



GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT



THE JAMMU AND KASHMIR CIVIL SERVICES
(LEAVE) RULES, 1979.

3RD REPRINT EDITION 2006
APRIL, 2006.

INCORPORATING CORRECTION SLIP
NOS. UP TO..... ENDING APRIL 2006

FOREWORD

The second Reprint Edition of the J&K Civil Services (Leave) Rules, 1979 incorporating correction slips up to June, 1990 was issued in June, 1990. Since then a number of amendments had been made in rules and need was felt to issue an updated Reprint-Edition.

This Reprint-Edition of the Rules contains amendments ending 04/2006.

It is hoped that the users of this updated Reprint Edition will find it useful. Any omission/discrepancy which may come to the notice of users may be promptly pointed out for corrective action.

(B. B. Vyas)

Commissioner/Secretary to Government,
Finance Department.

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***THE JAMMU AND KASHMIR CIVIL SERVICES
(LEAVE) RULES, 1979**

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called “The Jammu and Kashmir Civil Services (leave) Rules, 1979”

2. They shall come into force on 1st January, 1979.

3. *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 State but shall not apply to :—

- (a) apprentices, persons in casual or daily rated or part-time employment ;
- (b) persons paid from contingencies ;
- (c) workmen employed in Industrial establishments ;
- (d) persons in work-charged establishments ;
- (e) members of the All India Services ;
- (f) persons employed on contract except when the contract provides otherwise ;
- (g) 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 ;
- (h) persons in service on 1-1-1979 who have opted to be governed, for purposes of leave, by the Jammu and Kashmir Civil Services Regulations ;
- (i) persons serving under the State Government on deputation from the other State Governments or the Central Government or any other source, for a limited duration.

*Sanctioned vide Finance Department Notification SRO-44 of 1979 dated : 18-1-1979.

Note.—See also rule 74.

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

(a) “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 ;

(b) “Completed years of Service” or “one year’s continuous service” means continuous service of specified duration under the State Government and includes the period spent on duty as well as on leave including extraordinary leave ;

(c) “Compulsory retirement/Date of 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 such retirement under the terms and conditions governing his service.

Explanation.—For purposes of this rule an employee whose date of birth falls on first day of any month will attain the age of retirement on the afternoon of the last day of the preceding month.

(d) “Form” means a Form appended to the second schedule to these rules ;

(e) “Government servant in quasi-permanent employ” means an officer, declared as quasi-permanent under the Jammu and Kashmir Civil Services (Temporary Service) Rules, 1961 ;

(f) “Government servant in permanent employ” means an officer who holds 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 ;

(g) “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 Jammu and Kashmir Civil Service Regulations, shall have the meanings respectively assigned to them in the Jammu and Kashmir Civil Services Regulations.

5. *Government servants on temporary transfer or on foreign service.*—Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to any establishment or department to which these rules do not apply or while on deputation or on foreign service.

6. *Transfer from service 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, when transferred to a service or post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in rule 26 (b) (i). 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 Department (unless the Department is the same) or the Government from which the Government servant is transferred.

7. *Permanent absorption in Public Enterprises.*—A Government servant who while on deputation to a Public Sector Undertaking/ autonomous body, opts for permanent absorption in any such enterprise, will have his title to earned leave protected. In all such cases the Public Enterprises where the Government servant gets absorbed will take over the liability of earned leave which the optee had at his credit at the time of permanent absorption and in return the Government shall pay to the Public Enterprise a lump sum equal to leave salary for the earned leave due to the Government servant on that date.

CHAPTER II

General Conditions.

8. (i) Leave cannot be claimed as a matter of right.

(ii) 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.

9. *Regulation of claims 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.

10. *Effect of dismissal, removal or resignation on leave at credit.*—(i) Except as provided in rule 36 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.

(ii) Where a Government servant applies for another post under the State Government 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.

(iii) Unless it be otherwise provided in the reinstatement order or in any separate order 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.

(iv) 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.

11. *Commutation of one kind of leave into another.*—(i) 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.

(ii) 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, amount paid to him in excess, if any, 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 30.

12. *Combination of different kind 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. Special casual leave shall however, be allowed to be combined with other leave subject to provisions of rule 60.

13. *Maximum amount of continuous leave.*—Unless the Government in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

14. *Acceptance of service or employment while on leave.*—(i) A Government servant while on leave, shall not take up any service or employment elsewhere, including the setting up of a private professional practice as an Architect, Accountant, Consultant or legal or medical practitioner, etc. without obtaining the previous sanction of the authority competent to appoint him if the employment/profession lies within the country and of the Government, in case it is outside the country.

Exception.—Government servants who have been permitted to undertake private practice or any casual literary work or any similar employment are exempted from the operation of the above rule.

(ii) (a) No permission for private employment shall ordinarily be allowed during leave other than leave preparatory to retirement.

(b) A Government servant desirous of taking up service or employment under a non-Government employer may be required to resign his appointment before taking up any other service or employment, except where grant of permission to serve elsewhere is considered desirable in any exceptional case. In the latter case a Government servant shall be treated as temporarily transferred to the private body/organisation from his parent organisation. He will neither be treated as on leave, nor allowed any pay and allowance for the period involved. The period of such absence shall not, however, exceed the total

period of leave due to him at the time of his joining other service subject to a maximum of 5 years . The Government servant may have a right to return to his parent service/Department during such absence provided the post from which he proceeded exists at the time of his return and has not been filled up substantively. In case of his re-absorption in State service such a Government servant will count for leave (and also pension) his service prior to his taking up service elsewhere. He will forfeit the benefits of promotion, increase in pay etc. which but for his taking up service elsewhere would have become due to him in the normal course during the period of his absence.

(iii) (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 State Government and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) shall be treated as unutilised leave and the Government servant granted cash in lieu of leave salary after his retirement subject to the provisions of rule 37.

(c) In respect of any period of employment during leave preparatory to retirement, he shall earn leave at the rate of 2½ days per month.

CHAPTER III

Grant of and Return from Leave

15. *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.

16. *Leave Account.*—A leave account shall be maintained in Form 2 for each Government servant by the Head of Office or the Drawing Officer, as the case may be.

17. *Verification of title to leave.*—(i) 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.

(ii) (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 60 days.

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.

Notz.—In the case of leave preparatory to retirement an undertaking for recovery of the leave salary, if any, paid in excess shall be taken from the Government servant.

18. *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 prematurely retire from Government service. No leave shall be granted when a person is under suspension.

19. *Grant of leave on medical certificate.*—(i) An application for leave on medical certificate, made by a Government servant, shall be accompanied by a Medical Certificate in Form 3 given by an Authorised Medical Attendant or an Assistant Surgeon or above holding registerable qualifications for All India Register, defining as clearly as possible the nature and probable duration of the illness.

(ii) A Medical Officer shall not recommend 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.

(iii) 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 District Medical Officer/Civil Surgeon to have the applicant medically examined on the earliest possible date.

(iv) It shall be the duty of the Government Medical Officer referred to in sub-rule (iii) 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 he may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(v) 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.

(vi) 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 however, 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.

20. *Leave to 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 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 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 periods of duty beyond the date of the report of the medical authority does not exceed six months.

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

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

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 or a report of departure on leave is submitted and ends on the day preceding that on which the charge is resumed or a report of joining the duties is submitted.

22. *Combination of holidays with leave.*—(i) Prefixing and suffixing holidays to leave other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing and suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

(ii) For purposes of sub-rule (i) above the term “holiday” shall mean such holidays on which Government Offices remain closed for transaction of public business without reserve or qualification. It shall not include restricted holidays.

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

- (a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes 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 re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

23. *Recall to duty before expiry of leave.*—A Government servant recalled to duty before the expiry of his leave shall be entitled to :—

- (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 equal to the amount admissible for the journey on tour ; and
 - (ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.
- (b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive :—
 - (i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post, at the same rate at which he would have drawn it but for recall to duty ;
 - (ii) a free passage to India ; and
 - (iii) travelling allowance, under sub-rule (a) (i) for travel from the place of landing in India to the place of duty.

24. *Return from leave.*—A Government servant on leave shall not return to duty :—

- (i) 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 ;
- (ii) notwithstanding anything contained in sub-rule (i), 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 ; and
- (iii) 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 4 from an Authorised Medical

Attendant or an Assistant Surgeon or above holding registerable qualifications for All India Register or the District Medical Officer or a Medical Officer of equivalent or higher status or the Medical Superintendent of the hospital concerned.

Note 1.— A Government servant who has been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommended light work for him.

Note 2.— In the case of leave on medical certificates, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

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.

¹*Exception 1.*—Whenever a Government servant is detained on the road owing to its being blocked by land slips, snow etc., he may be treated as, on duty during the period of unavoidable detention, but will be entitled, until he rejoins his appointment, to draw leave allowances.

The above concessions will not apply in cases of overstayal of casual leave or quarantine leave such leave not recognised leave.

This shall be deemed to have come into force from 1-1-1979.

¹*Exception 2.*—Whenever a Government servant, on his return from leave (other than casual leave or quarantine leave) is detained owing to cancellation of air flight due to bad weather or otherwise, he may be treated as on duty for the period of un-avoidable detention, subject to a maximum of two days. For the period of enforced halt, he will be entitled until he rejoins his appointment, to draw leave allowances only.

1. Inserted vide Finance Department Notification SRO-547 dated : 26-09-1979.

CHAPTER IV

Kinds of leave due and admissible

26. *Earned leave for Government Servants serving in a Department other than Vacation Department.*—(a) (i) A Government servant who is serving in a Department other than a Vacation Department shall be entitled to 30 days earned leave in a calendar year.

(ii) The leave account of every Government servant shall be credited at the commencement of each calendar half year at a uniform rate of 15 days each on the first January and July every year.

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

(b) (i) 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 of 180 days :

¹“Provided that, with effect from 01-01-1988, the maximum limit for accumulation of earned leave shall be 240 days”.

²(i) “Provided that with effect from 01-07-1997 the maximum limit for accumulation of earned leave shall be 300 days”.

(ii) If a Government servant is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half year provided authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry.

(iii) 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 2½ days per completed calendar month up to the date of retirement or resignation.

(iv) When a Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2½ days per completed calendar month up to the end of the month preceding the month in which he is removed or dismissed from service or dies in service.

1. Inserted vide F. D. Notification SRO-202 dated : 14-06-1990.

2. Inserted vide F. D. Notification SRO-124 dated : 17-04-1998.

(v) When a Government servant is appointed during the course of a calendar half-year the earned leave should be credited to his leave account at the rate of $2\frac{1}{2}$ days for each completed month of service which he is likely to render in the calendar half-year in which he is appointed. For example he is appointed on 13th March the number of completed months of his service in that half year will be 3 and the credit will be $3 \times 5/2 = 7\frac{1}{2}$ days rounded to 8 days.

(vi) While affording credit of earned leave fractions of a day will be rounded off to the nearest day.

¹(vii) Notwithstanding anything contained in sub-clause (i) above, the procedure for crediting earned leave w.e.f. 01-01-1991 shall be as under :—

(A) In case of employees, having at their credit earned leave of 225 days or less on 1st January/1st July of a year, earned leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half year shall continue to be credited in advance as laid down above.

(B) In cases where the earned leave at credit as on 1st January/1st July is 240 days or less but more than 225 days, credit of earned leave for 15 days shall be kept, separately and first adjusted against any earned leave that the Government servant may take during the ensuing half year and the balance, if any credited to the earned leave account at the close of the half year subject to the ceiling of 240 days laid down above. If the earned leave taken during the half year is more than 15 days, the amount in excess of 15 days shall be debited to the leave account.

(c) (1) A period spent in foreign service shall count as duty for purposes of this rule if contribution towards leave salary is received on account of such period.

(2) Subject to the provisions of rule 8 and sub-clauses (a) (i) and (b) ¹(i) of this rule, the maximum earned leave that may be granted at a time shall be 120 days.

1. Inserted vide SRO-230 dated : 26-07-1991.

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

(2) (a) In respect of any year in which a Government servant avails himself of a portion of the vacation he shall be entitled to earned leave in such proportion of 30 days as the number of days of vacation not taken bears to the full vacation :

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

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

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

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

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

Note 2.—When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacations that fall during the year commencing from the date on which he completed the previous year of duty.

¹*Note 3.*—Notwithstanding anything contained in this Rule, a Government servant belonging to a Vacation Department (and entitled to enjoy regular vacation) if detained on duty during any vacation or portion

of vacation, in connection with Invigilation/Supervision/Evaluation of papers, relating to any examination conducted by any Institute/Board/University etc. and for which he is paid remuneration on prescribed rates, shall not be allowed any earned leave for such period of vacation. However, such Government servants can opt to surrender the amount of remuneration prescribed and admissible for such assignment and in lieu thereof have the period of such vacation/portion thereof to be allowed to count for earned leave under the provisions of this rule.

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

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

Provided further that the limitation prescribed above shall not apply when vacation, earned leave and commuted leave are taken in conjunction.

127-A. A Government servant whether in a Vacation Department or in a non-Vacation Department will be allowed to have the period of joining time which he may not have availed on transfer from one station to another either under the orders of the competent authority or of his own accord, credited to his earned leave account.

28. *Half pay leave.*—(1) (a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service.

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

Provided that in the case of a Government servant not in permanent employ or quasi-permanent employ, no half pay leave may be granted unless the authority competent to grant leave certifies that the post from which the official proceeds on leave is likely to continue even beyond the date of end of his leave and that authority has reason to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a Medical Authority.

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

29. *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 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 and records necessary certificate as required under proviso to sub-rule (b) of rule 28 in the case of temporary Government servants ;
- (b) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due ; and
- (c) half-pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilized for an approved course of study i.e. a course which is certified to be in the public interest by the leave sanctioning authority :

Provided that no such commutation shall be allowed to a Government servant who is allowed study leave for prosecuting of a course of study.

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

Government instructions :

When a Government servant is certified medically fit for joining duty, holidays if any succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave and holidays if any, preceding the day on which he is certified to be fit shall be treated as part of leave.

1. Inserted vide F. D. Notification SRO-229 dated : 05-06-1982.

30. *Leave not due.*—(1) Save in the case of leave preparatory to retirement leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ subject to the following conditions :—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry ;

(b) leave not due shall be limited to the half-pay leave he is likely to earn thereafter ;

(c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be allowed otherwise than on medical certificate ; and

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

Note.—A Government servant whose period of suspension is treated as leave whatever kind due cannot be allowed the benefit of “Leave not due” for the whole or a part of the period of suspension.

(2) (a) Where a Government servant who has been granted leave not due, resign from service or is at his request permitted to retire voluntarily without returning to duty , the leave not due shall be cancelled, his resigning 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 or in the event of his having been retired prematurely under Article 226 (2) of the J&K Civil Service Regulations.

31. *Notwithstanding anything contained in rule 30 (1).*—“Leave not due” may be granted to temporary Government servant who are suffering from T. B., Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service subject to the fulfilment of conditions in clauses (a), (b) and (d) of sub-rule (1) of rule 30 and also subject to the following further conditions :—

(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 even beyond the date of his return to duty ; and

(iii) the request for grant of such leave is supported by a medical certificate as envisaged in Note below sub-clause (c) of sub-rule (2) of rule 32.

32. *Extraordinary leave.*—(1) Extraordinary leave may be granted to a Government servant 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 Government in view of the exceptional circumstances of the case otherwise determines, no Government servant who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits :—

(a) up to to three months without a medical certificate ;

(b) up to six months where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under the rules including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate for common ailments as required by these rules ; and

(c) Up to 18 months on medical certificate where the Government servant who has completed one year's continuous service is undergoing treatment, for cancer or any other disease which is certified by the Director Health Services or Principal Medical College as life consuming, or for mental illness, pulmonary tuberculosis or pleurisy or tubercular origin, tuberculosis of any part of the body and leprosy.

Note 1.—For grant of leave under sub-rule (c) a Government servant should produce a medical certificate from the Medical Superintendent of the Institution recognised for treatment of the disease from which he is suffering or from a specialist in such disease of the rank of an Associate Professor of a Medical College or, equivalent to him, or above him. The medical authority issuing the certificate will *inter alia* certify that the Government servant is under his treatment or is under treatment in the Institution and has reasonable chances of recovery on the expiry of the leave recommended.

¹Note 2.— Temporary B.Sc. teachers in service in the School Department who may intend to undergo as private candidates M. Sc. Course/ M.A. in Mathematics be allowed by the Administrative Department leave without allowances exceeding 3 months but not beyond a period of two years provided there is dearth of post-graduate teachers in that subject. Acquisition of post-graduate qualifications by them will not however entitle them to any higher grade or pay other than what is admissible in the normal course under rules.

(d) Twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a).

²(e) The wives of defence services personnel who may be serving in civil services in temporary capacity may be allowed extraordinary leave without allowances up to a period of six (6) months at a time during the period their husbands remain posted to family stations other than the one where their wives may be serving. The concerned will rejoin their duties soon after their husbands are posted to non-family stations/operational areas or within six months from the date of proceeding on leave whichever is earlier. The fact of posting at a family station and the period of such posting shall be got certified from the concerned Army quarters.

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (d) of sub-rule (2) he shall be required to execute a bond in Form No. 5 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

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

(4) 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 purpose of sub-rule (2)

1. Inserted vide F. D. Notification SRO-276 dated : 08-07-1982.

2. Inserted vide F. D. Notification SRO-614 dated : 13-11-1979.

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

33. *Leave to a probationer and a person on probation.*—(1) (a) A probationer shall be entitled to leave under these rules as if he has 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.

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

35. *Leave preparatory to retirement.*—(i) A Government servant may be permitted by the competent authority to take leave preparatory to retirement to the extent of earned leave due, not exceeding 240 days, together with half pay leave due, subject to the condition that such leave extends up to and includes the day preceding the date of retirement.

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

36. *Leave beyond the date of retirement or quitting of service.*—(1) Except as provided hereinafter, 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 Government servant may avail in full or in part the earned leave at his credit subject to a maximum of 1300 days preparatory to his retirement. Where a Government servant avails of only part of such leave or where the leave preparatory to retirement if applied by him is refused to him, he will be allowed the benefits of rule 37 for the earned leave that remains at his credit on the date of retirement.

(3) A Government servant who retires from service on attaining the age of retirement while under suspension shall become eligible for the benefit of cash equivalent in respect of earned leave that was at his credit on the date of his retirement, calculated in the manner prescribed in rule 26 on conclusion of the proceedings against him if the authority competent to reinstate him in service holds that the suspension was wholly unjustified.

(4) Where the service of a Government servant has been extended in the public interests beyond the date of his retirement he may be granted earned leave as prescribed in rule 26 as follows :—

(a) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which was at his credit on the date of his attaining age of retirement ; and

(b) after the expiry of the period of extension he may be allowed in accordance with rule 37 cash equivalent of leave salary for the unutilised period of leave out of the earned leave which was at his credit on the date of his attaining the age of retirement, plus the unutilised period out of the earned leave, that he earned during the period of extension subject to overall maximum of 1300 days

(5)(i) A Government servant to whom clause (c) of sub-rule (1) applies may be granted leave due and admissible to him which may extend beyond the date on which he retires or is retired from service, but not extending beyond the date of retirement :

Provided that a Government servant who is retired by Government by giving him pay and allowances in lieu of notice may apply for leave within the period for which such pay and allowances were given and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

1. Substituted vide F. D. Notification SRO-124 dated : 17-4-98 and deemed to have come into effect from 01-07-1997.

(ii) The leave salary and allowances as may be due under (i) above will be paid in lump sum as one time settlement.

(6) (i) Where the service of a Government servant not in permanent employ is terminated by notice or on 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 earned leave to his credit, subject to a maximum of 300 days even though such leave extends beyond the date on which he ceases to be in service. If the Government servant himself resign or quits service, he may be granted earned leave to the extent of half such leave, to his credit subject to a maximum of 150 days :

Provided that the leave so granted to such Government servant other than a Government servant re-employed after the date of retirement does not extend beyond the date of his retirement.

(ii) The amount equivalent to leave salary and allowances, if any, admissible during such leave shall be paid in lump sum as one time settlement.

37. *Cash in lieu of leave salary.*—(1) A Government servant may be paid cash equivalent of leave salary in respect of period of earned leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions :—

(i) the payment of cash equivalent of leave salary shall be limited to a maximum of 240 days of earned leave ;

³“Provided that with effect from 01-07-1997 the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of Earned Leave”.

(ii) the cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement;

(iii) cash payment will be equal to leave salary admissible for earned leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement. No other allowance like compensatory allowance, Border allowance, Muffasil allowance, House rent allowance, or any other allowance will be admissible as part of leave salary ;

1. Substituted vide F. D. Notification SRO-124 dated : 17-4-1998 and shall be deemed to have come into effect from 01-07-1997 read with corrigendum No. A/9(98)-536-A dated : 17-04-1998.

2. Substituted vide F. D. Notification SRO-202 dated : 14-06-1990.

3. Inserted vide F. D. Notification SRO-124 dated : 17-04-1998.

(iv) the authority competent to grant leave shall suo moto issue order granting cash equivalent of earned leave at credit on the date of retirement ; and

¹(v) 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 view of such authority there is possibility of some money becoming recoverable from him on conclusion of proceedings against him on conclusion of proceedings, he will become eligible to the amount so withheld, after adjustment of Government dues, if any.

(3) The benefit of sub-rules (1) and (2) above will not be applicable in the following cases :—

- (a) premature/voluntary retirement under article 226 (2) or 226 (3) and Article 230 of the J & K Civil Services Regulations or any other corresponding rule ; and
- (b) persons who are compulsorily retired as a measure of punishment.

²Benefit of cash in lieu of earned leave to Government servants who retire voluntarily.

²(4) Notwithstanding the provisions contained in sub-rule (3) above Government servants who may seek voluntary retirement after 1-4-1982 under article 230 of the Jammu and Kashmir Civil Service Regulations, shall be allowed the benefit of cash equivalent of leave salary in respect of the period of earned leave at credit at the time of voluntary retirement subject to a maximum of ³240 days, in the same manner as is admissible in respect of retirements on superannuation.

⁴(5) The benefit of sub-rules (1) and (2) above shall be available to the Government servants of Vacation Department also in respect of any amount of earned leave earned by them in terms of the provisions of Rule 27.

Pending cases if any shall be decided accordingly.

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- 1. Substituted vide F. D. Notification SRO-130 dated : 06-04-1984.
 - 2. Inserted vide F. D. Notification SRO-107 dated : 30-3-1982.
 - 3. Substituted vide F. D. Notification SRO-202 dated : 14-06-1990.
 - 4. Inserted vide F. D. Notification SRO-471 dated : 30-11-1989.

¹(6) Notwithstanding anything contained in sub-rule (3), the benefit of sub-rules (1) and (2) shall be available in the following cases also (besides the cases covered under sub-rule (4) :

- (a) Where a Government servant is declared, by a Medical authority, to be completely and permanently incapacitated for further service.
- (b) Where a Government servant is retired from service by the Government, under Article 226(2) or 226(3) of Jammu and Kashmir Civil Service Regulations.
- (c) Where a Government servant is compulsorily retired as measure of penalty, under the provisions of Rule 30 of Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956 and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity).

37-A. The benefit of encashment of earned leave at credit on the date of attaining age of superannuation shall be allowed to such of the re-employed pensioners also, whose re-employment comes to an end on attaining age of superannuation prescribed for the civil post, but the leave salary in such cases shall be calculated on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

In case such a re-employed pensioner is allowed extension of re-employment beyond the age of attaining superannuation, he may be allowed the above benefit of encashment of leave on the date of final cessation of service on expiry of extension or re-employment in respect of earned leave at credit on the date of superannuation plus earned leave, earned during the period of extension or re-employment reduced by earned leave availed of during such period, subject to a maximum of ³300 days.

38. 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 ³300 days, shall be paid to his family without any reduction on account of pension equivalent of D. C. R. gratuity or family pension etc.

1. Inserted vide F. D. Notification SRO-202 dated : 14-06-1990.

2. Substituted vide F. D. Notification SRO-124 dated : 17-04-1998 and shall be deemed to have come into effect from 01-04-1997.

3. Substituted vide F. D. Notification SRO-146 dated : 19-05-2005.

Note 1.—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 the payment of dearness allowance only on the leave salary.

Note 2.—The provisions of rule 38 are also applicable to re-employed pensioners in respect of leave earned by them during the period of re-employment. The leave salary shall be payable equal to pay drawn during the period of re-employment (exclusive of pension and pension equivalent of gratuity).

¹Government Instruction :

Payment of cash equivalent of leave salary in case of death etc. of a 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 the cash equivalent of leave salary payable under leave rules (Rules 37, 37-A and 38) 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 marriages 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 un-married daughter.
- (iv) failing (i) to (iii) above 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.
- (viii) failing (i) to (vii) above to the eldest surviving un-married sister ; and
- (ix) failing the above to the eldest surviving sister.

1. Inserted vide F. D. Notification SRO-194 dated : 21-05-1985.

39. *Leave salary.*—(1) 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.—A Government servant proceeding on earned leave while in foreign service, will be allowed leave salary equal to pay which he would have drawn in his parent Department but for his deputation on foreign service.

(2) A Government servant on “half pay leave” or “leave not due” is entitled to leave salary equal to half the amount specified in sub-rule (1) above.

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

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

(5) A Government servant will not be permitted during leave preparatory to retirement to take up any other service or employment under any private employer, provided that when a Government servant is permitted to take up service with a Public Sector Undertaking during such leave no reduction in leave salary shall be effected.

(6) (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, over drawn.

(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 credited under rule 26, the over payment of leave salary shall be recovered in such cases.

¹“Provided that the employees who retire after 01-04-2004, the pay shall include Dearness Pay”.

40. *Advance of leave salary.*—(i) A Government servant including a Government servant on foreign service, proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary up to a month's pay.

1. Inserted vide F. D. Notification SRO-207 dated : 22-07-2005.

(ii) The amount of advance should be restricted to the amount of leave salary with allowances for the first month of leave that may be clearly admissible to the Government servant during leave after deductions on account of Income Tax, Provident Fund, House Rent, repayment of advances etc. so that there is no financial risk involved.

(iii) The advance should be adjusted in full in the leave salary bill in respect of the leave availed of. In case where the advance cannot be so adjusted in full, the balance will be recovered from the next payment of pay or/and leave salary.

(iv) The advance may be sanctioned by the Drawing Officer both in the case of Gazetted and Non-Gazetted Officers.

(v) Advance to the Drawing Officer will be sanctioned by the Head of Office. Officers who are Heads of Offices as well as the Drawing Officers may sanction the advances to themselves.

(vi) The amount of advance will be debited to the Head of Account to which the pay etc. of the Government servant is debited and the adjustment of the advance will be watched through objection book by the audit.

(vii) Advance shall be sanctioned in whole rupees.

(viii) When a Government servant proceeds on leave for more than a month from about the middle of a month the advance in lieu of leave salary may be made on the basis of leave salary payable for one month of leave from the date of commencement of the leave.

(ix) Payment of advance to Government servants on foreign service, who avails of leave during foreign service shall be paid by the foreign employer, and its reimbursement will be claimed from the parent Department of the Government servant responsible for drawing leave salary of the official, duly supported by cash receipts obtained from the Government servant. The amount of advance to the foreign employer will be remitted by a bank draft. If it is found that the advance already paid by the foreign employer is more than the correct amount admissible under the rules, the concerned Department should reimburse only the correct amount and ask the foreign employer to recover the balance from the Government servant direct.

40-A. The leave salary payable under these rules shall be drawn in rupees in India.

CHAPTER—V

Special kinds of leave (other than study leave).

¹41. *Maternity leave.*—(1) A female Government servant with less than two surviving children may be granted maternity leave by the authority competent to grant leave for a period which may extend up to 135 days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) Maternity leave not exceeding six weeks may also be granted to a female Government servant (irrespective of number of surviving children) in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19.

(3) A male Government servant (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity leave). It may not normally be refused under any circumstances.

Provided that a female Government servant in whose case the period of 96 days of Maternity leave has not expired on the date of issue of this notification, shall also be entitled to the Maternity leave of 135 days, similarly paternity leave to a male Government employee may also be allowed in case his wife had given birth to a child on a date not prior to 135 days from the date of issue of these orders.

The aforementioned provisions shall be effective prospectively.

(4) Leave in further continuation or leave granted under sub-clause (3) above may also be granted in case of illness of newly born baby, subject to production of medical certificate to the effect, that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

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

42. *Special disability leave for injury intentionally inflicted.*—(1) The authority competent to grant leave may grant special disability leave to a

1. Recasted vide SRO-15 dated : 01-02-1993 and further recast vide F. D. Notification SRO-124 dated : 17-04-1998.

Government servant (whether permanent, quasi-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 due 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 case 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 authorised Medical Attendant and shall in no cases 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 re-produced in similar circumstances at a 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 1.—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 rule.

Note 2.—In the case of a person to whom the Workmen's Compensation Act applies the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under the said Act.

43. *Special disability leave for accidental injury.*—(1) The provisions of rule 42 shall apply also to a Government servant, whether permanent, quasi-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 hold.

(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 a Medical Board to be directly due to the performance of the particular duty ;
- (ii) that if the Government servant has contracted such disability during service 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 Medical Board 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 exceed 120 days.

44. *Quarantine leave.*—(1) Where, in consequence of the presence of an infectious disease referred to in sub-rule (2) in the family or household of a Government servant at his place of duty, residence or sojourn, his attendance at his office is considered hazardous to the health of other Government servants such Government servant may be granted quarantine leave.

(2) For the purpose of sub-rule (1) Cholera, Small-pox, Plague, Diphtheria, Typhus, fever and cerebrospinal meningitis may be considered as infectious disease, chicken-pox shall not however be considered as an infectious disease unless the Medical Officer or the Health Officer consider that because of doubt as the true nature of the disease (for example small-pox) there is reason for the grant of such leave.

(3) (a) Quarantine leave may be granted by the Head of the Office on the certificate of a Medical Officer for a period not exceeding 21 days or in exceptional circumstances 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Government servant.

(4) Quarantine leave, subject to the maximum laid down in the sub-rule (3) may be granted when necessary in continuation of other leave.

(5) A Government servant on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

45. *Casual leave.*—Casual leave may be granted to all Government servants who are on the permanent establishment or not, by the immediate Head of the office concerned for a short period not exceeding 15 days in a year in aggregate. A Government servant on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave, however must not be given so as to cause evasion of the rules regarding :—

1. Date of reckoning pay and allowances ;
2. Charge of office ;
3. Commencement and end of leave ;
4. Return to duty.

46. For purposes of determining title to casual leave, a calendar year should be taken as the base. Where holidays intervene between casual leaves, these shall not count as part of leave.

Exception.—As the Police, Home Guard, Fire Service Personnel and Warden staff of Jails have to remain on duty even on holidays and days of festivities they shall be eligible to avail casual leave not exceeding 20 days in a year in aggregate. Other conditions regulating grant of casual leave as contained in these rules will apply *mutatis mutandis* to them.

47. In the case of persons employed for short period or a Government servant who is appointed to a regular post after passage of a part of the year in respect of which casual leave is earned, the amount of casual leave shall be proportionate to the period of employment i. e. in the same proportion to 15 days as his period of service in that year bears to the whole year.

Note.—The minimum short leave admissible shall be for half a day. If a Government servant applies for a short leave of any duration up to 3 hours, half day's casual leave shall be debited to his casual account and for leave beyond 3 hours on a working day full days casual leave shall be debited to his account. There is no objection to the grant of half a day's casual leave in conjunction with full days casual leave.

Half a day's leave (casual or earned leave if no casual leave be due) should be debited to the leave account of a Government servant for each late attendance. The Head of the Office or the sanctioning authority may, however, condone late attendance up to an hour as a special case, on not more than two occasions in a month if he is satisfied that the Government servant could not attend the office in time for reasons beyond his control. In case such a course does not ensure punctual attendance, suitable disciplinary action may be taken against habitual late comers, in addition to debiting of half a day's leave to their account.

48. The amount of casual leave sanctioned at any one time should not exceed 10 days and in combination with holidays, the total period of absence should not exceed 12 days.

49. Casual leave should not ordinarily be combined with move days but in exceptional cases and on the sanctioning authority being satisfied that the Government servant is unable owing to illness or for reasons beyond his control to proceed to the office headquarters or to attend to work, casual leave may be sanctioned in combination with the move days. The limits mentioned at 48 above apply in this case also.

50. Casual leave should not ordinarily be combined with vacation but when a Government servant enjoying regular vacation is forced by unavoidable circumstances to proceed on casual leave in combination with or in continuation of vacation, the Director of Education or the Commissioner of Education as the case may be, may sanction such leave in combination of such vacation.

The powers to sanction casual leave to the Gazetted teaching staff of the Medical Colleges shall vest in the Principal, Medical College, Srinagar/Jammu and to the Gazetted and non-Gazetted teaching staff of the Government Unani and Ayurvedic Colleges shall vest in the Director Health Services.

51. Science scholars working in Universities or other Institutions of the State when required to participate in meetings organised by Scientific Association of repute in India be allowed special casual leave not exceeding 10 days in a year in addition to the normal period of casual leave admissible under rules.

52. (a) Special casual leave may be allowed to a Government servant for a period not exceeding thirty days in any one calendar year. The period of absence in excess of thirty days will be treated as regular leave of the kind admissible under relevant leave rules applicable to the persons concerned. For this purpose Government servant may as a special case be permitted to combine special casual leave with regular leave. Special casual leave should not however, be granted in combination with ordinary casual leave.

¹(b) The special casual leave may be allowed only :—

- (i) for participation as a player in sporting events of national or international importance when the Government servant has been duly selected for such participation.
- (ii) for participation as an official in any national or international sporting event.
- (iii) for organising national or international sporting events or for any assignment given by a National Sports Association.
- (iv) for participating in meetings or National Sports Association. Provided that the Government servant is duly nominated to represent the State Association.

²(v) Special casual leave to the extent of 30 days may be granted to State Government employees who are participating in Trekking Expeditions organized by Youth Hostel Association of India as well as "Expeditions" having the approval of Indian Mountaineering Federation subject to the following conditions :—

- I. (a) That the expedition has the approval of the Indian Mountaineering Federation or is organized by Youth Hostels Association of India ; and
- (b) There will be no change in the overall limit of 30 days of special casual leave for an individual Government servant for one calendar year for participating in sporting events of national and international importance.
- II. The period of absence in excess of 30 days should be treated as regular leave of the kind admissible under the leave rules applicable to the persons concerned. For this purpose Government servants may be permitted as a special case, to combine special casual leave with regular leave.

³(c) Deleted.

53. Special casual leave not exceeding 30 days may be granted to Government servants whom the J&K Academy of Arts, Culture and Language select for participation in Ail India Scheme of inter-State exchange of culture troupes.

1. Recast. vide F. D. Notification SRO-225 dated : 28-05-1984.
2. Inserted vide F. D. Notification SRO-171 dated : 7-6-2004.
3. Deleted vide F. D. Notification SRO-225 dated : 28-05-1984.

54. Special casual leave not exceeding 10 days shall be allowed to an Officer of technical department intending to attend professional or scientific conferences, other than those convened under Government auspicious, provided that the leave sanctioning authority is satisfied that the participation of the official will benefit in acquiring suitable knowledge relating to his line of profession in Government service.

55. Special casual leave not exceeding 6 working days may be granted in favour of such Government servants as would undergo sterilisation operation (vasectomy or salping ectomy) under the Family Planning Scheme.

56. Special casual leave not exceeding one day may be granted to women employees undergoing I. U. C. D. insertions under the Family Planning Programme.

57. Special casual leave not exceeding 14 days shall be allowed to female Government servant for undergoing non-puerperal sterilisation.

58. Special casual leave up to 7 days may be granted to a regular Government servant whose wife undergoes a non-puerperal tubectomy operation. This will be subject to the production of a medical certificate from the Doctor who performed the operation to the effect that the presence of the Government servant is essential for the period of leave to look after his wife during her convalescence after operation.

59. The concession of special casual leave as indicated in rule 55 and 57 may be allowed equally to staff paid from contingencies or borne on work-charged establishment as have been in a job involving whole time employment (and not merely part time for a portion of the day) and have been in service for at least 6 months before undergoing sterilisation operation and I. U. C. D. insertion (in the case of females) and are likely to remain in service for at least 3 months after the operation.

60. Occasions may arise when grant of regular leave in combination with special casual leave may be un-avoidable. As for example, a Government servant having undergone sterilisation operation (vasectomy or salping ectomy) I. U. C. D. insertion and puerperal sterilisation under the Family Planning Scheme may not have recovered within the prescribed period of special casual leave owing to development of certain complicacies necessitating further leave on medical advice. In such cases the Government servant may be granted regular leave or ordinary casual leave as applied for by her/him on the specific medical certificate of appropriate medical authority. But in no case should the same be combined with casual leave as well as regular leave at one time i.e.

a person cannot take casual leave in continuation of special casual leave and extend the leave, after expiry of casual leave by regular leave. If in any case a person does not recover within the period of casual leave taken in continuation of special leave the regular leave which he may require after the casual leave will be treated to have commenced from the date of ordinary casual leave.

'60-A. Notwithstanding anything contained in rules 55, 56, 57, 58, 59 and 60 a Government servant who may have to proceed on leave in connection with any one or more of the Family Welfare Programmes listed below shall be granted special casual leave as indicated against each programme:-

Vasectomy :

- (a) Special casual leave not exceeding 6 working days is admissible to the male Government servant who undergoes sterilisation operation; if an employee undergoes vasectomy operation for the second time, special casual leave of six days is again admissible on production of medical certificate from the prescribed medical authority to the effect that the first operation was failure and the second operation was actually performed ; and
- (b) In case of post sterilisation complication, special casual leave may be granted to cover the period for which the person is hospitalised on production of a certificate from the concerned hospital authority/authorised medical attendant.

Tubectomy :

- (a) Special casual leave not exceeding 14 working days is admissible to female Government servants who undergo non-puerperal tubectomy operation. In the event of failure of a sterilization operation, if an employee undergoes tubectomy operation for the second time special casual leave of 14 working days is again admissible on production of a medical certificate from the prescribed medical authority to the effect that the first operation was a failure and the second operation was actually performed.
- (b) In case of post sterilization complications, special casual leave may be granted to cover the period for which the person is hospitalised on production of a certificate from the concerned hospital authority/authorised medical attendant.

- (c) Special casual leave in the case of puerperal tubectomy operation (i. e. when the operation is done within 2-5 days after the delivery) is not admissible.
- (d) Special casual leave up to 7 days is also admissible to a male Government servant whose wife undergoes non-puerperal tubectomy operation subject to the production of a medical certificate from the doctor who performed the operation to the effect that the presence of the Government servant is essential for the period of leave to look after the wife during her convalescence after operation.

I. U. D :

One day's special casual leave is admissible to a regular non-industrial female Government servant who undergoes I. U. D. insertion.

Recanalisation :

Special casual leave up to a period of 21 days or actual period of hospitalisation whichever is less, as certified by the Authorised Medical Attendant is admissible to the Government employees who undergo recanalisation operation and are un-married or have less than two children or undergo sterilisation operation for substantial reasons. The special casual leave will be subject to following conditions :—

- (i) The operation has been performed in a hospital/medical college/institute where facilities for recanalisation are available.
- (ii) The request for grant of special casual leave is supported by a medical certificate from the doctor who performs the operation to the effect that hospitalisation of the Government servant for the period stipulated therein was essential for operation and post operation recovery.

General :

1. Special casual leave is not allowed to be combined with casual leave as well as with regular leave at one time (i. e. it can either be combined with casual leave or with regular leave).
2. Sundays and closed holidays intervening in a period of special casual leave are to be taken into account while calculating special leave period.

3. Prefixing of regular leave to special casual leave is also not admissible.
 4. The workers out of the contingency paid staff including work-charged staff as have been in a job involving whole time employment (and not merely part time or a portion of the day) and have been in service for at least three months before undergoing sterilisation operation or I.U.D. insertion (in case of female employee) and are likely to remain in service thereafter for at least three months should be granted full wages for a period not exceeding 6 working days to a male employee undergoing vasectomy operation. For a period not exceeding 14 working days to female staff undergoing non-puerperal tubectomy operation and for one day to female staff undergoing I.U.D. insertion.
 5. M.T.P. (Medical Termination of Pregnancy) cases are not covered for the purpose of special casual leave under the Family Welfare Programme.
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CHAPTER VI

 Study Leave

61. *Subject to the conditions specified in this chapter.*—(1) 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 technical subject having a direct and close connection with 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 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 framework or background of public administration subject to the conditions that :—
 - (a) the particular study tour should be approved by the authority competent to grant leave ; and
 - (b) the Government servant would 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.
- (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 interest ;
 - (ii) it is for prosecution of studies in subjects other than academic or literary ; and
 - (iii) it is for prosecution of studies in such specialities and subject in which there may be dearth of officers in a Department ;

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

Study leave out of India shall not be granted for prosecution of studies in subjects for which adequate facilities exist in India or under any of the scheme administered by the Government of India.

(4) Study leave shall not ordinarily be granted to a Government servant :—

- (i) who has rendered less than three year's service under the Government or till he/she, if probationer, does not complete the period of probation satisfactorily whichever is later.
- (ii) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

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

62. The maximum amount of study leave, which may be granted to a Government servant 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).

63. (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.

64. (1) 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 conditions that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(2) 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.

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

(3) (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 6 or Form 7 as the case may be, before the study leave or extension of such 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 8 or Form 9 as the case may be, before the study leave or extension of such leave granted to him commences.

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

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

65. (1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extraordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government servant.

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

66. *Regulation of study leave extending beyond in 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 the period of shortfall as ordinary leave.

67. (1) “Study leave under these rules shall be sanctioned as leave without allowance. However, the period of Study Leave without allowances shall not constitute any break in service but the period as spent on ‘Study leave without allowance’ shall count towards service and other pensionary benefits. No substitute shall be appointed in place of officers proceeding for Study Leave”.

²[Deleted] 68 to 72.

73. “*Authority Competent to sanction study leave.*—The concerned Administrative Department shall be competent to sanction study leave without pay and allowances under these rules within/outside the state or outside the country”.

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1. Recast vide F. D. Notification SRO-122 dated : 25-04-2000.
 2. Deleted vide SRO-122 dated : 25-04-2000.
 3. Recast vide F. D. Notification SRO-122 dated : 25-04-2000 and further recast vide F. D. Notification SRO-133 dated:17-04-2006.

CHAPTER—VII

Miscellaneous

74. *Application of these Rules to in-service Government servants.*— Government servants in service on the date of issue of these rules will in respect of "Leave" have the option either to be governed by the rules contained in the Jammu and Kashmir Civil Service Regulations, Volume I, Chapter XI or by these rules. In either case, the option should be communicated in Form 10 to the Head of Office/Department within a period of three months from the date of coming into force of these rules. Those who do not exercise their option within the stipulated period shall be deemed to have opted for these rules.

Option once exercised shall be treated as final.

75. *Right of changing or interpretation.*—(a) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at his discretion and of interpreting their meaning in case of dispute.

(b) *Power to relax.*—Where the Government is satisfied that the operation, if any of these rules has caused undue hardship in particular case, it 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 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 Finance Department.

76. In the case of Government servants in service on 1-1-1979 who opt for these rules, their title to leave under these rules will be determined as under :—

(a) *Earned Leave.*—The privilege leave which was due to them on the date of their last return from such leave will be treated as earned leave at their credit and from that date onwards, they will earn (Earned Leave) at the rate and to the maximum extent contained in these rules ;

(b) *Half Pay Leave.*—The leave on private affairs or furlough which may be at their credit on 31-12-1978 will be treated as half pay leave under these rules and from the date of last return from such leave they will earn half pay leave under these rules subject to the

condition that previous credit on account of furlough or private affairs plus half pay leave earned under these rules or previous spell of leave on furlough private affairs already availed plus the free credit will not in any case exceed a period of 2 years during the entire service of a Government servant ;

- (c) Extraordinary leave without allowances already availed will be treated as such under these rules.

77. *Repeal and saving.*— (1) On the commencement of these rules every rule, regulation or order 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 or operation, anything done or any action taken or any leave earned by or granted to or accounted to the credit of a Government servant, under the old rules, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.
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SCHEDULES AND FORMS

[FIRST SCHEDULE]

[See Rule 4 (a)]

Authority competent to grant leaves.

S. No.	Kind of leave	To whom delegated	Extent
1.	Earned leave, Half pay leave, Commuted leave, Leave not due, Extraordinary leave, Disability leave, Maternity leave.	1. Administrative Departments	1. Full powers
		2. High Courts	2. Full powers.
		2-A. Director Sher-i-Kashmir Institute of Medical Sciences, Srinagar	2-A. Full powers in respect of staff members of the Institute subordinate to the Director.
		3. Major Head of Departments	3. All Officers the maximum of whose scale of pay does not exceed Rs. 4250*.
		4. Class I Officers	4. All Officers the maximum of whose scale of pay does not exceed Rs. 3650*.
		5. Class II Officers	5. All Officers the maximum of whose scale of pay does not exceed Rs. 2800*.
		6. Class III Officers	6. All Officers the maximum of whose scale of pay does not exceed Rs. 2170*.

Class IV Officers

All Officers the maximum of whose scale of pay does not exceed Rs. 1500*

- Note 1* :—In respect of School Education (Boys and Girls) the Heads of High Higher Secondary Schools Teachers Training Institutes shall be competent to sanction all kinds of above leave to the staff working under them.
- Note 2* :—Acting leave arrangements where there are no leave reserve posts in a cadre/or department shall be made by the authority which are competent to make appointments in accordance with the rules and orders issued by the Government from time to time.
- Note 3* :—Deputy Directors Health Services (Territorial) shall be competent to grant leave to Assistant Surgeons and the officers of equivalent ranks, working under their control.
- Note 4* :—Tehsil Education Officers Boys/Girls shall be competent to sanction all kinds of leave excepting leave outside India and study leave to the staff working under them irrespective of their scale of pay.
- Note 5* :—Medical Superintendent of Institute of Medical Sciences Srinagar shall be competent to sanction leave to non-gazetted staff subordinate to him and to make substitute arrangements subject to the condition that substitute arrangements lasting more than three months shall not be made by him.
- Note 6* :—In respect of College Education the Principals of Degree Colleges shall be competent to sanction all kinds of leave except study leave and leave outside India to the staff working under them.

2. Study leave.

Refer Rule 73.

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1. Inserted vide Finance Department Notification SRO-70 dated : 14-2-1989.
*Ceiling in the revised pay scales as introduced vide SRO-370 dated : 17-7-1987.
 2. Inserted vide Finance Department Notification SRO-676 dated : 21-12-1979.
 3. Inserted vide Finance Department Notification SRO-36 dated : 6-2-1982.
 4. Inserted vide Finance Department Notification SRO-156 dated : 10-3-1986.
 5. Inserted vide Finance Department Notification SRO-446 dated : 13-11-1996.

FORM 1

[See rule 15]

Application for leave or for extension of leave.

1. Name of applicant.
2. Post held.
3. Department/Office.
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. Sunday 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 of period of that leave.
10. Address during leave period.
11. In the event of my resignation or voluntary retirement from service, I undertake to refund :—
 - (i) the difference between the leave salary drawn during commuted leave and that admissible during half pay leave, which would not have been admissible had sub-rule (1) of rule 29 not been applied ;
 - (ii) the leave salary drawn during leave not due which would not have been admissible had sub-rule (1) of rule 30 not been applied.

Signature of applicant (with date)

12. Certificate regarding admissibility of leave :—

Certified that.....(nature of leave)
for (period)..... from.....to.....is
admissible under rule.....of the Civil Services
(Leave) Rules, 1979.

Signature (with date)

Designation.

13. Remarks and/or recommendation of the
Controlling Officer.

Signature (with date)

14. Orders of the authority competent to grant leave.

Signature (with date)

Designation.

FORM 2

[See rule 16]

FORM OF LEAVE ACCOUNT

Name of Government servant _____ Date of Birth _____
 Date of commencement of continuous service _____
 Date of quasi-permanent employment _____ Date of retirement/resignation _____

EARNED LEAVE

Particulars of service in the calendar/half year		Completed months of service in the half year and a Calendar year	E. L. credited at the beginning of half year	No. of days of other kinds of leave H. P. L., commuted leave, leave not due and EOL (Col. 19+25+33 +36) availed of during the previous calendar half year	E. L. to be deducted (1/10th of the periods of E. O. L. & Dies non availed during previous half year subject to a maximum of 15 days	Total E. L. at credit in days (Col. 4+11—6)
From	To					
1	2	3	4	5	6	7

[50]

FORM 2 (Continued)

EARNED LEAVE

Leave taken		No. of days	Balance of E. L. on return from leave (Col. 7—10)
From	To		
8	9	10	11

HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Length of service			Credit of leave	
From	To	No. of completed years	Leave earned in days	Leave at credit Col. 15+35
12	13	14	15	16

HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Leave taken

Against the earning of half pay

Commuted leave on Medical Certificate
on full pay

Against the earning of half pay			Commuted leave on Medical Certificate on full pay		
From	To	No. of days	From	To	No. of days
17	18	19	20	21	22

HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Leave taken

Commuted leave without Medical Certificate for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave in entire service).

From	To	No. of days
23-A	24-B	25-C

INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE

.....Leave takenLeave not due limited to 360 days in entire service		
Commutated leave converted into half pay leave (twice of Col. 22 & 25-C)	on Medical Certificate		
	From	To	No. of days
26	27	28	29

INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE

..... Leave not due limited to 360 days in entire service

Otherwise than on Medical Certificate limited to 180 days

Total of leave not due (Col. 29+32)

From	To	No. of days	
30	31	32	33

INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE

Total half pay leave taken Col. 19—26+33	Balance of half pay leave on return from leave (Col. 16—34)	Other kinds of leave taken
34	35	36

Note 1 :—The Earned Leave due should be expressed in days.

Note 2 :— When a Government servant is appointed during the course of a particular calendar half year, E. L. should be credited at 2½ days for each completed month and the fraction of a day will be rounded to the nearest day.

Note 3 :— The old leave account in respect of existing Government servants opting for these rules has to be closed and the balance as on 31-12-1978 will have to be carried forward to the new account in Col. 11.

Note 4 :— The entries in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.

Note 5 :— Period of extraordinary leave should be noted in red ink.

Note 6 :— The entries in Col. 12 & 13 should indicate only the beginning and end of completed years of service at the time the half pay leave commences. Whereas a Government servant complete another year of service while on half pay leave, the extra credit should be shown in Col. 12 to 16 by making suitable additional entries and this should be taken into account while completing Col. 35.

[57]

FORM 8

[See rule 19]

**Medical Certificate for grant of leave or extension of leave or
commutation of leave.**

Signature of Government servant _____

I _____ Medical Superintendent/Civil
Surgeon/Medical Officer/D. M. O./Authorised Medical Attendant 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 _____ with effect
from _____ is absolutely necessary for the restoration of his/
her health.

Medical Superintendent/Authorised
Medical Attendant/Medical Officer/
Civil Surgeon/D. M. O. _____
Hospital/Dispensary.

Date _____

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

Note 2.— This Form 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 Medical
Superintendent/Civil Surgeon/District Medical Officer 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 Medical Superintendent/Civil Surgeon/D. M. O. who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a Medical Officer nominated by him.

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

[60]

FORM 4

[See rule 24 (iii)]

Medical Certificate of Fitness to return to duty.

Signature of Government servant _____

I _____ Civil Surgeon/Medical Officer/District Medical Officer/Authorised Medical Attendant do hereby certify that I have carefully examined Shri/Shrimati/Kumari _____ whose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, 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 my decision.

Civil Surgeon/Authorised Medical Attendant/Medical Officer/District Medical Officer.

Date _____

Note :—The original medical certificate(s) and statements(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 copy being retained by the Government servant concerned.

FORM 5

[See rule 32 (3a)]

Bond for temporary Government servants granted extraordinary leave in relaxation of clause (d) of sub-rule (2) of rule 32 for study.

Know all men by these presents that we resident of.....in District of.....at present employed as.....in the Department/Office of.....(hereinafter called "the Obligor" and Shri/Shrimati/Kumari..... Son/daughter of.....of.....and Shri/Shrimati/Kumarison/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 Governor of J & K, his successors and assignees (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 attorney and client and 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 allowance for a period of..... months day 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, he obligor has agreed to execute this bond with two sureties with such condition as hereunder written.

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

Now the condition of the written obligation is that in the event of above bounden Shri/Shrimati/Kumari failing to rejoin on the expiry of the extraordinary leave, the post originally held by him/her and serve the Government after rejoining for such period not exceeding a period ofyears 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 heirs, 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/Kumariand 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 obligor before suing the sureties Shri/Shrimati/Kumariand Shri/Shrimati/Kumarior any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of the J & K State for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts.

Signed and dated this day oftwo thousand

Signed and delivered by the obligor above named Shri/Shrimati/Kumari in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
in the presence of :—

Witnesses 1.
2.

Accepted

for and on behalf of the Governor of J & K.

FORM 6

[See sub-clause 3 (a) of rule (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 Department/Office ofdo hereby bind myself and my heirs, executors and administrators to pay to the Governor of J&K (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 rates 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 Iam 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 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 or at any time within a period of three years after 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 respect be governed by the laws of J & K State for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

Signed and dated thisday oftwo
thousand/Signed and delivered by
.....in the presence of :—

- Witnesses 1.
2.

Accepted

for and on behalf of the Governor of J& K State.

FORM 7

[See sub-clause 3 (a) of rule 64]

**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 Department/Office ofdo hereby bind myself and my heirs, executors and administrators to pay to the Governor of J&K (hereinafter called "the Government") on demand the sum of Rs.....(Rupeesonly) 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 Iwas granted study leave by Government for the period from toin consideration of which I executed a bond datedfor Rs. (Rupees only) in favour of the Governor of J& K.

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 condition as hereunder is written.

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or 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 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 J & K for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

Signed and dated thisday oftwo thousand/Signed and delivered byin presence of :—

- Witnesses 1.
2.

Accepted

for and on behalf of the Governor of J& K.

FORM 8

[See sub-clause 3 (b) of rule 64]

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.....resident of in the District of at present employed as(called the obligor) and Shri/Shrimati/Kumari son/daughter of (hereinafter called sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of J&K (hereinafter called "the Government") on demand the sum of Rs..... (Rupeesonly) 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 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 obligation is that in the event of the obligor Shri/Shrimati/Kumari.....failing to resume duty or resigning from service or otherwise quitting without returning to duty after the expiry of termination of the period of study leave or at any time within a period of three 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.....
Shri/Shrimati/Kumari.....the sureties
aforesaid making such payment the above written obligation shall be void and
of no effect, otherwise it shall 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 be it
necessary for the Government to sue the obligor before suing the sureties
Shri/Shrimati/Kumari and Shri/Shrimati/Kumari
.....or any of them or amounts due hereunder.

The bond shall in all respects be governed by the laws of the J&K State
for the time being in force and rights and liabilities hereunder shall where
necessary be accordingly determined by the appropriate courts.

Signed and dated this day of..... two
thousand,/ Signed and delivered by the obligor above named
Shri/Shrimati/Kumari in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
.....in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
.....in the presence of :—

Witnesses 1.
2.

Accepted

for and on behalf of the Governor of J & K.

FORM 9

[See sub-clause 3 (b) of rule 64]

**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.....resident
of in the District of
at present employed as in the Department/Office
of.....(hereinafter called "the obligor") and Shri/Shrimati/Kumari
..... son/daughter of of and
Shri/Shrimati/Kumarison/daughter of..... of
(hereinafter called the sureties) do hereby jointly and severely bind ourselves
and our respective heirs, executors and administrators to pay to the Governor
of J&K (hereinafter called "the Government") on demand the sum of
Rs..... (Rupeesonly) 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 was granted study leave by the Government for
the period from toin consideration of which he executed
a bond dated.....for Rs. (Rupees.....
only) in favour of the Governor of Jammu and Kashmir.

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.....resigning from
service without returning to duty, after the expiry or termination of the period
of study leave so extended or any time within a period of three 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/Kumarithe 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 amounts due hereunder.

The bond shall in all respects be governed by the laws of the J&K State
for the time being in force and the rights and liabilities hereunder shall where
necessary be accordingly determined by the appropriate courts.

Signed and dated this day of..... two
thousand,/ Signed and delivered by the obligor above named
Shri/Shrimati/Kumari in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
.....in the presence of :—

Witnesses 1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari
.....in the presence of :—

Witnesses 1.
2.

Accepted

for and on behalf of the Governor of J & K.

FORM 10

[See rule 74]

Form of Option

To

The

.....

.....

*(i) Ihereby opt for the Jammu and Kashmir Civil Services (Leave) Rules, 1979.

*(ii) Ihereby elect to retain the existing leave rules as contained in the Jammu and Kashmir Civil Service Regulations Volume I.

Yours faithfully,

Signature

Name

Designation

Office in which employed

*To be scored off if not applicable, under the signature, of the Government servant's concerned.

SECOND SCHEDULE

Vacation Rules of the Institute of Medical Sciences, Srinagar.

1. *Scope and extent.*—These rules shall apply only to the members of the faculty of the Institute appointed in substantive or temporary capacity (including probationary officers) or working on deputation basis. These rules shall not however, apply to such members of the faculty as are employed on tenure basis for a period of less than one year or appointed on ad hoc basis. These rules will apply to officers on contract only if their terms of contract so provide.

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

(a) “Institute” means the Institute of Medical Sciences, Srinagar.

(b) “Faculty” means members of the teaching staff of the Institute appointed as Director, Director-Professor, Professor, Associate Professor, Assistant Professor, Lecturer and Medical Superintendent. The staff appointed in Administrative and Service Departments and Resident staff of the Institute shall not, however, constitute the faculty ;

(c) “Faculty Member” means such member of the staff who constitute the faculty.

3. *Period of vacation.*—(i) The faculty of the Institute shall break for vacation twice a year during winter and summer.

(ii) Winter vacation period shall extend from January 1 to February 28 each year.

(iii) Summer vacation shall extend from July 16 to August 14 each year.

4. *Entitlement.*—(i) Each member of the faculty shall normally avail himself of half of the vacation period during winter and summer.

(ii) Half vacation during winter shall be of four weeks duration from January 1 to January 28 and then again from February 1 to February 28. The period of intervening three days from January, 29-31 shall not be included in either of the spells and during this period the entire faculty unless on full

vacation or leave of absence of any kind shall be on active duty for the purpose of handing over and taking over of the charge of the concerned Department.

(iii) Half vacation during summer shall be of two weeks duration from July 16 to July 29 and then again from August 1 to August 14. The period of intervening two days from July 30-31 shall not be included in either of the spells and during this period the entire faculty, unless on full vacation or leave of absence of any kind shall be on active duty for the purpose of handing over and taking over of the concerned Department.

(iv) The competent authority may in consideration of extraordinary circumstances of a case to be recorded in writing allow a member of the faculty to avail full vacation provided the absence of the member is not detrimental to the interests of the Institute.

(v) The competent authority may refuse vacation in full or in part to a member of the faculty whom it may not be possible to spare either for full or any part period of vacation.

5. *Earned leave in lieu of vacation.*—(i) Members of the faculty who avail full vacation as admissible under these rules shall not be entitled to earned leave.

(ii) Members of the faculty who are refused vacation during a calendar year shall be entitled to earned leave of 30 days in lieu thereof.

(iii) Members of the faculty who avail half vacation shall be entitled to earned leave for 15 days.

(iv) Notwithstanding the provisions contained in sub-rule (ii) of rule 26 of the Jammu and Kashmir Civil Service Leave Rules the earned leave due to a member of faculty under these rules shall be credited at the end of the year as against advance crediting provided in the aforesaid rules.

(v) Where a member of faculty is prevented by the competent authority from availing a part of the vacation normally due to him, he shall be entitled to earn "Earned" leave at the rate of 2½ days for each complete week of vacation surrendered up to a maximum of 30 days in a calendar year provided that no such credit shall be afforded where the vacation surrendered is for less than a week.

6. *Powers.*—The competent authority for the purpose of these rules shall be the Director of the Institute of Medical Sciences, Srinagar.

7. Nothing contained in these rules shall effect the entitlement of leave of other kinds due to a member of the faculty under the Jammu and Kashmir Civil Service Leave Rules, 1979.