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## **GRN LEAVE RULE - 02**

### **LEAVE RULE IN RESPECT OF WORKMEN COVERED UNDER THE CERTIFIED STANDING ORDERS OF K.A.M.C. LTD. AND MEMORANDUM OF SETTLEMENT WITH THE TRADE UNIONS FROM TIME TO TIME.**

## **I General Rules**

### **1. Classification of Leave**

- (1) Subject to provisions of the certified standing Orders and long term settlements between the Management and workmen in force from time to time the workmen of KAMC Ltd. may be granted following kinds of leave.
  - (a) Casual Leave.
  - (b) Earned Leave (Leave with wages as provided under Chapter VIII of the Factories Act 1948)
  - (c) Half Pay leave (for those who are not covered under ESI Scheme)
  - (d) E.S.I. C. Leave
  - (e) Special Leave
  - (f) Maternity Leave (as per Maternity Benefit Act 1961) and
  - (g) Leave for Foreign Assignment.

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

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

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

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

### **4. Leave Address**

A workman 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 date.

- ii. Application which do not satisfy the requirement of Clause (i) of this Standing Orders may be refused without reason being given.

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

- i. The first day of a workman'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 a workman's leave is the working day on which he returns to duty if he does so in A.N. and, if he returns to duty in the F.N. the proceeding, working day.

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

Unless he is permitted to do so by the authority competent to grant his leave a workman 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**

A workman 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 a workman who has availed himself of leave for reasons of health, to produce a medical certificate of fitness before he resume duty even if such leave was not actually granted on a medical certificate.

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

Leave may not be granted to a workman under suspension or against whom proceedings are pending under Rule 19.3 of the Standing Orders of the Company.

## **11. When payable**

The leave wages due to a worker for the period of Earned leave or Maternity leave properly sanctioned to him/her may be disbursed on the day on which he/she proceeds on leave or on any subsequent day as provided under the Factories Act 1948 or Maternity Benefit Act 1961.

# **II General conditions/Extend of different kinds of leave**

## **1. Leave Claim**

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

## 2. Casual leave

A workman (other than temporary/casual contract) who has completed 6 months of continuous service or has actually worked for 120 days – whichever is earlier – may be granted 12 days casual leave with full wages per Calendar year. Casual leave may be taken for half a day or multiples of half a day, but shall not be taken for more than 5 days at a time. Holidays occurring during and at either end of a period of casual leave shall not be treated as days spent on casual leave. Casual leave cannot be no form of leave can be combined with casual leave, either continuously or connected by a holiday or holidays. Casual leave will be treated as duty and a worker may draw pay and allowances during days spent on casual leave in the same manner as duty.

Workmen in provisional service and temporary/contract workmen during the 1<sup>st</sup> year of service shall avail of casual leave only after it is earned at the rate of 1 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.

## 3. Earned Leave

Subject to the provisions contained in the certified Standing Orders and Memorandum of settlement between the management and Trade Unions from time to time all workmen (except temporary/casual/contract) covered under the Standing Orders will be credited Earned Leave with full wages at the following rate every Calendar year.

For every 10 days work upto 240 days	: 1 day
For every 8 days work over 240 days	: 1 day

In the case of Temporary/Casual/Contract workman earned leave with wages will be credited at the rate of 1 day for every 20days of work performed.

The maximum number of earned leave that can be earned by a worker during A calendar is 30 days.

Earned leave can be taken only for complete days. Holidays occurring during or at the end of each period of leave will be left out for the purpose of reckoning the days of earned leave. Whenever leave is applied for on medical ground, the sanctioning authority may insist on the production of a certificate from a registered medical practitioner or E.S.I. Doctor detailing the circumstances for the leave.

Earned leave can be carried over from one calendar year to the next subject to maximum leave prescribed under rule.

Earned leave cannot be combined with Casual leave, but may be combined with other forms of leave.

Earned leave may be accumulated upto 300 days and a permanent workmen 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 on such surrender he will be paid cash emolument for leave so surrendered equal to the leave wages admissible date of surrender.

Earned leave cannot be retrospectively or prospectively surrendered.

#### 4. Half-Pay leave

- a. 'Half Pay Leave' means leave earned in respect of completed year of service.
- b. Completed year of service means a period of 12 months from 1<sup>st</sup> of January to 31<sup>st</sup> December every calendar year.
- c. Half pay leave can be taken for ½ 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 certificate.
- e. (1) During the full period of service, a permanent workman other than the workmen covered under E.S.I. Scheme may be granted Half Pay Leave in lieu of sick Leave for a period calculated at the rate of twenty days for each completed calendar year of service.  
(2) A workman on behalf half pay leave is entitled to leave wages 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 a workman 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 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. E.S.I. Leave

A workman will be granted E.S.I. leave for the period and in accordance with the Employees State Insurance Scheme. The employee will not be entitled to any wages from the company during the period of Such E.S.I. Leave.

#### 6. (i) Special Leave

No workman is entitled to any leave other than those enumerated above. However, the management at its option and discretion may grant any number of days of special leave to any workman on special grounds such as enabling a workman, to attend to sports or games attend Seminars and other similar events in which the Company is interested etc. Special leave for accident occurred inside the Company premises will be considered only when employee does not have any other leave to his/her credit based on the merit of the case.

#### (ii) Blood Donation

Special leave may be granted to a workman of the Corpn. Who actually donate blood for a maximum number of 2 days in a calendar year subject to production of the certificate from authority concerned.

- (iii) Workman of the Company who attend to various programmes relating to 'Peoples' Campaign of the Govt. shall be eligible for a maximum of 10 days 'duty leave' during a calendar year long as the 'Peoples' Campaign linked with Five year plan exists in Govt. provided necessary certificate is produced

from competent authority. It is further provided that the workman who desires to attend the Peoples Campaign Programs should obtain prior permission from the Company.

## **7. Maternity Leave**

A woman worker – who is not covered under E.S.I. Scheme will be granted Maternity leave for a maximum period of 84 days subject to rules provided under the Maternity Benefit Act 1961.

Maternity leave cannot be combined with casual leave but may combined with other forms of leave. An application for availing of Maternity leave shall be submitted in the prescribed form at least 15 days before the date on which the worked proposes to proceed on leave.

## **8. Leave for Foreign Assignment**

Workers covered by the Standing Orders will be granted leave without pay not exceeding 3 years for foreign assignment. However extension of leave shall be granted beyond three years and up to 20 years with the prior approval of the Govt. This will be granted to the workmen concerned subject to availability of substitutes and capability of the Corn. To spare the service of these employees and to 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.