

Gujarat Civil Services (Leave) Rules, 2002

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Gujarat Civil Services (Leave) Rules, 2002

CHAPTER 1 GENERAL

1. Short Title and Commencement :-

(1) These rules may be called the "Gujarat Civil Services (Leave) Rules" 2002.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Extent of application :-

Except where it is otherwise expressly or impliedly provided, these rules shall apply to -

(a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, and

(b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.

3. Right to Interpret :-

If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.

4. Power to Relax :-

Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such 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 prior concurrence of the Finance Department.

5. Validity of terms of contract :-

The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.

6. Regulation of claims to pay, allowances, leave :-

A Government employees claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.

7. Exercise and delegation of powers :-

(1) The nature of powers specified in column 3 of Appendix-I, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.

(2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.

Provided that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

8. Reasons for concessions to be communicated to Audit Officer :-

When a competent authority, to whom the powers are delegated

under Appendix-I other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

CHAPTER 2 DEFINITIONS

9. Unless the context otherwise requires :-

(1)"Actual travelling expenses" means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and travellers bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.

(2)"Allotment" means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3)"Annexure" means annexure appended to these rules.

(4)"Appendix" means appendix appended to these rules.

(5)"Appointing Authority" means the authority which is competent to make appoint- ment to the service or post from which the Government employee seeks retirement.

(6)"Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(7)"Audit Officer" means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(8)"Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.

(9)"Camp Equipage" means an apparatus for moving a camp.

Note : This definition distinctly shows that nothing is meant except

moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.

(10)"Camp Equipment" means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.

(11)"Class-IV service" means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.

Note : This service has been defined as Inferior Service under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.

(12)"Compensatory Allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.

(13)"Competent Authority" means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(14)"Consolidated Fund of India or the State or the Union Territory" All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India" and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State/Consolidated Fund of the Union Territory".

(15)"Constitution" means the Constitution of India.

(16)"Conveyance Allowance" means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an

extraordinary amount of travelling within a limited area.

(17)"Date of first appointment" means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.

(18)"Daily Allowance" means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.

(19)"Day" means the period beginning from a midnight and ending with the next midnight.

(20)"Death-cum-Retirement Gratuity" means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.

(21)"Director of Pension and Provident Fund" means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.

(22)"Disbursing Authority for Pension" means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.

(23)"Duty" Duty includes -

(a)service as a probationer;

(b)joining time;

(c)a course of instructions or training authorised by or under the orders of Government;

Note 1 : The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

Note 2 : The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

Note 3 : The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note 4 : When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d)the period occupied -

(i)in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,

(ii)in attending an obligatory departmental examination,

(iii)in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note : If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e)The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

(i)whose orders of transfer are held in abeyance, cancelled or modified while in transit, or

(ii)who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

(iii)who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(f)the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g)the period spent by Government employee on training mentioned below :-

(i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.

(ii) On Home Guard training or Home Guard duties with permission of the Head of office.

(iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.

(iv) training at a Boy Scouts camp;

Note : No travelling or halting allowance shall be admissible in respect of this duty.

(h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.

(i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -

(a) as representatives of Government or ex-officio,

(b) by virtue of his official position such as Principal of a College, and

(c) for attending the meeting of a Board of Studies.

(24) "Emoluments" means -

(i) Pay,

(ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.

(iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.

(iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-

(a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.

(b)compensation received under the Workmens Compensation Act, 1923.

Note : The word "Pension" means the full sanctioned pension prior to commutation.

(v)in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance

Provided that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

Provided further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

Note 1 : Allowances attached to the Presidents Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, VIr Chakra are not included in the emoluments.

Note 2 : The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25)"Executive Engineer" means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26)"Family" means a Government employees wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

Note 1 : Not more than one wife is included in the term "family" for the purpose of these rules.

Note 2 : An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as confer- ring on it the status of a natural child.

Note 3 : A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income

from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27)"Fee" means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

(i) unearned income such as income from property, dividends, and interest on securities; and

(ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

Note 1 : The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

Note 2 : When a Government Department undertakes the work for a non- Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent

payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

(28)"First Appointment" means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(29)"Flat Rate Rent" means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.

(30)"Foreign Service" means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(31)"Form" means a form appended to these rules.

(32)"Gazetted Government employee" is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose

appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non-gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.

Provided that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.

Exception : Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.

(33)"Government" unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.

(34)"Head of Departments" this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Department.

(35)"Head of Office" means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.

(36)"Head-Quarters" means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.

(37)"Holiday" means -

(a)a holiday declared or notified under Negotiable Instruments Act, 1881; and

(b)in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without

(38)"Honorarium" means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional

character.

(39)"House Rent Allowance" means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.

(40)"Joining Time" means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.

(41)"Leave" means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.

(42)"Leave Salary" means the monthly amount paid by Government to a Government employee on leave.

(43)"Lien" means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(44)"Local Allowance" is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.

(45)"Medical Authority" means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.

(46)"Medical Board" means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.

(47)"Mileage Allowance" means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.

(48)"Ministerial employee" means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.

(49)"Minor" means a person who has not completed the age of eighteen years.

(50)"Month" means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

Instruction : Calculations of period expressed in terms of months and days shall be made as under :-

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	Y.	M.	D.
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
Total	0	3	20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

	Y.	M.	D.
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

(51) "Non-Official Member" means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.

(52) "Officiate" means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.

(53) "Pay" means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.

(54) "Permanent Travelling Allowance" means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employees sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.

(55) "Pension" means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.

(56) "Pensionable Pay" means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.

(57) "Pensioner" means a retired Government employee who has been granted pension.

(58) "Pension Payment Office" means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.

(59) "Pension Payment Order" means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.

(60) "Pension Sanctioning Authority" means a competent authority of the Government to whom the powers to sanction pension have been delegated.

(61) "Permanent Post" means a post carrying a definite rate of pay sanctioned without limit of time.

(62) "Pay and Accounts Officer" means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.

(63)"Personal Pay" means additional pay granted to a Government employee -
 (a)to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
 (b)in exceptional circumstances, on other personal considerations.

(64)"Presumptive Pay" of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(65)"Probationer" means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1 : No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.

Note 2 : A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.

Note 3 : The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(66)"Public Account of India or the State" means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.

(67)"Public Conveyance" means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.

(68)"Qualifying Service" means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.

(69)"Registered Medical Practitioner" means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.

(70)"Rent" means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.

(71)"Residential Accommodation" means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.

Note : Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.

(72)"Selection Grade" means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

(73)"Service Book" means service book and includes service roll, if any.

(74)"Special Pay" means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -
 (a)the specially arduous nature of duties,
 (b)a specific addition to the work or responsibility.

(75)"Sphere of duty" means the area to which the duties of a Government employee are confined.

(76)"Standard Rent" means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.

(77)"Subsistence Allowance" means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.

(78)"Substantive Pay" means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(79)"Superintending Engineer" means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.

(80)"Superior Service" means any kind of service not being Class IV service.

(81)"Table" means a table appended to these rules.

(82)"Temporary Post" means a post carrying a definite rate of pay sanctioned for a limited time.

Note : Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

(83)"Temporary Transfer" means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.

(84)"Tenure Post" means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

Note : The following posts have been declared by Government to be tenure posts :-

	Period of Tenure (Years)
(1) Chief Engineer in the Gujarat Service of Engineers (Class-I)	5
(2) Three posts of Assistant Directors of Social Welfare	3
(3) All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	5
(4) The following posts in the Legal Department :	
(i) Deputy Secretaries (Three posts)	3
(ii) Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post)	3
(iii) Special Officer and Ex-officio Under Secretary to Government (one post)	3
(5) Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department.	5
(6) Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department.	5

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

(85)"Time-Scale Pay" means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

Note-1 : Time scales are said to be identical if the minimum, the maximum, the

period of increment and the rate of increment of the time-scales are identical.

Note-2 : A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(86)"Transfer" means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(87)"Transit Time" means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(88)"Travelling Allowance" means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

(89)"Treasury" means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

CHAPTER 3 GENERAL CONDITIONS

10. Right to leave :-

(1) Leave is a permission granted by the competent authority, at its discretion to the Government employee, to remain absent from duty.

(2) Leave shall not be claimed as a matter of right.

(3) Leave of any kind may be refused or revoked by the competent authority when the exigencies of public service so require, but it shall not be open to the competent authority to alter the kind of leave applied for except at the written request of the Government employee.

11. Consideration for sanctioning of leave on application :-

In case, where applications for grant of leave are more in numbers, and in public interest all applications cannot be granted, the authority competent to grant leave while deciding the applications shall take into consideration the following points, namely :-

(a) the Government employee who can be spared for the time being,

(b) the amount of leave due to the various applicants,

(c) the amount and character of the service rendered by each applicant since he last returned from leave,

(d) whether such applicant was compulsorily re-called from his last leave, and

(e) whether such applicant has been refused leave in the public

interest.

12. Grant of leave should not unduly deplete cadre :-

Leave shall not be granted to an extent which would deplete the strength of a service or department available for duty below the essential minimum.

13. Duties of Government employee absent on leave to be discharged by another Government employee ordinarily from same station or district :-

The duties of a Government employee absent on leave for a period not exceeding one hundred twenty days shall be discharged by another Government employee in the same station or district. Only in exceptional cases, where there is no Government employee available on the spot, the transfer of a Government employee from another station or district to officiate in consequence of a Government employee being on leave, not exceeding one hundred twenty days, be allowed.

In the case of posts held by members of the All India Services, if a member of that service is not available on the spot, a State Service Officer shall be placed in charge of the vacant post.

14. Commutation of one kind of leave into another :-

(1) At the request of a Government employee, 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 such commutation shall not be claimed as a matter of right by the Government employee.

(2) 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 employee. Any amount paid in excess 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-59.

15. Combination of different kinds 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.

16. Maximum period of continuous leave :-

Unless Government in view of the exceptional circumstances of the case otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.

17. Formal joining of duty at the end of leave with the intention of taking leave again not permitted :-

Formal joining of duty at the end of leave with the intention of taking leave again within a few days should not be permitted. The principle on which the requirements of this rule should be enforced is that no deliberate or intentional evasion of the rule should be permitted; but so long as this condition is satisfied, it is at the discretion of the competent authority to grant or refuse the leave.

18. Application of rules while on temporary transfer to other Government or on foreign service :-

(1) Government employees to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Central Government or any other State Government or while on foreign service within India.

(2) A Government employee in foreign service in India should submit his application for leave for a period not exceeding one hundred twenty days to his employer.

If the period is in excess of one hundred twenty days, he should submit the application through his employer to the competent authority for sanctioning leave.

(3) A Government employee in foreign service in India may be granted by his employer, leave for a period not exceeding one hundred twenty days under intimation to the concerned Head of Department/Pay and Accounts Officer provided it is admissible and due. Leave of longer duration shall be granted by the authority which sanctioned the transfer.

19. Admissibility of payment of leave salary and reimbursement thereof while in foreign service/completion of his deputation or foreign service :-

The foreign employer shall maintain the leave account in respect of the Government employee on deputation or foreign service. The concerned heads of department/Pay and Accounts Officer maintaining service records of the employee shall supply the necessary extract of the leave account to the foreign employer. The foreign employer, on the basis of the extract of the leave account supplied by the Head of Department/Pay and Accounts Officer shall decide the admissibility of leave. He shall make the payment of leave salary to the employee concerned till completion of his deputation or foreign service and claim half yearly reimbursement of the same from the concerned Administrative Department/Head of Department.

20. Acceptance of service or employment while on leave :-

(1) A Government employee, other than a Government employee who has been permitted to undertake casual literary work or service as an examiner or similar employment, while on leave shall not take up any service or employment elsewhere without previous sanction of the competent authority.

(2)(a) The leave salary of a Government employee who is permitted to take up employment under a Government or a private employer during leave shall be subject to such conditions as the Government may by order specify.

(b) A Government employee who is on leave on Medical Certificate shall not be permitted to undertake any service or employment elsewhere during such leave.

(c) When a Government employee on leave, whether with or without leave salary, is allowed to take up under this rule an employment in another Government office or department, all leave salary shall be ipso facto cease on joining the new employment, other than work or service referred to in sub-rule (1) of this rule.

(3) The provisions of rule 27 of Gujarat Civil Services (General Conditions of Services) Rules, 2002 shall not apply in case of re-employment of a Government employee, to the post other than in his parent department or office and such re-employment shall be on the terms and conditions of contract entered into by the Government with the Government employee.

21. Carry-forward of leave of temporary Government employee with one years continuous service if appointed within six days of relinquishment of the first appointment :-

Whenever a temporary Government employee with at least one years continuous service is appointed to another permanent or temporary post under Government and the interruption in service between relinquishment of the first appointment and joining the second appointment does not exceed six days, all kinds of leave at his credit in the previous service shall be credited to his leave account in the new service.

22. Leave at credit to cease on removal or resignation :-

(1) Except as provided in rule-63 and this rule, any claim to leave to the credit of a Government employee, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation, as the case may be.

(2) A temporary Government employee who is discharged due to reduction of establishment and re-employed, the leave at his credit shall be carried forward provided there is no break in service or the break in service not exceeding thirty days is converted into joining time with or without pay.

(3) A Government employee, who is removed or dismissed from service but is re-instated on appeal or revision, shall be entitled to count his service prior to dismissal or removal, as the case may be, for leave.

23. Counting of previous service towards leave in case of re-employment of a Government Employee retired on compensation or invalid pension :-

If a Government employee who is compelled to leave the service on the ground of compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon recovered or his pension is held wholly in abeyance, his past services thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

CHAPTER 4 GRANT OF AND RETURN FROM LEAVE

24. Application for leave :-

An application for grant or extension of leave shall be made in Form-1 to the competent authority.

25. Leave Account :-

A leave account in Form-2 in respect of each Government employee shall be maintained by the authority who maintains his service records.

26. Verification of title to leave :-

(1) (a) No leave shall be granted to a Government employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

(b) The competent authority sanctioning the leave to a Government employee shall mention the balance of such leave at his credit in the orders sanctioning earned leave or half pay leave.

(2) (a) Where there is reason to believe that the obtaining leave admissibility report shall cause undue delay in granting leave, the competent authority may calculate the amount of leave admissible to the Government employee on the basis of available information, and shall provisionally sanction the leave for a period not exceeding sixty days;

(b) The grant of leave under this sub-rule shall be subject to verification of leave account by the authority maintaining the leave account and modified sanction for the period of leave shall be issued where necessary.

27. Authority competent to grant leave :-

Except as provided in rule-39 any leave, other than extraordinary leave exceeding nine months and special disability leave, admissible under these rules may be granted to a Government employee by the competent authority or any other authority whose duty is to fill up such vacant post.

28. Final sanction of leave to the Head of Department only when admissibility is certified by the Pay and Accounts Officer :-

Leave to the Head of Department shall be sanctioned only after the admissibility of the same is certified by the Pay and Accounts Officer. In case of emergency, the Head of Department may be allowed to proceed on leave by the competent authority subject to condition that leave may be finally sanctioned on receipt of the

leave admissibility report from the Pay and Accounts Officer.

29. Grant of leave and payment of leave salary to a Government employee transferred from one Department or Office to another while on leave or in transit :-

The grant of leave or extension of leave and payment of leave salary to a Government employee who is transferred from one Department or Office to another department or office while he is already on leave or in transit from one Department or Office to another, shall fall upon the Department or Office from which he is transferred.

30. Leave not to be granted in certain circumstances :-

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

31. Repeated grant of leave on medical certificate within short intervals :-

When a Government employee applies for leave on medical certificate within short intervals, the attention of the Medical Board or Government Medical Officer may be drawn with a view to consider the period of absence necessary for his complete recovery.

32. Constitution of Medical Board :-

(1) The State Government shall constitute a Medical Board at Ahmedabad, Jamnagar, and Vadodara and Surat from time to time for the purpose of carrying out the functions under these rules.

(2) Such Board shall consist of three registered Medical Practitioners out of whom one shall be the Civil Surgeon of the concerned Civil Hospital, or the senior Professor of Medicine, if the post of Civil Surgeon is not in existence, who shall also be the Chairman of the Board.

33. Appearance of a Government employee before the Medical Board :-

A Government employee serving in Gujarat shall be required to appear before any of the Medical Board constituted under rule-32, at the discretion of the Competent authority.

34. Assembling of Medical Board :-

On receipt of the intimation from competent authority that a Government employee requires to be examined by the Medical Board, the Chairman of the said board shall arrange for the assembly of the Board.

35. Grant of Leave on Medical Grounds to the Government employee :-

Leave on Medical grounds to the Government employee may be granted on production of a Medical Certificate in Form-3 issued by a Civil Surgeon or an authorised Medical Attendant as defined in sub-rule (3) of rule-2 of the Gujarat State Services (Medical Attendance) Rules, 1988 or the Registered Medical Practitioner.

36. Grant of leave on Medical grounds to Class-IV Government employees :-

In support of an application for grant or an extension of leave, on medical grounds from a Class IV Government employee, the authority competent to grant the leave may accept such certificate as it may deem fit.

37. Conditions governing issue of Medical Certificate :-

(1) 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 employee concerned will ever be fit to resume his duties and in such cases, the opinion that the Government employee is permanently unfit for Government service shall be recorded in the medical certificate.

(2) 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 Civil Surgeon, to have the applicant medically examined on the earliest possible date and forward the original medical certificate produced by the applicant to the Medical Officer by whom he is to be re-examined.

(3) The Government Medical Officer referred to in sub-rule (2), shall express an opinion both as regards to the facts of the illness and as regards to the necessity of leave required to be recommended and he shall either require the applicant to appear before him or a Medical Officer nominated by him.

(4) Government employee who has been granted leave on medical certificate shall return to duty only after producing a medical certificate of fitness in Form-4. The authority granting the leave may at its discretion require a similar certificate from any Government employee who has been granted leave for reasons of health even though such leave may not have been actually granted on a medical certificate.

Note : Reciprocal arrangement exists with the Government of Mysore and Maharashtra for free medical examination of the Government employees of the State concerned (including all police personnel) on the following terms and conditions :-

(i) This arrangement is made for the purposes of grant or extension of leave, fitness to resume duty on the expiry of leave, and invalidation from Government service.

(ii) Medical requisition from the competent authority should be insisted before the medical examination is conducted by the Medical Board or Medical Officer, as the case may be.

(iii) Fees prescribed for Medical Examinations conducted in connection with the commutation of pension of State Government pensioners and for issuing of physical fitness certificate for first appointment in Government service have to be borne by the pensioners or candidates themselves as there should not be any free medical examination for those purposes.

(iv) No certificate shall be submitted for countersignature without the cognizance of the Head of Office in which the applicant is serving.

38. Medical Certificate not to confer right to Leave :-

The grant of a medical certificate under these rules shall not confer upon the concerned Government employee any right to proceed on leave. The certificate shall be forwarded to the authority competent to grant the leave and order of that authority shall be awaited.

39. Leave in case of a Government employee unlikely to return to duty :-

(1) When the medical board has reported that there is no reasonable prospect that a particular Government employee shall ever be fit to return to duty, leave shall not necessarily be refused to such Government employee. The leave may be granted, if due, by the authority competent to grant leave subject to the following conditions :-

(a) If the Medical Board is unable to say with certainty that the Government employee 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 Medical Board;

(b) If a Government employee is declared by a Medical Board 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 Board has been received, provided such leave is due to him and the amount of leave as debited to leave account does not exceed six months from the date of Board's report.

(2) A Government employee 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 from service from the date of relief of his duties, which shall be arranged without delay on receipt of the report of the Medical Authority. If, however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave.

(b) if he is already on leave, he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

40. Commencement and termination of leave :-

Except as provided in rule-41, leave ordinarily shall begin on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

41. Combination of holidays with leave :-

(1) When the day, immediately preceding the day on which a Government employee's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the Government employee may be permitted to leave his station at the close of the day before, or return to it on the day following such holidays or series of holidays :

Provided that -

(a) his transfer or assumption of charge does not involve the handing over or taking over of securities or of moneys other than a permanent advance;

Exception : Forest Officer holding no securities or moneys other than cash balances are exempted from the provisions of this proviso.

(b) his early departure does not entail a correspondingly early transfer from another station of a Government employee to perform his duties, account being taken in this connection only of the substitute who takes the place of the absent Government employee and not of all the Government employees in the chain of arrangements arising from the Government employee absence on leave, and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government employee who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(2) on condition that the departing Government employee remains responsible for the cash in his charge, the Head of Department, in a particular case, may waive the application of clause (a) of the proviso to sub-rule (1).

(3) unless the authority competent to grant leave in any case otherwise directs -

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances shall take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated on, and any consequent re-arrangement of pay and allowances shall take effect from; the day on which the leave would have ended if holidays had not been suffixed.

Note-1 : A compensatory leave granted in lieu of duty performed by a Government employee on Sunday or a holiday for a full day granted to a Government employee may be treated as a holiday for the above purpose.

Note-2 : A Government employee who has availed of half day casual leave and then proceeds on leave from the next day shall be allowed to prefix half days casual leave to the leave.

42. Recall to duty before expiry of leave :-

(1) All orders recalling a Government employee to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory;

(2) Where the return to duty is optional, the Government employee shall not be entitled any concession;

(3) Where the return to duty is compulsory, the Government employee shall be entitled -

(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 under rules made in this behalf for the journey; 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, -

(i) to count the time spent on the voyage to India as duty for purpose of calculating leave, and

(ii) to receive -

(a) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;

(b) a free passage to India;

(c) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is earlier.

Note : Orders recalling should be communicated for India. The orders of optional or compulsory.

a Government employee from leave out of India to him officially through the High Commissioner recall should state clearly whether the return is

43. Return from leave :-

(1) A Government employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority, authorised to grant leave.

(2)(a) A Government employee who has been granted leave on Medical ground may not return to duty until he has produced a medical certificate of fitness in

Form-4.

(b) The certificate under clause (a) shall be obtained from Medical Authority on whose certificate he was granted leave under rule-35.

(c) In the case of a Non-gazetted Government employee, the authority under whom the Government employee is employed on return from leave may, at his discretion, accept a certificate signed by a Registered Medical Practitioner.

(3) (a) A Government 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 going on leave.

(b) Such Government employee shall report his return to duty to the authority, authorized to grant leave or to the authority, if any, specified in the order granting leave and await orders.

Note-1 : A Government employee suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

Note-2 : The competent authority should provide for the expected return of Government employees from leave by seeing that the Government employees to be relieved are at Head Quarters in due time to hand over charge.

44. Absence after expiry of leave :-

(1) Unless the authority competent to grant leave approves the extension of leave, a Government employee who remains absent shall not be entitled for the 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 and the period in excess of such leave due being treated as extraordinary leave;

(2) Willful absence from duty after the expiry of leave shall render a Government employee liable to disciplinary action.

45. Leave intervening treated as over-stayed :-

The entire period (including Sundays and holidays) intervening between the day on which the Government employee resumes duty shall be treated as over-stayed.

CHAPTER 5 KINDS OF LEAVE DUE & ADMISSIBLE

46. Earned leave for Government employees Serving in Department other than Vacation Department :-

(1) (a) A Government employee who is serving in a Department other than

a vacation Department shall be entitled to earned leave at the rate of 15 days for each half year. This shall be credited in advance to the leave account of the Government employee on first January and first July of every year.

(b)The credits under sub rule (a) shall be reduced by 1/10th of the period of extraordinary leave only availed of during the previous half year, subject to a maximum of 15 days.

(c)The earned leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year, subject to the condition

leave so carried forward plus the credit for that half year shall not exceed three hundred days.

(2)In case of Government employee who is appointed during the half year, earned leave shall be credited to his leave account at the rate of two and half days for each completed calendar month of service.

(3)The earned leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year, subject to the following conditions :-

(i)In the case of an employee, having at his credit earned leave of 285 days or less as on 1st January or 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 be credited to his leave accounts in advance.

(ii)In case of an employee having at his credit the earned leave as on 1st January or 1st July of 300 days or less, but more than 285 days, credit of earned leave of 15 days shall be kept separately and first adjusted against any earned leave that the Government employee 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 300 days. If the earned leave taken during the half year is more than 15 days, the amount in excess of 15 days will, however, have to be debited to the leave account.

(4)The credit for the half year in which a Government employee is due for retirement from service or resigns shall be afforded only at the rate of two and half days per completed calendar month in the half year upto the date of retirement or resignation. If the leave availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary over drawn, if any.

(5)All credit in the leave account shall be made only for complete days, the fraction being rounded off to the nearest day.

(6)When a Government employee is removed or dismissed from the service or dies while in service, credit of earned leave shall be allowed at the rate of two and half days per completed calendar month in the half year in which he was removed or dismissed from

service or dies in service. When the quantum of earned leave is in excess of the leave enjoyed, the overpayment of leave salary shall be recovered.

(7) For the purpose of this rule a period spent in Foreign service shall count as duty if contribution towards leave salary is paid on account of such period or the recovery thereof is waived.

(8) Subject to the provisions of sub-rules (4), (9) and (10), the maximum earned leave that may be granted at a time shall be one hundred twenty days.

(9) Earned leave may be sanctioned ordinarily to a Government employee on not more than three occasions during a calendar year, and the minimum period on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed or suffixed. If the full period of seven days is not admissible in a given case, the authority sanctioning leave may, at its discretion grant leave for a lesser period.

(10) Earned leave may be granted to a Government employee who is in Class I or Class II service, for a period exceeding one hundred twenty days, but not exceeding one hundred eighty days, if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan :

Provided that where earned leave exceeding a period of one hundred twenty days is granted under this sub-rule, the period of such leave spent in India shall not in aggregate exceed the aforesaid limits.

47. Encashment of earned leave while availing of Leave Travel Concessions :-

(1) A Government employee shall be permitted to encash ten days earned leave at the time of availing of Leave Travel Concession, subject to the following conditions :-

(a) the total leave so encashed during the entire service shall not exceed sixty days in aggregate;

(b) earned leave of at least an equivalent duration is also availed of simultaneously by the employee;

(c) a balance of at least thirty days of earned leave is still available to the credit of the employee after taking into account the period of encashment as well as leave;

(d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the

time of superannuation; and

(e) the total encashment of earned leave allowed to an employee under rules-64 and 65 shall not exceed the maximum limit or ceiling of three hundred days or one hundred fifty days, as the case may be.

(2) the sanction to the encashment of earned leave shall be accorded by the leave sanctioning authority.

48. Vacation Department :-

A vacation department is, subject to the exceptions and to the extent stated in Appendix-III, a department or part of a department to which regular vacations are allowed, during which a Government employee serving in the Department is permitted to be absent from duty.

49. Government employee holding two appointments :-

A Government employee holding two appointments, of which one is in a vacation department and one is not, will not be deemed to serve in a vacation department.

50. Earned leave for persons serving in Vacation Departments :-

(1) A Government employee in a vacation department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

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

Provided that such leave shall not be admissible to a Government employee for the first year of his service and who is not in permanent employment.

(b) If, in any year the Government employee does not avail any vacation, earned leave shall be admissible to him in respect of that year as per rule-46.

Explanation : For the purposes of this rule, the term "year" shall be construed as meaning not calendar year

but twelve months actual duty in a vacation department.

Note : A Government employee 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 head of the department to remain on duty

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

(3)A Government employee 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 vacation which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that fall during the year commencing from the date on which he completed the previous year of duty.

51. Prefix / Suffix of Leave and Holidays to Vacation :-

(1) Vacation may be taken in combination with or in continuation of any kind of leave 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 employee at a time under rule-46.

(2)Vacation is a holiday for the purpose of rule-41 with the limitation that vacation can be prefixed to leave only if the substitute takes over charge at the end of the vacation, and an absentee may affix vacation to leave only if his substitute is transferred on the expiry of the leave so as not to be on duty in the absentees post during any portion of the vacation. Vacation may either be prefixed or suffixed to leave, but may not be both prefixed and suffixed, nor may it be interposed between two period of leave.

52. Government employee in Vacation Department liable to be recalled at his own expense :-

A Government employee serving in a vacation Department who leaves his place of duty during vacation, is liable to be recalled thereto at his own expenses, except when such Government employee had been granted leave with permission to prefix or suffix vacation to his leave.

53. Furnishing of certificate to Audit of non-availment of Vacation :-

It shall be the duty of the Government employee concerned to furnish a certificate to the Audit Officer, along with a copy of the order of the head of concerned department, that he has not availed a vacation or portion thereof unless he falls under any of the general classes specified below.

Note : The following Government employees are required by general order of Government to perform duties throughout the vacation, viz.-

- (i) Judicial officers under training;
- (ii) Head Clerk, Sheristedar or Nazir of a District Court.

54. Government employee precluded from enjoying a part of Vacation :-

In the case of a Government employee who is precluded from enjoying a part of the vacation by reason of his transfer, the time actually spent in travelling from one station to another and not the full joining time admissible under the rules shall be added to the period by which he has been prevented from enjoying a vacation by reason of his transfer.

55. Termination of period of service on transfer from Vacation Department to Non- Vacation Department :-

(1) When a Government employee is transferred from a vacation Department to a non-vacation department, his period of service in the former shall be considered to have terminated with effect from the completion of the last vacation, enjoyed by him.

(2) When a Government employee is transferred from a non-vacation department to a vacation Department his period of service in the latter will be held to have commenced from the date of his joining the vacation Department.

Note : In the case of Government employee transferred to a non-Vacation department during the period of vacation the words "last vacation enjoyed by him" occurring in sub-rule (1) of this rule shall be construed as referring to the last vacation fully or partly enjoyed by him.

56. Government employee in Vacation Department not

entitled to pay if he resigns without previous intimation :-

(1) A Government employee serving in a department to which regular vacation is allowed, who holds only an acting appointment shall not be entitled to any pay for the period of vacation, if he resigns without previous intimation from the day his office reopens for business after the completion of vacation. Similarly a Government serving in a department to which regular vacation is allowed, joins his appointment from extraordinary leave only a day or two previous to the beginning of the vacation, shall not be entitled to pay for the period of vacation if he proceeds again on extra-ordinary leave without returning to duty on the reopening of his office after vacation.

(2) A teacher in a Government Secondary School or an Assistant Lecturer in a Government College officiating in, or holding a temporary post created against a post substantively vacant, may be granted pay for the period of a vacation provided his services are dispensed with just before the commencement of the vacation and he has already put in service, of not less than eight months during the concerned academic year.

57. Half pay leave :-

(1) (a) Government employee shall be entitled to Half Pay Leave at the rate of ten days for each half years service. This shall be credited in advance to the leave account of the Government employee on first January and first July of every calendar year.

(b) If a Government employee is appointed during the half year, Half pay leave shall be credited to his leave account at the rate of 5/3 days for each completed calendar month of service. The Half pay leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year;

(c) All credit in the leave account shall be made for complete days, the fraction being rounded off to the nearest day.

(2) (a) The credit for the half year in which a Government employee is due for retirement from service or resigns shall be afforded only at the rate of 5/3 days per completed calendar month in the half year upto the date of retirement or resignation. If the leave availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary overdrawn, if any;

(b) When a Government employee is removed or dismissed from

the service or dies while in service, credit of Half pay leave shall be allowed at the rate of 5/3 days per completed calendar month in the half year in which he was removed or dismissed from service or dies while in service. When the quantum of Half pay leave is in excess of the leave enjoyed, the over payment of leave salary shall be recovered.

58. Commuted Leave :-

(1) Commuted leave not exceeding half the amount of half pay leave may be granted to a Government employee on medical certificate in Form-3 from Civil Surgeon or authorized Medical Attendant as defined in sub-rule (3) of rule-2 of the Gujarat State Services (Medical Attendance) Rules, 1988 or the Registered Medical Practitioner subject to the following conditions :-

(a) the authority, competent to grant leave is satisfied that there are reasonable prospects of the Government employee returning to duty on expiry of the leave;

(b) when commuted leave is granted, twice the amount of such leave is debited against the half pay leave due;

(c) the authority competent to grant leave obtains an undertaking from the government employee that in the event of his voluntary retirement from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Commuted Leave Upto 90 days may be allowed during the entire service, without production of medical certificate, where such leave is utilised for an approved course of study whether full time or part time certified to be in the public interest by the leave sanctioning authority.

(3) Where a Government employee who has been granted commuted leave 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 employee for further service or in the event of his death.

Note : Commuted Leave maybe granted at the request of the Government employee even though earned leave is due to him.

(4) A Government employee may be granted commuted leave also in case of sickness of any member of his family who is dependent on him on production of medical certificate from the medical officer in the Form-5, appended to these rules who is competent to issue such medical certificate in respect of the Government employee himself.

(5) The minimum period of commuted leave sanctioned to a Government employee on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed and suffixed. If the full period of seven days is not admissible or the medical officer has certified the necessity of leave less than seven days, the authority sanctioning leave, at its discretion may grant leave for a lesser period.

59. Leave not due :-

(1) Leave not due may be granted to a Government employee in permanent employment subject to the following conditions :-

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

(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 maximum of three hundred sixty days out of which not more than ninety days at a time and one

hundred eighty days in all may be granted without medical certificate;

(d) Leave not due shall be debited against the half pay leave the Government employee may earn subsequently;

(e) The authority competent to grant leave obtains an undertaking from the Government employee that in the event of his resigning or voluntary resignation from service without returning to duty, he shall refund the leave salary paid to him.

(2)(a) Where a Government employee who has been granted leave not due, resigns from service or is at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.

(b)Where a Government employee who has availed leave not due, returns to duty but resigns or retires from service before he has earned such leave, he shall be required to refund the leave salary to the extent of the leave he has not earned subsequently.

(c)If the retirement is voluntary, refund shall be enforced. If it is unavoidable by reasons of ill health incapacitating him from further services, refund may be partly or wholly waived on the merits of each case by the authority competent to permit the Government employee to retire.

(3)Subject to the provisions contained in sub-rules (1) and (2), leave not due may also be granted to a temporary Government employee who has put in service of not less than five years and who is suffering from T.B., leprosy, cancer or mental illness provided the request for the grant of the same is supported by a Medical Certificates from the competent Medical Authority.

60. Extraordinary Leave :-

(1) Extraordinary Leave not exceeding thirty six months in aggregate during the entire service may be granted to a Government employee in special circumstances :-

(a)when no other leave is admissible;

(b)when other leave is admissible but the Government employee applies in writing for the grant of extraordinary leave;

(c)when a break in service of a candidate already allotted to one Department or office under the centralised Recruitment Scheme occurs due to discontinuation of a post when he is required to be re-allotted to other department or office and he has already availed of the earned leave due and admissible to him.

(2)Unless Government in view of the exceptional circumstances of the case other- wise determines, no Government employee, either permanent or temporary, shall be granted extraordinary leave for a continuous period in excess of the following limits :-

(a)Nine months; except in the case of the period of suspension converted into extraordinary leave.

(b)Twelve months, where the Government employee who has completed one years of continuous service is undergoing treatment for Cancer in an institution recognised for the treatment of such disease or under a Civil Surgeon or a specialist in such disease.

(c)Fifteen months, where the Government employee who has completed one years continuous service is undergoing treatment for

(i)pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium ;

(ii)tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon ;

Note : The concession of extraordinary leave upto fifteen months shall be admissible also to a Government employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(3)Two spell of extraordinary leave, if intervened by a spell of vacation or by any other kind of leave, shall be treated as one continuous spell of extraordinary leave.

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

61. Leave to a Probationer and an Apprentice :-

(1) (a) A probationer shall be entitled to leave under these rules as if he had 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 probation 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) An Apprentice shall be entitled to -

(a) leave on medical ground, leave on leave salary equivalent to half pay for a period not exceeding thirty days in any year of apprenticeship;

(b) extraordinary leave under rule-60.

Note : Leave at the credit of a Government employee on the date of his appointment as an apprentice under any Department may be allowed to be carried forward on his appointment to any post on the expiry of the period of apprenticeship.

62. 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.

63. Leave beyond the date of compulsory retirement or quitting of service :-

(1) Except as provided hereinafter, no leave shall be granted to a Government employee beyond -

- a) the date of his compulsory retirement, or
- b) the date of his final cessation of duties, or
- c) the date of his resignation from service.

(2) Where the service of a Government has been extended in the public interest beyond the date of his compulsory retirement, he may be granted earned leave, subject to maximum of three hundred days.

64. Cash equivalent to leave salary in respect of leave at the time of cessation of service :-

(1) The authority competent to grant leave shall suo moto sanction to a Government employee the cash equivalent to leave salary in respect of the earned leave at his credit subject to a maximum of three hundred days on following occasions :-

- (a) on his retirement on attaining the age of superannuation;
- (b) where the service of a Government employee has been extended in the public interest beyond the date of retirement on superannuation on the expiry of his such extension of service;
- (c) in the case of termination of re-employment after retirement;
- (d) in the case of death of a Government employee while in service, to the family of the deceased;
- (e) in the case of transfer of Government employee to an Industrial Establishment;
- (f) on absorption of a Government employee in the State Public Sector Undertakings, autonomous body wholly or substantially owned or controlled by the Central or State Government.

Note : A Government employee who retires from service on attaining the age of compulsory retirement while under suspension shall be paid cash equivalent to leave salary under this rule in respect of the period of earned leave at his credit on the date of his superannuation, provided that in the opinion of the authority competent to order reinstatement, the Government employee has

been fully exonerated and the suspension was wholly unjustified.

(2) The cash equivalent of leave salary payable under sub-rule (1) above, shall also include dearness allowance, non-practising allowance and compensatory local allowance admissible on the leave salary at the rates in force on the date on which the Government employee ceases to be in service, and it shall be paid in one lumpsum, as a one time settlement taking a month of thirty days.

(3) The house rent allowance shall not be included in calculating the cash equivalent of the leave salary under this rule.

(4) From the cash equivalent so worked out, no deduction shall be made on account of pension and pension equivalent of other retirement benefits.

(5) For the purpose of this rule a month shall be reckoned as of thirty days irrespective of the month in which the leave is encashed.

(6) Drawal of leave salary : The leave salary payable under these rules shall be drawn in rupees

65. Encashment of Leave :-

(1) A Government employee who retires or is retired from service 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, maybe granted suo moto by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to maximum of three hundred days and also in respect of all the half pay leave at his credit provided even if this period (i.e. earned leave plus half pay leave) exceeds the period between the date on which he would have retired in the normal course of superannuation. The cash equivalent shall be equal to the leave salary as admissible for earned leave and equal to the leave salary as admissible for half pay leave plus dearness allowance and non-practising allowance admissible on that leave salary for the first three hundred days at the rates in force on the date Government employee so retires or is retired from service. The amount so calculated shall be paid in one lump sum as a one time settlement. No house rent allowance or city compensatory allowance shall be payable. The pension and pension equivalent of other retirement benefits and temporary increase in pension shall be deducted from the leave salary paid for the period of half pay

leave, if any for which the cash equivalent is payable.

Provided that if leave salary for the half pay leave component falls short of pension and pension benefits cash equivalent of half pay leave shall not be granted :

Provided further that a Government employee who is retired by Government by giving him pay and allowance 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 notices have been allowed.

(2)(i) Where the service of Government employee is terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointments, he may be granted suo moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of three hundred days.

(ii) If a Government employee resigns or quits service he may be granted suo moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service to the extent of half of such leave at his credit, subject to a maximum of one hundred fifty days.

(iii) The cash equivalent in respect of cases falling under sub-rules (i) and (ii) above, shall be equal to the leave salary as admissible for earned leave plus dearness allowance and non-practicing allowance admissible on that leave salary at the rates in force on the date the Government employee ceases to be in service. The amount so calculated shall be paid in one lump-sum as one time settlement. No city compensatory allowance and house rent allowance shall be payable.

(3) A Government employee retiring on invalid pension shall be granted by the authority competent to sanction leave, leave salary in respect of the period of half pay leave at his credit on the date of invalid retirement subject to the condition that such half pay leave to be encashed is restricted upto the date of his normal superannuation retirement. The benefit of encashment of earned leave under rule 67 shall also be admissible thereafter.

(4) A Government employee who has worked in a vacation department shall also be entitled to encash the earned leave at his credit subject to maximum of three hundred days under the provision of rules-64 and 65. If the earned leave at credit in the leave account of such Government employee is less than three

hundred days, half of the half pay leave earned by him for the period of vacation, limited to one hundred fifty days shall be added to, the so as to make the total of three hundred days.

(5) A re-employed Government employee on his termination of re-employment shall also be entitled to the benefit of sub-rule (1) in respect of the unspent earned leave at his credit subject to a condition that the total earned leave so encashed before and after re-employment does not exceed three hundred days.

66. Procedure for making payment of cash equivalent of leave salary :-

With a view to enabling the retiring Government employee to receive cash equivalent of leave salary in respect of the unutilised leave without delay, the following procedure shall be followed.

(1) The authority competent to sanction earned leave shall suo-moto sanction the encashment of earned leave under these Rules after ascertaining the balance due. He shall also ensure that the encashment amount is paid on the day of retirement.

(2) On receipt of application from the concerned Government employee and after ascertaining the leave at credit the authority competent to sanction half pay leave shall sanction the encashment of said leave under these rules.

(3) Payment of cash equivalent of leave salary in respect of the unutilised earned leave at the credit of the Government employee shall be made irrespective of whether or not "No Demand Certificate" has been issued.

67. Leave Salary :-

(1) A Government employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

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

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

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

68. Advance of leave salary :-

A Government employee including a Government employee on foreign service, proceeding on leave for a period of not less than thirty days, may be allowed an advance in lieu of leave salary up to a months pay and allowances admissible on that leave salary subject to deductions on account of income tax, provident fund, house rent, recovery of advances etc.

CHAPTER 6 SPECIAL KINDS OF LEAVE OTHER THAN STUDY LEAVE

69. Maternity leave :-

(1) A competent authority may, subject to the provisions of this rule, grant to a female Government employee in permanent employ, who does not have two or more living children at the time the maternity leave asked for, is actually sanctioned; leave for a period of one hundred and thirty five days from the date of its commencement. Such leave shall not be debited to the leave account.

(2) A female Government employee not in permanent employ who has put in at least one year of continuous service shall also, subject to the provisions of this rule, be eligible for maternity leave referred to in sub-rule (1).

(3) The leave salary admissible during the period of maternity leave shall be as regulated as follows :-

(i) In the case of a female Government employee who is permanent or who has put in two or more years continuous service, the leave salary admissible shall be equal to the pay drawn immediately before proceeding on leave.

(ii) In the case of a female Government employee who has put in continuous service for a period exceeding one year, but less than two years, the leave salary admissible shall be equal to half the pay drawn immediately before proceeding on leave.

(4) The leave salary for the period of maternity leave availed of by a female Government employee while on foreign services shall be borne by the foreign employer.

(5) Head of Department may grant to female Government employee borne on the work- charged establishment who does not have two or more living children on the date of application, maternity leave on leave salary based on the average monthly emoluments earned

during the preceding complete twelve months for a period, which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier. To be eligible for this concession the female Government employee shall have put in continuous service for at least thirty three months (inclusive of any period of authorized leave) on the date of application and shall have to furnish a guarantee with at least one security that she will return to duty for a period of at least six months after the expiry of the leave, if her services are required.

(6) Maternity leave may be combined with leave of any other kind but any leave applied for in continuation of the former may be granted only if the request is supported by medical opinion as to the probable date of confinement, and an undertaking to the effect that the Government employee shall report the date of confinement supported by a medical certificate. In case of Class IV Government employee in which insistence of a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient.

(7) A female Government employee may be allowed leave of the kind due, including commuted leave, if she so desires, in continuation of the maternity leave, upto a maximum of sixty days without production of a medical certificate.

70. Paternity Leave :-

A Male Government employee (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during 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.

71. Leave in case of miscarriage or abortion :-

Leave under rule-69 shall also be admissible to a female Government employee who does not have two or more living children on the date of applicant in case of miscarriage or abortion, including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the following conditions :-

(1) Female Government employee inspite of having any number of

surviving children, shall be entitled for, maternity leave not more than forty five days during the entire service in the case of miscarriage or abortion.

(2)Female Government employee with two or more surviving children shall not be granted maternity leave in case of Medical Termination of Pregnancy (MTP).

(3)Female Government employee having one child or no children shall be granted maternity leave not more than seven working days in case of medical termination of pregnancy (MTP). Provided the application for the grant of the same if supported by Medical Certificate.

(4)Maternity Leave in case of Medical Termination of Pregnancy shall be granted only once during five years.

(5)This Leave shall not be debited in the leave account of the female employees.

72. Special disability leave for injury intentionally inflicted :-

(1) The authority competent to grant leave may grant special disability leave to a Government employee (whether 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 the 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 cases 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 a Medical Board and shall in no case exceed twenty four months.

(4)Special disability leave may be combined with other leave.

(5)Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than twenty four 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 qualifying 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 one hundred twenty 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 employee may, at his option, be allowed leave salary as in clause (a) for a period not exceeding another one hundred twenty days, and in that event the period of such leave shall be debited to his half pay leave account.

(8) In the case of a person to whom the Workmens compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said act.

(9)(a) The provisions of this rule shall apply -

(i) to a Civil employee disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and

(ii) to a civil employee not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

73. Special disability leave for accidental injury :-

(1) The provisions of rule-72 shall apply also to a Government employee, whether 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 or 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 holds.

(2) The grant of special disability leave in such case shall be subject to following conditions :-

(a) That the disability, if due to disease, shall be certified by a

Medical Board to be directly due to the performance of the particular duty.

(b) That, if the Government employee has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as to the grant of this term of leave, and

(c) That the period of absence recommended by a Medical Board may be covered in part, by leave under this rule and partly by any other leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed one hundred twenty days.

Note : Special disability leave shall be admissible under this rule only where illness or injury is sustained as a result of a risk which is beyond the ordinary risk attaching to the civil post which a Government employee holds.

74. Hospital Leave :-

(1) The authority competent to grant leave may grant hospital leave to Class IV Government employees whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks, while under medical treatment in a hospital or otherwise, for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties.

Exception : The hospital leave may also be granted on account of ill health to Government employees specified below whose duties expose them to special risk of accident or illness even though the illness or injury may not be directly due to risk incurred in the course of their official duties :-

(i) Police officers, including trainees of a rank not higher than that of Head Constable;

(ii) Government employees of the Prohibition and Excise Department other than clerical establishments;

(iii) Forest Subordinates, other than clerks in receipt of pay not exceeding Rs. 4400.

(2) Hospital leave shall be granted on the production of medical certificate from an Authorized Medical Attendant.

(3) Hospital leave may be granted on leave salary equal to that admissible during earned leave or half pay leave and for such

period as the authority granting it may consider necessary.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.

(5)(a) In the case of a person to whom the Workmens Compensation act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub- section (1) of section 4 of the said Act.

(b) The amount of hospital leave which may be granted to a Government employee is limited to three months on earned leave pay in any period of three years. Hospital leave on half pay counts, for the purpose of this limit, as half the amount of leave on earned leave pay.

Instruction : There is no objection to grant hospital leave during the first three years of service of the Government employee provided the prescribed limit of three months is not exceeded.

Note : The period of "three years" referred to in this rule should at any time be calculated backward from the end of the actual period of the hospital leave proposed to be granted.

75. Seamens sick Leave :-

(1) A Government employee serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks.

Provided that such leave shall not be granted if a Government medical officer certifies that the Government employee is malingering or that his ill health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating the disease or injury.

(2) A seamen disabled in the exercise of his duty may be allowed leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely :-

(1) A Government medical officer must certify the disability and the disability must not be due to the seamens own carelessness or inexperience;

(2) Such leave is not debited to the leave account.

(3) In the case of a person to whom the Workmens Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section-4 of the said Act.

76. T.B./Cancer/Leprosy Leave :-

A Government employee suffering from T.B., Cancer or Leprosy shall also be entitled to leave as per Rules regarding grant of concessions to Government employee suffering from Tuberculosis/Cancer/Leprosy as prescribed by Government in Health and Family Welfare Department from time to time.

CHAPTER 7 STUDY LEAVE

77. Conditions for grant of study leave :-

(1) Subject to the conditions specified in this Chapter, study leave may be granted to a Government employee 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 a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted -

(a) for a course of training or study tour in which a Government employee 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 employee;

(b) for the purpose of studies connected with the frame work or background of public administration subject to the conditions that -

(i) the particular study or study tour should be approved by the authority competent to grant leave,

(ii) the Government employee should be required to submit, on his return, a full report on the work done by him while on study leave; and

(c) for the studies which may not be closely or directly connected with the work of a Government employee, but which are capable of widening his knowledge in a manner likely to improve his abilities

as a Government employee 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 -

(a) 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;

(b) It is for prosecution of studies in subjects other than academic or literary subjects; and

(c) 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 out of India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education, Government of India.

(5) Study leave shall not ordinarily be granted to a Government employee -

(a) who has rendered less than five years service under the Government; or

(b) who does not hold a gazetted post under the Government; or

(c) who is due to retire, or has the option to retire, from the Government service within the years of the date on which he is expected to return to duty after the expiry of the leave.

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

78. Maximum period of study leave :-

The maximum period of study leave, which may be granted to a Government employee, shall be -

(a) ordinarily twelve months at any one time which shall not be exceeded save for exceptional reasons; and

(b) during his entire service, twenty-four months in all (inclusive of study leave granted under any other rules).

Note : The limit of twenty four months of absence includes the period of vacation.

79. Authority competent to sanction on study leave :-

Study leave shall be granted to a government employee by the Government in Administrative Department under which the

Government employee is serving, in consultation with the Finance Department.

80. Application for study leave :-

(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 employee and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government employee to give full details in his application, or if, after leaving India he is to make any change in the program 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.

81. Submission of application for study leave and grant of such leave :-

(1) Except as otherwise provided in these rules, all applications for study leave shall be submitted to the Government through the prescribed channel and the course or courses of study contemplated and any examination which the Government employee proposes to undergo shall be clearly specified therein. If the course of study is out of India, the administrative department concerned shall forward to the Head of Mission, if there is an Indian Mission in that country, a copy of the approved program of study.

(2) The administrative department concerned shall inform the Head of Mission of the particulars of the course.

(3) On completion of a course of study a certificate in the proper form (which may be obtained from the Head of Mission) together with certificates of examinations passed or special courses of study undertaken of the course, remarks, if any, of the authority in charge of a course of study, shall be forwarded to the Head of Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission such certificate shall be forwarded to the Administrative Department concerned.

82. Accounting of study leave and combination with other leave :-

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

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

(3) A Government employee granted study leave in combination with any other leave may, if he so desires, commence his study before the end of other leave but the period of such leave coinciding with the course of study shall not count as study leave.

Note : The limit of twenty eight months absence in sub-rule 2 includes the period of vacation.

83. Regulation of study leave extending beyond course of study :-

When the course of study falls short of study leave granted to a Government employee, 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 treat the period of shortfall as ordinary leave.

84. Leave salary during study leave :-

(1) During study leave, a Government employee shall draw leave salary equal to the amount admissible during half pay leave.

(2) The rate of exchange prescribed by the Union Government for the conversion of leave salary (other than admissible during the first one hundred twenty days of earned leave) shall apply to the leave salary during study leave.

85. Conditions for grant of study allowance :-

(1) A study allowance shall be granted to a Government employee who has been granted study leave for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government employee has been permitted to receive

and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part-time employment,

(a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government employee, from the value of scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible,

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Government employee interrupts his course of study to suit his own convenience :

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding fourteen days at a time during such interruption if it was due to sickness.

(4) The period for which study allowance may be granted shall not exceed twenty four months in all.

(5) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that -

(a) the Government employee attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Head of Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation :

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

Note : The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty four months for which study allowance is admissible.

86. Rates of study allowance :-

(1) The rates of study allowance shall be as follows namely ;-

Name of country	Study allowance per diem.
Australia	12£ (Sterling)
Continent of Europe	1£ (Sterling)
India	Half of the full daily allowance to which the Government employee would have been entitled under the Gujarat Civil Services (Travelling Allowance) Rules, 2002, if he were on tour to the place of study.
New Zeland	12£ (Sterling)
United Kingdom	16£ (Sterling)
United States of America	30\$ (Dollar)

(2) The rates of study allowance to be granted to a Government employee who avail study leave in other countries shall be such as may specially be determined by the Government in each case.

(3) In case where a place of study and place of duty are same, the Government employee shall be entitled to leave salary plus the study allowance which shall not together exceed the pay that he would have otherwise drawn had he been on duty.

87. Procedure for payment of study allowance :-

(1) In the case of Gazetted Government employee, the payment of study allowance shall be subject to the furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship or stipend or any other remuneration in respect of any part-time employment.

(2) In the case of non-Gazetted Government employee, to whom study leave has been granted in relaxation of the provision of clause (b) of sub-rule (5) of rule-77, such a certificate as is referred to in sub-rule (1) shall be obtained from him by the drawing officer and the same shall be enclosed along with the bill for the drawal of study allowance.

(3) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government employee that he would refund to the Government any over payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(4)(a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in India or in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claim submitted by proper certificate of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the Government employee is undergoing study in an educational institution or at intervals not exceeding three months if he is undergoing study at any other institution.

(5)(a) When the programme of study approved does not include, or does not consist entirely of such a course of study, the Government employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government employee was utilised properly and shall determine accordingly for what period study allowance may be granted.

88. Admissibility of allowances in addition to study allowances :-

No allowance of any kind other than the study allowance or the travelling allowance, where specifically sanctioned under rule-85 shall be admissible to a Government employee in respect of the period of study leave granted to him.

89. Travelling allowance during study leave :-

A Government employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Government may in exceptional circumstances sanction the payment of such allowance.

90. Cost of fees for study :-

A Government employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the

study but in exceptional cases, the Government may sanction the payment of such fees :

Provided that in no case shall the cost of fees be paid to a Government employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

91. Resignation or retirement after study leave :-

(1) If a Government employee resigns or retires from service or otherwise quits service without returning to duty after completion of study leave or within a period of three years after such return to duty, he shall be required to refund -

(1)(a) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government, and

(1)(b) double the amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest hereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that nothing in this rule shall apply -

(i) to a Government employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

(ii) to a Government employee who after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to retire from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2)(a) The study leave availed of by such Government employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, shall be treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government employee under sub-rule(1), he shall be required to refund any, excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

92. Execution of Bond :-

(1) Every Government employee in permanent employ who has been granted study leave or extension of such leave shall be required to execute a bond as given

in Form-6 or Form-7 as the case may be, annexed, to these rules before the study leave or extension of such leave granted to him commences. If study leave or extension of such leave is granted to a Government employee not in permanent employ the bond shall be executed as given in Form-8 or Form-9, as the case may be, annexed to these rules.

(2) The authority sanctioning the study leave shall send to the audit officer concerned or the Pay and Accounts Officer a certificate to the effect that the Government employee has executed the requisite bond.

93. Commencement of Course of Study during other than study leave :-

A Government employee may, subject to the approval of the proper authority being obtained as required under rule-77 undertake or commence a course of study during earned leave, and subject to rule-85 draw study allowance in respect thereof.

94. Counting of Study Leave for promotion, Pension, Seniority, Leave and increments :-

(1) Study leave shall count as service for the purpose of promotion, pension, seniority, leave and increments.

(2) The period spent on study leave shall not count for earning leave other than half pay leave under these rules.

CHAPTER 8 MISCELLANEOUS

95. Temporary and officiating service taken into account for leave purposes :-

Temporary and officiating service, rendered under the Central Government or any State Government, shall if followed by confirmation under the Government of Gujarat without interruption of duty, be taken into account for the purpose of the leave account provided that under the rules laid down by the other Government such service would have counted had the Government employee in question continued in the service of the Government without a break of service till confirmation and provided that the other

Government treats in a similar manner temporary and officiating service rendered under the Government of Gujarat.

96. Leave to Advocate General :-

The Advocate General may be granted leave as follows, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government :-

(a) leave on full pay during the vacation of the High Court, provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.

(b) half pay leave for not more than six months once only in his service after six years of duty.

(c) half pay leave on medical certificate subject to a maximum of twelve months during the whole service, and when the maximum period of twelve months is exhausted, and further leave on medical certificate not exceeding six months in all in exceptional cases on the recommendation of a medical board.

(d) on the conditions prescribed in rule-60 extraordinary leave.

(e) leave under any one of the clauses of these rules may be combined with leave under any other clause.

97. Grant of leave to Government employees appointed on contract Basis :-

A Government employee appointed on contract basis shall not be entitled to any kind of leave under these rules.

98. Leave to Government employees remunerated by honoraria :-

A Government employee remunerated by honoraria may be granted half pay leave on the terms laid down in rule-96, provided that he makes satisfactory arrangements for the performance of his duties, that no

extra expense is caused to Government and that during the said half pay leave, the whole of honoraria is paid to the person who officiates in his post.

Exception : This rule does not apply to Honorary Professors and Honorary Lecturers in the Medical Department.

99. Leave to Government employees in non-continuous and part-time service :-

(1) No leave, except on half pay, shall be granted to the following:-
(i) part-time lecturers in regional languages;
(ii) part-time Professors and lecturers in the Medical Department who are remunerated wholly by pay.

(iii) part-time staff employed in the several offices under the Commissioner of Labour,

(iv) part-time Professors, Assistant Professors, Lecturers and teachers.

(2) Half pay leave admissible under sub-rule (1) shall be allowed at the rate of 15 days for each year of duty.

Note : The term "each year of duty" in this rule means a year comprising of 365 days of actual duty which may spread over a number of months.

(3) The maximum amount of half pay leave to be granted at any one of time under sub-rule (1) shall be limited to ninety days on condition that such leave has been earned.

(4) Officers serving in the vacation Department will be allowed to prefix or affix half pay leave to a vacation but not both. They will be allowed full pay during vacation, which will be counted as duty provided that no extra expenditure is thereby caused to Government.

Note : In case where a Government employee has been allowed to prefix half pay leave to a vacation but is unable to resume duties for the circumstances beyond his control the competent authority, on the merits of the case, and at its discretion, condone such an irregularity, as a special case.

(5) Half pay leave will also be granted to officers mentioned in clause (ii) of sub-rule (1) if taken elsewhere in India, Sri Lanka, Nepal, Burma or Aden for purposes of study on the conditions that they will undertake to continue to serve Government on return from half pay leave for a period upto a maximum of five years if so desired by them and that in the event of default they shall reimburse to Government all amounts received by them during the period of half pay leave.

(6) The half pay leave shall, in no case, extend beyond the tenure of the appointment.

(7) Half pay leave cannot be claimed as of right.

100. Leave to Boring Mechanics Mukadams and Trained Coolies :-

Boring Mechanics, Mukadams and Trained Coolies, employed in the

Agricultural Department for boring work, may be granted :-

- (1) leave upto one eleventh of the period spent on duty, subject to a maximum of sixty days at a time, on monthly leave allowance equal to the earnings prior to proceeding on leave; and
- (2) leave on medical certificate on half the above allowance for a further one-eleventh of the period spent on duty, provided that not less than five years duty has been done by them.

CHAPTER 9 REPEAL AND SAVINGS

101. Repeal and Savings :-

The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Leave are hereby repealed :
Provided that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.