

## **LEAVE RULES IN REPECT OF OFFICERS**

### **I Leave Rules**

- 1. Prior sanction necessary**
- 2. Prior sanction necessary**
- 3. Granting leave and Recalling from leave**
- 4. Leave address**
- 5. When to apply.**
- 6. Commencement and termination of leave:**
- 7. Earlier return from leave**
- 8. Station of return from leave**
- 9. Certificate of fitness.**
- 10. No leave during suspension**
- 11. When payable**

### **II General conditions/extent of application of different kinds of leave**

- (1) Leave Claim**
- (2) Casual leave**
- (3) Earned Leave**
- (4) Half pay leave**
- (5) Maternity leave**
- (6) Special Leave/Duty leave**
- (7) Extra Ordinary Leave**
- (8) Leave for Foreign Assignment**

## **LEAVE RULES IN REPECT OF OFFICERS COVERED BY STAFF BYE-LAWS 1973 IN K.A.M.C LTD**

### **I Leave Rules**

#### **1. Prior sanction necessary**

Subject to the provisions of the staff Bye-Laws the following kinds of Leave may be granted to an employee.

- (a) Casual leave
- (b) Earned leave
- (c) Half pay leave /commuted leave
- (d) Maternity leave
- (e) Special leave
- (f) Extra Ordinary leave and
- (g) Leave for foreign assignment

#### **2. Prior sanction necessary**

Except in the case of leave on medical grounds, an employee shall not avail himself of leave of any nature or absents himself from duty without prior sanction. If any employee absents himself on medical grounds, the sanctioning authority may refuse to sanction the leave unless a certificate from an authorized medical practitioner is produced showing a reasonable justification for the absence on medical grounds.

#### **3. Granting leave and Recalling from leave**

The Managing Director or any officer to whom this power has been delegated by him may grant leave to an employee and may also cancel it subsequently before the employee has proceeded on leave. An employee who has already proceeded on leave may be recalled by the authority competent to sanction the leave.

#### **4. Leave address**

An employee shall, before proceeding on leave, intimate to the authority granting the leave his address while on leave, and shall keep the said authority informed of any change in the address previously furnished.

#### **5. When to apply.**

- i) Application for Earned leave, Maternity leave and Extra- ordinary leave shall be submitted at least 15 days before the date from which leave is required (in the case of Maternity leave, the probable date by which leave might be required), provided that the sanctioning authority may sanction the leave not with standing the application being submitted late.

- ii) Application which do not satisfy the requirement of clause (i) of this Bye-law may be refused without reason being given.

## **6. Commencement and termination of leave:**

- i) The first day of an employee's leave is the working day on which he makes over charge if he does so in the F.N and, if he makes over charge in the A.N., the succeeding working day.
- ii) The last day of an employee's leave is the working day on which he returns to duty if he does so in the A.N., and, if he returns to duty in the F.N., the preceding, working day.
- iii) A substitutes appointed in a leave vacancy shall be considered to be on duty in that post during the period of leave as define in clauses (i) and (ii) of this Bye- Laws.

## **7. Earlier return from leave**

Unless he is permitted to do so by the authority competent to grant his leave an employee on leave other than casual leave shall not return to duty before the expiry of the period of leave granted to him.

## **8. Station of return from leave**

An employee on leave shall unless instructed to the contrary, return for duty to the place at which he was last stationed.

## **9. Certificate of fitness.**

The officer who sanctioned the leave may require an employee who has availed himself of leave for reasons of health, to produce a medical certificate of fitness before he resumes duty even if such leave was not actually granted on a medical certificate.

## **10. No leave during suspension**

Leave may not be granted to an employee under suspension or against whom proceedings are pending under Part VII of the Bye -laws.

## **11. When payable**

The leaves salary due to an employee for the period of Earned leave HPL or maternity leave properly sanctioned to him may be disbursed on the day on which he proceeds on leave or on any subsequent day.

- (12)** In the case of employees of the Corporation selected by direct recruitment to higher posts, such employees may be allowed the benefits of Casual leave, Earned leave and Half Pay Leave earned during their past service as per the Bye-laws during their service to higher posts.

## **II General conditions/extent of application of different kinds of leave**

### **(1) Leave Claim**

Leave cannot be claimed as a matter of right. When the exigencies of an employee's service require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it. The nature of the leave due and applied for by an employee cannot be altered at the option of the sanctioning authority and while it is opened to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

### **(2) Casual leave**

- i) Casual leave may be granted to an employee up to a maximum of 12 days in each Calendar year and may be combined with Sundays and other authorized holidays provided that the resulting period of absence from duty does not exceed 5 days, except with the prior concurrence of the authority competent to sanction his leave, employees in provisional service and temporary/contract employees during their 1<sup>st</sup> year of service shall avail of casual leave only after it is earned at the rate of one day for each completed month of service, a month being reckoned from the date of joining service to the corresponding date in the subsequent calendar month. Casual leave cannot be carried over from one calendar year to the next.
- ii) In computing casual leave, intervening Sundays and holidays shall not be reckoned as days of casual leave subject to the provisions of clause (i) of this Bye-Law.
- iii) Casual leave will be treated as duty and an employee may draw pay and allowance during days spent on casual leave in the same manner as duty.
- iv) Casual leave can take for 1/2 day or multiples of half day.
- v) Casual leave cannot be combined or connected with any form of leave.

### **(3) Earned Leave**

- i) Earned leave means leave earned in respect of periods spent on duty.
- ii) Earned Leave shall accrue at the rate of 1 day for every 11 days of service spent on duty or one Casual leave or on special leave. Earned Leave shall cease to accrue when the leave in credit aggregates to 300 days.
- iii) An employee on Earned leave is entitled to leave salary equal to the basic pay, deputation allowance, special pay, charge/acting allowance, adhoc increase in pay, dearness allowance and house rent allowance (but not including overtime, batta etc.) of the post which he holds on the day before the day on which the leave commences.
- iv) An employee will be allowed to surrender earned leave to his credit only once in a financial year the maximum of which shall not exceed 20 days in a year and he will be paid to cash emoluments for the leave so surrendered equal to the leave salary admissible to him for the period of leave so surrendered as on the date of surrender. The surrender of Earned Leave either retrospectively or prospectively cannot be permitted. An employee under suspension is not entitled to surrender earned leave

- salary while under suspension in respect of the leave earned by him prior to the date of suspension.
- v) An employee leaving the service of the Corporation otherwise than on a disciplinary measure will be entitled to draw an amount equivalent to leave salary for the period of earned leave at this credit.
  - vi) An employee who has a temporary or contract or officiating service only earns earned leave at the rate of 1/22 of the period spent on duty for the first year of service and for the remaining period of service at the rate of 1/11 of the period spent on duty.
  - vii) The earned leave of an officer appointed, as a probationer (for a certain period before confirmation of his appointment) will be regulated under the rules prescribed for permanent employee.
  - viii) Earned leave cannot be taken for 1/2 a day or multiples of 1/2 a day.

#### **(4) Half pay leave**

- a. 'Half Pay Leave' means leave earned in respect of completed year of service.
- b. Completed year of service and 'One year' 'Continues service' mean continues service of the specified duration under rule 3(0) of Part 1 of the staff Bye-Laws.
- c. Half pay leave can be taken for 1/2 a day or multiples of half a day.
- d. Half pay leave as provided under the rule may be availed of on private affairs or on medical certificates.
- e.(1) During the full period of service, a permanent employee may be granted Half Pay Leave in lieu of sick leave for a period calculated at the rate of twenty days for each completed year of service.
- (2) An employee on Half Pay leave is entitled to have salary equal to half of the basic pay and full allowances entitled to him on the day before the day on which the leave commences, provided that where an employee has served the Corporation for at least a period of five years, he may if he so requests, be permitted to avail himself of Half Pay leave at full pay for a period not exceeding half of the number of days of Half Pay leave already earned by him. Such leave being entered as twice the period of leave taken in his Half Pay leave account. When commuted leave is granted, twice the amount of such leave shall be debited against Half pay leave due.

#### **(5) Maternity leave**

- i) Maternity leave may be granted to a married female employee of the Corporation (Other than the employee covered E.S.I scheme) not being one in provisional service, for a maximum period of 90 days at one time. Such leave may be availed for a period extending to 90 days from the date on which the leave commences or to the end of 60 days from the date of confinement whichever is earlier.
- ii) An employee on maternity leave shall draw leave salary equal to the basic pay deputation allowance, allowance (but not including over time, batta etc.) of the post which she holds on the day before the day on which the leave commences.
- iii) A women employee may be granted leave of any other kind admissible to her in combination with or in continuation of maternity leave, if the request

for it is supported by a certificate from an authorized medical practitioner to the effect that such continued absence from duty is necessary.

- iv) A woman Employee shall not be entitled to maternity leave under the Bye-Laws if she has three or more living children or if she is covered under E.S.I enactment.

## **(6) Special Leave/Duty leave**

- i) Special leave, not counting against any other leave may be granted to an employee by the Managing Director under the following circumstances.
  - a) When the absence from duty is necessitated by orders not to attend office on account of the presence of infectious disease in the house of the employee.
  - b) When the absence is necessitated by reason of an employee who is a member of the N.C.C Auxiliary Force, Home Guard, Lok Sahayak Sena or other Civil Defence Organization or any other official organization of a similar nature, having to attend an Annual Camp or be on training.
  - c) When the absence is necessitated by reasons of the employees having to participate, in a representative capacity, in sporting events, tournaments, and matches held either in India or abroad or to participate in the Republic Day parade in New Delhi or similar events.
  - d) When the employee is bitten by a rabid animal and has to be absent from duty for undergoing antirabic treatment.
  - e) When the employee is summoned to serve as a jury or assessor or to give evidence before a Court as a witness in a Civil or Criminal case, in which his private interests are not at issue, or when he is required to attend the meeting of a University or to undertake any other work connected with a University and
  - f) When there are other exceptional circumstances which necessitate the grant of special leave.
- ii) Special leave is treated as duty and an employee on special leave may draw pay and allowances as on duty.
- iii) Special leave may be granted to an employee of the Corporation who actually donate blood for a maximum number of 2 days in a Calendar year subject to production of the certificate from the authority concerned
- iv) Employees of the Company who attend to various programs relating to 'Peoples Campaign' of the Govt. shall be eligible for a maximum of 30 days 'duty leave' during a Calendar year so long as the ' Peoples Campaign' linked with 9<sup>th</sup> Five year plan exists in Govt. provided necessary certificate is produced from competent authority. It is further provided that the employees who desires to attend the peoples Campaign program should obtain prior permission from the Company.

## **(7) Extra Ordinary Leave**

- i) Extra ordinary leave may be granted to an employee when no other kind of leave is admissible to him.
- ii) An employee may be granted extra-ordinary leave in combination with or in continuation of leave of any other kind admissible to him.

- iii) No pay and allowance are admissible during the period of extra- ordinary leave.

### **(8) Leave for Foreign Assignment**

Employees covered by the Bye- laws will be granted leave without pay not exceeding 5 years for foreign assignment. This will be granted to the employees that concerned subject to availability of substitutes and capability of the Corporation to spare the service of these employees and that too subject to rules issued from time to time.

Sub:- Grant of leave without Allowances for taking up employment abroad or elsewhere in India and Leave without Allowances for joining husband / wife abroad or elsewhere in India to the employees of the Corporation – Revised Orders issued.

- Ref:- 1. M.D.'s Order No.31/87 dated 14-12-1987 as amended.  
2. M.D.'s Order No.07/96 dated 04-05-1996.  
3. Govt. Circular No.13818/BPE.2/02/Plg. dated 04-12-2003.  
4. Board Resolution No.2335 dated 05-03-2004.  
5. M.D.'s ORDER NO.05/2004 DATED 24-03-2004.

Govt. as per Circular No.10432/BPE-1/95/Plg. dated 20-01-1996 had issued guidelines for granting leave without allowances for taking up employment abroad or elsewhere in India to the employees of the State Public Sector Undertakings which was incorporated in the Foreign Assignment Leave rules of this Corporation vide M.D.'s Order No.07/96 dated 04-05-1996. But, there is no provision in the said Circular for granting leave without allowances to a husband or wife employed in a Public Sector undertaking to join his wife or her husband as the case may be working abroad or elsewhere in India. Govt. found it not desirable to adopt as such and enforce the provisions in this regard prevailing in Govt. Service for extending leave up to 20 years in the State Public Sector Undertakings where the service conditions, job contents, etc. vary from Public Sector undertaking to Public Sector Undertaking in contra-distinction with Govt. Service where the service rules are uniform. Moreover, most of the employees in Public Sector Undertakings will be either professional or technical hands like Engineers, MBA's, Chartered Accountants, etc. whose absence for longer periods is very likely to affect the smooth functioning of the concerned organisation.

Under the above circumstances, certain additional guidelines have been issued by Govt. vide Govt. Circular dated 04-12-2003 referred as item (3) above for granting leave without allowances to the Employees of State Public Sector undertakings for taking up employment abroad or elsewhere in India and also for leave without allowances for joining husband or wife, as the case may be employed abroad or elsewhere in India. In line with the above Govt. Circular leave without allowances for taking up employment abroad or elsewhere in India will be granted to the employees of this Corporation also up to a maximum period of 20 years subject to the following conditions as laid down in the above Govt. Circular.

- (a) Leave without allowances for taking up employment abroad or elsewhere in India will be granted up to three years, at a time if the Company is satisfied that it can manage its affairs without the appointment of a substitute from outside in the resultant vacancy.

- (b) Extension of the leave shall be granted beyond three years and up to 20 years with the prior approval of Government, if the Management is satisfied that the person applying for leave can be allowed to continue on leave without having a substitute appointed in his place and that such an extension of the leave will not in any way affect the operations of the Corpn.
- (c) The Corporation will have the discretion not to sanction the leave or to sanction the leave only for a shorter period and also to recall the employees on leave before the completion of the period of the sanctioned leave.
- (d) The employees can proceed on leave only after the leave is duly sanctioned by the Competent authority.
- (e) Employees who absent themselves without getting the leave duly sanctioned will be treated as on unauthorised absence and action will be taken to terminate their service.
- (f) For and during the currency of the period of leave, the employees will lose all service benefits, such as the earning of leave including half pay leave, gratuity, increment, etc. and also promotion chances which may arise with reference to their seniority in the posts from which they proceeded on leave. They will also lose seniority in the higher grade / grades as against their juniors who may get promoted to such higher grade / grades before they rejoin duty.
- (g) Probationers, trainees, temporary employees, etc. will not be entitled to apply for this leave.
- (h) Those who are under contractual / bonded obligation to serve the Corporation for a prescribed period will not be granted this leave till the period covered by the contract / bond is over, unless they settle the contractual / bonded obligations before the grant of leave. The amount remitted on that account will not be refunded under any circumstances. Similarly, employees against whom disciplinary action or vigilance enquiry is pending will not be eligible for this leave.
- (i) Those who had availed themselves of any loan such as house building advance, conveyance advance, etc. will clear the dues before the grant of leave.
- (j) If an employee, availing himself of the leave without allowances does not return to duty immediately on the expiry of the leave, he will be treated as on unauthorised absence and action will be taken to terminate his service.

Leave without allowances will be granted to the employees of this Corporation for the purpose of joining husband or wife, as the case may be, employed abroad or elsewhere in India subject to the following conditions:

- (i) Leave without allowances for the above purpose will be granted up to two years at a stretch, in the first instance, and subsequently, for another two years by ensuring that there is an interval of one year between the expiry date of the first leave and the commencing date of the second leave, and again for another two years with such an interval as the one mentioned above, after obtaining a written undertaking from the employee concerned that he / she will not take up any employment at the place where he / she



joining his / her wife / husband without prior permission of the management. This leave will be granted only if the Corporation is satisfied that it can manage its affairs without the appointment of a substitute from outside in the resultant vacancy.

- (ii) Any leave subsequent to and beyond the three spells mentioned above, but up to a maximum of 20 years, shall be granted only with the prior permission of the Government, provided the Management is satisfied that the person applying for leave can be allowed to continue on leave without having a substitute appointed in his place and that such granting of leave will not in any way affect the operations of the Corporation.
- (iii) The other conditions will be the same as those contained in clauses (c ) to (j ) above.

The amendment to Foreign Assignment Leave rules incorporated in this Corporation as per M.D.'s Order No.07/96 dated 04-05-1996 is, hereby cancelled.