffixed [GID (2) under R – 22]

# Caselets

1. Mr A proceeds on 20 days EL on the evening of 05.01.2021 with permission to leave station. He reaches Thiruvanthapuram the same day. He is recalled by competent authority on 10.01.2021 to join office at Agartala, his headquarters, immediately. Must he get back to his office?
2. Ms B is sanctioned leave for 30 days EL from 01.01.2018. She cuts her leave on her own and resumes charge on 08.01.2018. Is what she does is ok?
3. Mr C seeks EL for 15 days from 01.01.2018 on medical grounds. He submits a medical certificate of being unwell. However, he feels ok and resumes duty on 12<sup>th</sup> January. Is it permissible?

# Caselets

4. Mr D proceeds on 30 days EL till 29.12.2017 after it is sanctioned. On earlier eight occasions, he had overstayed his leave. He had been counselled on two occasions and informed on four occasions through issue of Office Memorandum (OM) not to overstay leave. He again did not resume duty on the expiry of leave. An OM is sent to the address (during his leave) to join immediately by 08.01.2018. He does not. Another OM and email is sent on 08.01.2018 to resume duty latest by 11.01.2018. He still does not. You are his Controlling Officer. What will you do?

# Grant of and return from leave ...

- Recall to duty before expiry of leave [R – 23] [AIS – 22(b)]:
  - Shall be treated as compulsory
  - GS on duty from the date GS starts for station
  - Entitled to travelling allowance
  - Leave salary till GS joins
- Leave on medical grounds [AIS-23]:
  - Medical certificate from competent medical officer
  - Certificate of fitness
  - Second medical opinion [R – 24]

# Grant of and return from leave...

- Absence after expiry of leave [R – 25]:
  - Unless the competent authority extends leave, GS who remains absent after the end of leave is entitled to no leave salary for the period of such absence
  - Such absence shall be debited against his leave account as though it were half-pay leave (HPL)
  - Any period of excess of such leave will be treated as Extra-Ordinary Leave (EOL)
  - Willful absence from duty after expiry of leave renders a GS liable to disciplinary action

# **Kinds of leave due and admissible**

# Kinds of leave

1. [Earned leave \(EL\)](#)
2. [Half-pay leave \(HPL\)](#)
3. [Commutated leave](#)
4. [Leave not due](#)
5. [Extra-ordinary leave](#)
6. [Paternity leave](#)
7. Maternity leave
8. Child adoption leave
9. Child care leave
10. Study leave
11. Special Disability Leave [AIS-16]
12. Casual Leave? Special Casual Leave?

# Earned leave [R – 26 to 28]

- Shall be credited in advance two installments
- Of 15 days on the 1<sup>st</sup> day of January and July of every calendar year
- At the rate of 2 ½ days for each completed month of service which GS is likely to render during the half-year of the calendar year [3 1/3 days per completed month for MoS in NE States] (AIS-10(1)e)
- Maximum limit for EL at credit of a GS: 300 (+15) days [AIS-20A]
- If GS has availed EOL and/or some period of absence is treated as *dies non* in a half-year, the credit of EL for the next half-year shall be reduced by 1/10<sup>th</sup> of the period, subject to a maximum of 15 days of such [leave](#)

## Half-Pay leave [R – 29]

- Shall be credited in advance two installments
- Of 15 days on the 1<sup>st</sup> day of January and July of every calendar year
- At the rate of 5/3 days for each completed month of service which GS is likely to render during the half-year of the calendar year
- If GS has availed EOL and/or some period of absence is treated as *dies non* in a half-year, the credit of EL for the next half-year shall be reduced by 1/18<sup>th</sup> of the period, subject to a maximum of 10 days of such [leave](#)

## Commutated Leave [R – 30]

- Not exceeding half the amount of HPL due may be granted
- On medical certificate (MC)
- If there is reasonable prospect of the GS returning to duty on its expiry; else leave salary is recovered
- When Commuted leave is granted, twice the amount of such leave is debited against the HPL
- Maximum 180 days' HPL allowed during the entire service without medical certificate for approved course of study in public interest
- Commuted Leave upto 60 days to female GS for adoption of child
- MC not required for commuted leave in continuation of maternity [leave](#)

# Leave not due [R – 31]

- Permanent GS may be granted Leave not due
- Maximum 360 days during the entire service on MC subject to:
  - Reasonable prospect of returning to duty; else leave salary recovered
  - Limited to HPL GS is likely to earn thereafter
  - Debited against HPL that GS may earn thereafter
  - For GS suffering from TB, Leprosy, Cancer or mental illness, exceeding 360 [days](#)

# Extraordinary leave (EOL) [R – 32]

- Granted when:
  - No other leave is admissible
  - If admissible, GS applies in writing for EOL
- Two spells of EOL, if intervened by some other kind of leave, shall be treated as one continuous spell of EOL for sub-rule (2) of R-32 (temporary GS)
- Absence without leave may be commuted into EOL by the competent authority

## Leave to Probationer, a person on probation and an apprentice [R – 33]

- Entitled to leave if the probationer had held his post substantively otherwise than on probation
- If she holds lien before appointment as probationer etc., entitled for leave as a permanent GS
- Allowed to carry forward at credit prior to joining as probationer

**Special kinds of leave  
other than Study leave**

# Maternity leave [R – 43]

- Female GS, including unmarried female GS, with less than two surviving children entitled for 180 days of maternity leave
- Leave salary payable
- May be combined with leave of any other kind
- Maternity leave + 60 days Commuted leave + Leave not due up to maximum of two years

# Paternity leave [R – 43 –A]

- Male GS with less than two surviving children
- Maximum 15 days
- Within 15 days before, or up to 6 months from the date of delivery of the child
- If not availed during this period, PL lapses
- Leave salary
- May be combined with leave of any other kind
- Also available for child adoption

# Child adoption leave [R – 43-B]

- Female GS with fewer than two surviving children
- On valid adoption of less than one year old child
- 180 days immediately after adoption
- Leave salary
- May be combined with leave of any other kind

# Child Care leave [R – 43-C]

- Woman GS
- Maximum 730 days during her service
- To take care of the two eldest surviving children
- Child: below 18 years
- Leave salary
- May be combined with leave of any other kind
- Shall not ordinarily be granted during the probation period

**Thank You**