

6. LEAVE RULES (NEW) 1997

11.0 Short Title:

These rules may be called the leave rules of the Andhra Pradesh Social Welfare Residential Educational Institutions Society (Regd), Hyderabad.

11.1 Commencement:

These rules shall come into force from 17-1-1997 and stand amended as per government circulars on the subject time to time.

11.2 Application:

These rules shall apply to every person who is employed in the office of APSWREI Society and APSW Residential School / Colleges except to the persons paid from contingencies or employed on daily wages.

11.3 Definitions:

- (a) **Duty:** Duty does not include any period of absence on any leave admissible under these rules except, any period of absence on casual leave during a continuous period spent on duty, any period of absence on public holidays or other holidays declared to be holidays by the competent authority during the continuous period spent on duty and any period of absence of public holidays when permitted to be prefixed or affixed to leave.
- (b) **Pay:** Pay means the basic pay drawn in time scale of pay on a day preceding the date of commencement of leave.
- (c) **Half Pay:** Half Pay means half of the pay on the day before the leave commences.
- (d) **Half Pay Leave:** Half Pay Leave means, leave earned in respect of service calculated at the rate of 20 days for every completed year of service diminished by the amount of leave on private affairs and commuted leave on medical certificate already availed.
- (e) **Abbreviations used:** EL: Earned Leave; HPL – Half Pay Leave; EOL – Extra-ordinary Leave; CL – Casual Leave; Sp.CL – Special Casual Leave; Comp.Leave – Compensatory Leave.

Dies Non: willful absence from duty not covered by the grant of any leave will be treated as 'Dies Non' for all purposes namely, increment, leave and pension.

Leave is earned by duty only. For the purpose of this rule, a period spent on foreign service counts as duty if contribution towards leave salary and pension is paid on account of such periods.

Leave ordinarily begins on the day on which an employee is transferred or charge is effected and end on the day on which charge is effected and end on the day on which charge is resumed.

Leave cannot be claimed as a matter of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

An employee who is dismissed or removed from service but is reinstated on appeal or revision is entitled to count his former service for leave.

An employee on leave may not take any service or accept any employment including the setting up a private professional practice, accountant, consultant or legal or medical practice without obtaining previous sanction of Secretary of the Society.

A temporary employee who remains absent from duty after applying for leave or extension of leave to which he / she is not entitled to under the rules shall be deemed to have been discharged from duty with effect from the date from which he / she is not entitled to any leave unless the leave applied for is granted by the competent authority.

Leave at the credit of an employee in his leave account shall lapse on the date of compulsory retirement.

Provided that, if in sufficient time, before the date of compulsory retirement, an officer has been denied in whole or in part on account of exigencies of public service, any leave applied for or due to him on the said date of compulsory retirement subject to the maximum limit of 240 days so long as the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement does not exceed the Half Pay leave if any, applied for by any officer preparatory to retirement and denied in the exigencies of Public Service being exchanged with EL, to the extent to such leave was earned between the date from which the leave preparatory to the retirement was to commence and the date of compulsory retirement.

Provided further that every employee:

- a) Who after having been under suspension, is reinstated within 240 days as the case may be, preceding the date of his compulsory retirement and was prevented by reasons of having been under suspension from applying for leave preparatory to retirement, shall be allowed to avail of such leave as he was prevented from applying for, subject to a maximum of 240 days as the case may be reduced by the period between the date of reinstatement and the date of compulsory retirement.
- b) Who is not retired from service on attaining the age of compulsory retirement while under suspension and was prevented from applying for leave preparatory to retirement on account of having been under suspension, shall be allowed to avail of the leave to his credit subject to a maximum of 120/60 days, as the case may be, after termination proceedings, as if it has been refused as aforesaid if, in the opinion of

the authority competent to order retirement, he has been fully exonerated and the suspension was wholly unjustified.

Provided further that an officer, whose service has been extended in the interest of the Public Service beyond the date of his compulsory retirement may be granted Earned Leave as under:

- 1) During the period of extension, any earned leave due in respect of the period of such extension and, to the extension necessary the earned leave which could have been granted to him under the preceding provision had he retired on the date of compulsory retirement.
- 2) After the expiry of the period of extension:
 - a) The earned leave which should have been granted to him under the preceding proviso had he / she retired on date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension; and
 - b) Any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension, and refused to him on account of exigencies of the Public Service, and
 - c) In determining the amount of earned leave due in respect of the extension, the earned leave if any, admissible under the preceding proviso shall be taken into account.

Provided further that the grant of leave under this rule extending beyond the date of which an officer must compulsory retire or beyond the date of which an officer has been permitted to remain in service shall not be construed as extension of service.

Explanation: For the purpose of this rule, an officer may be deemed to have denied leave only if sufficient time before the date on which his duties finally, ceases, he has either formally applied for leave as leave preparatory to retirement, and has been refused of it on the ground of exigencies of public service and has ascertained in writing from the sanctioning authority that such leave if applied for would not be granted on the aforesaid grounds.

NOTE: The leave applied for during the last spell of extension of service as preparatory to final cessation of duties as formally refused in the interest of Public Service only should be treated as refused leave under this rule.

General: Every application for leave or extension of leave should be sent to the competent authority through the immediate superior, if any, of the employee applying for leave.

Format of Medical Certificate:

I, Civil Surgeon / Assistant Civil Surgeon / R.M.P of After careful personal examination certify that is in a bad state of health and he has been under my treatment from to I solemnly sincerely declare that according to the best of my judgement a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted leave with effect from

Date:

Civil Surgeon/
Assistant Civil Surgeon/
R.M.P

An application of an employee for leave or for extension of leave on medical certificate must be accompanied by a certificate from the applicant's medical attendant. Such certificate should clearly state the nature of the illness, etc. and duration, the period of absence from duty, considered to be absolutely necessary for the restoration of applicant's health and the date from which such absence should take effect.

- (a) The authority to grant the said leave may either accept medical certificate or the applicant can be asked to procure a second medical opinion by sending him for medical examination either to DMO/Superintendent of Hospital/nearest Medical Officer available.
- (b) If the medical authority is unable to say that the employee will again be fit for service, leave not exceeding 12 months in all may be granted. Such leave should not be extended without further reference to a medical authority.
- (c) If an employee declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided that the amount of leave as debited against the leave account together with the period of duty beyond the date of the medical authority's report does not exceed six months.

An employee who is declared by a medical authority to be completely and permanently incapacitated for further service, shall:

- (a) If he is on duty, he is invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority. However, if he is granted leave, he shall be invalidated from service on expiry of such leave, and
- (b) If he / she is already on leave, be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him.

Leave shall not be granted to an employee, whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from service.

An employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course, the post which he held before proceeding on leave. He / She must if necessary, also submit to such delay as may be required in the interest of the public service.

EARNED LEAVE:

An employee in superior service (officers and the Ministerial categories including Record Assistants) earned leave for each year on duty at the rate of 1/11 of the periods spent on duty if he is a probationer and at the rate of 1/22 in other cases. The maximum earned leave that may be granted at a time to an employee in superior service shall be 120 days and 50 days in other cases. The account of leave of each regular employee should be credited with 30 days in other cases. The account of leave of each regular employee should be credited with 50 days earned leave in two instalments, 15 days as on the first January and July every year and in the case of temporary employee 8 days per each half year will be credited to their account.

Provided that he shall cease to earn leave while he has to his credit such leave amounting to 240 days. For temporary employees the maximum accumulation of leave shall be 50 days.

Provided that earned leave, they may be granted exceeding a period of 120 days, but not exceeding 240 days if the entire leave so granted to any portion thereof is spent outside India, Burma, Cylone, Nepal and Pakistan.

Provided further that where earned leave exceeding a period of 120 days, is granted under the above first proviso the period of such leave spent in India, Burma, Cylone, Nepal and Pakistan shall not, in the aggregate, exceed the aforesaid limits.

Leave Salary admissible

An employee on EL is entitled to lave allowance equal to emoluments, which he would have been entitled to had he been on duty.

Application for Earned Leave shall ordinarily be submitted at least 10 days in advance i.e., before the date from which the leave is required. Earned leave for vacation employee.

- (i) Vacation means any period of recess exceeding 15 days between two sessions. An employee shall be deemed to have availed the vacation unless his higher authority has issued a general or special order requiring him to forego vacation or part of vacation and works in office / institution. If the vacation availed is 15 days and below he should be considered to have not availed any portion of vacation.
- (ii) The Earned leave shall be credited in advance in two instalments of 3 days each first day of January / July every year.

- (iii) If a part of vacation is only availed and if he has worked and if he has worked in the remaining period of vacation, the period of reduction should be proportionate to the period of vacation availed.
- (iv) If during an academic year, an employee avails the whole vacation, the credit will be 6 days at the rate of 3 days for each half year. On the other hand, if an employee has availed 50 days of vacation from out of the total vacation of 60 days, he is eligible to an earned leave of 17 days, i.e, $50 \times 27 / 60 = 17$ days and in case of vocational employee $360 \times 1/11 = 35(-6) = 27$ days.

Surrender of Earned leave for encashment

15 days per year in the case of regular employee.

15 days per two years in case of temporary employees.

240 days of earned leave can be surrendered for encashment on the date of retirement if in credit.

- (i) Every employee may be permitted to surrender straight away not more than 15/50 days earned leave once in 12/24 months interval, as the case may be and encash the same without going on leave.
- (ii) Every employee shall be paid the leave salary and allowances equivalent to such period of earned leave as is surrendered without any deduction toward P.F., Family Fund or other advances provided that deduction shall be made for income tax wherever applicable.
- (iii) The interval between the surrender of leave should be of 12/24 months of 15/30 days during the calendar years respectively. Where the interval is 24 months and more the employees can avail of surrender leave not exceeding 30 days only. The orders sanctioning surrender leave should specifically indicate the date from which the employee is permitted to avail of surrender leave, and the years of block period availed so that necessary entries could be add in his service register.

Half Pay Leave:

- (i) The Half Pay leave admissible to an employee for each completed year of service is 20 days. The Half Pay Leave may be granted on medical certificate or on private affairs. The half pay leave is admissible in respect of period spent on duty and on leave including EOL. Employee may avail this leave only on medical certificate after two years of service.

There is no limit for accumulation. Regular employees can be granted half pay leave to the extent of leave at credit either on private affairs or on medical certificate.

Candidates appointed under emergency provisions of Service Rules are not eligible for half pay leave.

The difference if any between the leave salary on half pay plus Dearness allowance thereupon minus pension, pension equivalent of retirement gratuity and dearness relief of pension is payable. HRA and other compensatory allowance are not payable.

Commuted leave:

Commuted leave not exceeding half the amount of half pay leave due may be granted only on medical certificate to approved probationers in superior grades and last grade services subject to the following conditions:-

- (i) Commuted leave during the entire service shall be limited to a maximum of 240 days.
- (ii) When commuted leave is granted double the amount of commuted leave shall be debited to HPL account.
- (iii) The total duration of EL and Commuted leave taken in conjunction shall not exceed 100 days.
- (iv) It will be granted on leave preparatory to retirement.
- (v) In the event of employees tendering resignation or retiring from service before completion of the leave period, the difference of the full pay drawn for the employees for the commuted leave period and the half pay admissible for the commuted leave period and the half pay admissible for the said period shall be received from the employee.
- (vi) If an employee is compulsorily retired on account of reasons of ill-health or in the public interest and in the event of his death with an commuted leave no recovery shall be effected.

Provided that no commuted leave be granted under this rule unless the authority competent to sanction leave has reasons to believe that the employee will be turn to duty on its expiry.

Full pay during half pay leave

When no EL at his credit, an employee can be granted full pay during period of half pay leave upto 6 months for leprosy, cancer, mental illness, T.B., Renal Failures, Heart diseases.

Extra-Ordinary leave:

Permanent and approved probationers only are eligible for extra-ordinary leave to the maximum 5 years including all kinds of leave. Extra-ordinary leave without pay and allowance may be granted to an employee in special circumstances.

- (i) When no other leave is admissible under Rules or
- (ii) When other leave is admissible the employee concerned applied in writing for the grant of extra-ordinary leave

Such leave cannot be debited against the leave account.

In the extra-ordinary circumstances, the duration of extra-ordinary leave shall not exceed three months on any one occasion and 6 months after 5 years of services on medical certificate, 18 months after a service of one year for treatment of TB or Leprosy.

- i) The periods spent on such leave shall not count for increment.
- ii) All employees on their retirement or death while in service may be permitted to surrender earned leave not exceeding 240 days and recover pay and allowances in view thereof.
- iii) Employees retiring voluntary or on superannuation may be permitted to surrender half pay leave

Maternity Leave

- (i) A competent authority may grant maternity leave on full pay to a married women employee with less than two surviving children for a period, which may extent upto 120 days.

Explanation: The provisions of these rules shall apply to the grant of maternity leave in a case of confinement and shall apply to such leave in cases of miscarriage including abortion subject to following modifications:

- (a) that the leave does not exceed six weeks and
- (b) that the application for the leave is supported by certificate from medical attendant.

Note: Regular leave in continuation of maternity leave may also be granted in case of illness of newly born baby subject to the female employee producing a medical certificate to the effect the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

- (ii) Maternity leave can be granted in continuation of other kinds of leave.
- (iii) Maternity leave is not debitible to leave account.

Casual Leave

Casual leave admissible to an employee shall be 15 days along with 5 optional holidays in a year. No leave including optional holidays can be availed by an employee without prior sanction. At any time, Casual leave cannot be ordinarily availed of for more than 6 days. It cannot be combined with any other leave. An employee may be permitted to prefix, suffix, and avail intervening holidays or optional holidays provided the total number of days of casual leave and the other public holidays together not exceed 10 days at a time.

Unavailed casual leave will lapse at the end of the calendar year. An employee on casual leave shall be treated on duty.

Special Casual Leave

Special Casual Leave of seven days to teaching and non-teaching staff, when the ordinary casual leave and compensatory leave is not available at their credit, in a calendar year may be granted to the employees of vacation department in case of die., or under pressing family circumstances in employees to attend to their normal duties.

The circular No.M/5/7322/90, dated 24.8.94 of the Secretary containing a list of events under which this special casual leave can be sanctioned by the head of institution.

Special Casual leave for Family planning operation and other grounds.

- (i) When an employee undergone specialization operation (Male vasectomy and female tubectomy) under Family planning schemes, the grant of special casual leave should not exceed 6 working days. The grant of special casual leave should not exceed 6 working days. The special casual leave should commence from the date of operation.
- (ii) The special casual leave of 6 days can be sanctioned to an employee if he has to attend to his spouse who has undergone sterilization operation.
- (iii) The authority shall insist of production of the certificate from the medical officer to the effect that one has undergone the sterilization operation before sanctioning the special casual leave.
- (iv) An employee, who is to participate in sports or games at All India / International level shall be allowed special casual leave for not more than 30 days in a calendar year. If the events exceed 30 days he shall apply for such leave, to which he is eligible. However, special casual leave can be combined with regular leave for this purpose.

Compensatory leave:

- (i) A non-teaching employee of the Society below the cadre of office superintendent (office manager) who is called upon to attend office on a holiday or optional holiday may be granted compensatory leave on a working day in its place which can be availed with the prior permission of authority competent to sanction casual leave.
- (ii) Not more than 10 compensatory holidays can be accumulated and availed in a calendar year and no such holiday may be taken after expiry of 6 months from the public holiday for which it is given. But beyond 6 months it lapses, more than 7 days may be accumulated at a time.
- (iii) A gazetted status officer is not eligible for compensatory leave.

Exgratia during ordinary leave:

- (i) A member of office staff other than the last cadre employee on a pay not exceeding Rs.2,575/- P.M in 1995 Revised Pay Scales.

While extra-ordinary leave for treatment of TB/Leprosy/Cancer/Mental illness / heart disease / mental failure is entitle to an exgratia allowance equal to half pay subject to a minimum of his pay and subject to a minimum of Rs.700/- p.m and maximum of Rs.1185/- p.m.

- (ii) An employee is the last cadre service is entitled to an exgratia service equal to half of his pay subject to a minimum of Rs.690/- p.m. and a maximum of Rs.1050 p.m. for the disease mentioned in sub-rule (i) above.

Known all men by these present that we Resident of in the district of at present employed as in the department / office of (hereinafter called 'The Obliger') and Sri S/o..... [Hereinafter called the sureties] do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Andhra Pradesh Social Welfare Residential Educational Institutions Society (Regd.), Hyderabad, his successors and assignees (Hereinafter called the Society) on demand the sum of Rs.....(.....) together with interest there from the date of demand of present rates of enhance between that country converted at the official rate of enhance between that country concerted at the official rate of enhance between that country and India together will all costs payable by the Society to the attorney and all charges and expenses that shall or may have been incurred by the Society.

Whereas the Society has at the request of the above bound on Sri / Smt / Kum employed as a Granted him/her regular leave without pay and allowances for a period of Months days with effect from in order to enable him/her to study at

And whereas the Society has appointed / will have to appoint a substitute to perform the duties of during the period of absence of Smt / Kum..... on extra ordinary leave.

And whereas for the better protection of the society, the obligator 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 as sureties on behalf of the obliged.

Now the conditions of the above obliger Sri / Smt / Kum..... falling to rejoin or the expiry of the period of the extra-ordinary leave, the post originally held by him/her and serve the Society after rejoining for such period not exceeding a period of Years as the Society in any other capacity as may be required by the Society on a salary to which he / she would be entitled under the rules, the said Sri / Smt / Kum..... or his/her heir execution and administrators shall forthwith pay to the Society on demand the said sum of Rs..... together with interest thereon from the date of demand at present rates for the time being enforce on government loans.

And upon the obliger, Sri / Smt / Kum..... and or Sri / Smt / Kum....., 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 herewith shall not be impaired or discharged by reasons of time being any person authorized by them (whether with or without the consent of knowledge of sureties) nor shall it be necessary for the Secretary to sue the obliger and Sri Or any of them for amounts due hereunder.

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

The stamp duty on this deed shall be borne and paid by the Society.

Society and dated day of One thousand nine hundred and Signed and delivered by the obliger above named Sri in the presence of for and on behalf of the Secretary, APSWREI Society (Regd.), Hyderabad.

Signature of the Person executing the bond

SURETIES

1. Signature
Name and Designation
Address
2. Signature
Name and Designation
Address

WITNESS:

1. Signature

**Name and Designation
Address**

- 2. Signature
Name & Designation
Address**