

**MAHARASHTRA LABOUR WELFARE BOARD EMPLOYEES
(CONDITIONS OF SERVICE) RULES, 1961**

CONTENTS

PART 1 :- Preliminary

1. Short title and commencement and application
2. Definitions
3. .

PART 2 :- General Conditions of Services

4. .
5. .
6. .
7. .
8. .
9. .
10. .
11. .
12. .
13. .
14. .
15. .
16. .

PART 3 :- Pay

17. .
18. .
- 18A. .
- 18B. .
- 18C. .
- 18D. .
19. .
20. .
21. .
22. .
23. .
24. .
25. .
26. .
27. .
28. .
29. .

- 30. .
- 31. .
- 32. .
- 33. .
- 34. .
- 35. .
- 36. .
- 37. .

PART 4 :- Leave

- 38. .
- 39. .
- 40. .
- 41. .
- 42. .
- 43. .
- 44. .
- 45. .
- 46. .
- 47. .
- 48. .
- 49. .
- 50. .
- 51. .

PART 4A :- Application of Bombay Civil Services Rules

- 51A. .

PART 5 :- Conduct, Discipline and Appeal

- 52. .
- 53. .
- 54. .
- 55. .
- 56. .
- 57. .
- 58. .
- 59. .
- 60. .
- 61. .
- 62. .
- 63. .
- 64. .
- 65. .
- 66. .
- 67. .
- 68. .
- 69. .
- 70. .

71. .
72. .
73. .
74. .
75. .
76. .
77. .
78. .
79. .
80. .

PART 6 :- Miscellaneous

81. .
82. .
83. .
84. .
85. .
86. .
87. .
88. .
89. .
90. .
91. .
92. .
93. .
94. .
95. .
96. .
97. .
98. .
99. .
100. .
101. .
102. .
103. .
104. .
105. .
106. .
107. .
108. .
109. .
110. .
111. .
112. .
113. .
114. .
115. .
116. .
117. .

118. .
119. .
120. .
121. .
122. .
123. .
124. .
125. .
126. .
127. .
128. .
129. .
130. .
131. .
132. .
133. .
134. .
135. .
136. .
137. .
138. .
139. .
140. .
141. .
142. .
143. .
144. .
145. .
146. .
147. .
148. .
149. .

MAHARASHTRA LABOUR WELFARE BOARD EMPLOYEES (CONDITIONS OF SERVICE) RULES, 1961

In exercise of the powers conferred by Section 19, read with Section 13, of the Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953), and read with the direction of the Central Government under Section 109 of the States Reorganisation Act. 1956 (37 of 1956), contained in the letter of the Government of India, Ministry of Home Affairs, No. 8/3/57-SR(R), dated the 29th June, 1957, the Government of Maharashtra hereby makes the following Rules, namely :

PART 1

Preliminary

1. Short title and commencement and application :-

(1) These rules may be called the Maharashtra Labour Welfare Board Employees (Conditions of Service) Rules, 1961.

(2) They shall come into force at once.

(3) These rules shall apply to the staff of the Board appointed under the Act except Government servants taken over by the Board, who, within six months from the date these Rules come into force, do not elect to be governed by these Rules.

2. Definitions :-

The powers granted by these Rules to the Welfare Commissioner may be exercised by him in relation to the employees of the Board who are under his administrative control.

3. . :-

In these rules, unless the context requires otherwise ,

(a) "Act" means the Bombay Labour Welfare Fund Act, 1953;

(b) "age" means the age as computed from the date of birth, evidence of which has, been produced by the employee and accepted at the time of employment or within three months from the date of employment;

Explanation (1) Where an employee is required to retire, revert or cease to be on leave on attaining a specified age. the day on which he attains that age shall be reckoned as a non-working day and the employee shall retire, revert or cease to be on leave on and from that date;

(2)

(i) If the year of birth of an employee is known but not the exact date, 1 st July shall be treated to be the date of birth for the purpose of clause (b);

(ii) if the month of birth but not the exact date is known, the 16th day of the month shall be treated as the date of birth;

(c) "average pay" means the average monthly pay earned during the twelve complete months immediately preceding the month in which the event necessitating the calculation of average pay occurs;

(d) "cadre" means the strength of a service or part of a service sanctioned as a separate unit;

(e) "compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes dearness allowance, house-rent allowance, travelling allowance and conveyance allowance;

(f) "board" means the Maharashtra Labour Welfare Board constituted under Section 4 of the Act;

(g) "date of first appointment" means the date on which an employee first joins duty under the Board;

(h) "day" means a calendar day beginning and ending at midnight, but an absence from headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends;

(i) "duty" means service which counts for pay. leave and other emoluments and includes such period of leave other than extraordinary leave enjoyed by the employees as is admissible under these Rules but does not include any period of suspension awarded as punishment;

(j) "emoluments" means,

(i) pay,

(ii) compensatory allowance other than travelling allowance,

(iii) in the case of an employee under suspension and in receipt of a subsistence allowance, the amount of such allowance;

(k) "employee" means a person employed by the Board whose pay in such employment is debitable to the Fund;

(l) "family" means employee's wife, legitimate children and step-children including an adopted son residing with and wholly dependent upon him and includes his parent, grand-mother, sisters and minor brothers, if residing with and wholly dependent on him¹[other than for] the purposes of travelling allowance;

(m) "fee" means a recurring or non-recurring payment to an employee from a source other than the Fund whether made directly to the employee or indirectly through the intermediary of the Board;

(n) "foreign service" means a service in which an employee receives

his substantive pay, with the sanction of the Board from any source other than the Fund;

(o) "Government" means the Government of Maharashtra;

(p) "holiday means

(1) a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881, and

(2) in relation to any particular office or centre, a day on which such office or centre is ordered by the Welfare Commissioner to be closed for transaction of business without reserve or qualification'

(q) "honorarium" means a recurring or non-recurring payments granted to a person from the Fund as remuneration for special work of an occasional nature;

(r) "house-rent allowance" means an allowance towards defraying house-rent wholly or partially and includes an allowance granted in lieu of free quarters;

(s) "inferior service" means service performed by peons, cleaners, chowkidars, watchmen, sweepers and ayas appointed by the Board;

(t) "joining time" means the time allowed to an employee to join a new post or to travel to or from a station to which he is posted;

(u) "leave on average pay" means on leave salary equal to average pay granted to an employee;

(v) "leave salary" means the monthly amount excluding allowances paid by the Board to an employee on leave;

(w) "lien" means the title of a Board's employee to hold substantively a permanent post to which he has been appointed substantively;

(x) "local allowance" means an allowance granted on account of the expensiveness of a locality which is admissible to employees who have their headquarters within the localities for which it is sanctioned and not to employees merely travelling in those localities;

(y) "month" means a calendar month; Explanation In calculating the period expressed in terms of months and days, complete calendar months irrespective of the number of days in each shall be calculated first; and the odd number of days calculated

subsequently.

(z) "officiate" means an employee officiates in a post when he performs the duties of a post on which another person holds a lien or pending a permanent appointment in that post;

(aa) "pay" means the amount drawn monthly by an employee as remuneration fixed in relation to the post held by him and includes personal pay, special pay and any other emoluments which may be specially classed as pay by the Board;

(bb) "permanent post" means a post carrying a definite rate of pay sanctioned without limit of time;

(cc) "personal pay" means additional pay granted to an employee

(1) to save him from loss of substantive pay due to revision of pay or to any deduction of his substantive pay otherwise than as a disciplinary measure, or

(2) in exceptional circumstances or other personal consideration as may be determined by the Board;

(dd) "presumptive pay" in relation to a post means the pay to which an employee would be entitled if he held the post substantively and was performing its duties;

(ee) "probation" means employment on trial against or in a vacancy in the service of the Board;

(ff) "public conveyance" means a train, steamer, bus, aeroplane or other conveyance which plies regularly, though not necessarily at fixed intervals, on a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers;

2 [

(ff-i) "Selection grade" means a scale of pay which has been sanctioned specifically as a Selection grade by an order of the Board.]

(gg) "service" means the entire period from the date of appointment to the date of termination of employment and includes period spent on duty and all kinds of leave including extraordinary leave and periods of suspension;

(hh) "special pay" means an addition to the pay of an employee in

consideration of

(i) the specially arduous nature of his duties;

(ii) a specific addition to the work or responsibility entrusted to him;

(ii) "subsistence allowance" means a monthly grant made to an employee who is not in receipt of pay or leave salary;

(jj) "substantive pay" means the pay, other than special pay or pay granted in view of personal qualifications which an employee draws on account of a post which he holds substantively or by reason of his substantive position in the cadre;

(kk) "Temporary post" means a post carrying a definite rate of pay sanctioned for a limited time;

(ll) "time scale pay" means pay which, subject to any conditions prescribed in these Rules, rises by periodical increments for a minimum to a maximum;

(mm) "transfer" means the movement of an employee from one headquarter station in which he is employed to another such station either;

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

(ii) in consequence of a change of his headquarter;

(nn) "Travelling allowance" means an allowance granted to an employee to cover the expenses which he incurs in travelling in the interest of the Board's service.

1. Substituted by G.N. of 14-5-1964.

2. Inserted by G.N. of 1-7-1977.

PART 2

General Conditions of Services

4. . :-

(1)

(a) No person who has already completed six months' service under the Board may be continued or re-engaged for any period unless he produces a medical certificate of fitness.

(b) No person may be substantively appointed to a permanent post under the Board unless he produces a medical certificate of fitness:

Provided that such certificate shall not be necessary if he has already produced a certificate under sub-clause (a) above and has since been in the Board's service without a break.

(c) The medical certificate shall be affixed to the first pay-bill of a person who produces it under clause (b) and the fact of production of medical certificate shall be recorded in his service book.

(2) A medical certificate of fitness for service under the Board shall be in the following form : "I hereby certify that I have examined A, B. a candidate for employment under the Maharashtra Labour Welfare Bouard, and cannot discover that_____has any disease, constitutional weakness or bodily infirmity except_____and that I do not consider this a disqualification for employment under the Board. A, B's age is according to his own statement_____years and by appearance is about_____years of age.

(3) The certificate shall be signed by the Presidency Surgeon, Bombay City or Government Civil Surgeon or any medical authority specified by the Board and shall, in the case of female employees, be countersigned by a Government Medical Officer duly nominated by the Board and shall be treated as confidential.

(4) All fees to be paid for medical examination shall be borne by the candidate.

5. . :-

(1) Appointment under the Board shall, in the first instance, be on probation for three months or for such period as may be prescribed by the Board, even if the appointment is made in a clear vacancy in a permanent post:

Provided that the Welfare Commissioner may, if he deems fit, extend the period of probation for a further period not exceeding the original probation period after duly informing the employee of such extension before the expiry of his original period of probation.

(2) The Welfare Commissioner may terminate the services of a probationer whose work has not been found to be satisfactory by him during or at the end of the probationary period.

(3) The Board may prescribe any conditions or tests to which the employees shall submit before they are confirmed or continued in

service after the probationary period.

6. . :-

(1) Unless otherwise specifically provided for, and except in the case of part-time employees, the whole time of an employee shall be at the disposal of the Board and he may be employed in any manner required by proper authority, without claim for additional remuneration whether the services required of him are such as would ordinarily be remunerated from the Fund.

(2) No employee, other than a part-time worker, shall directly or indirectly undertake or enter into or continue in any private trade, contract, business or vocation of any nature independently or in partnership so long as he is in the service of the Board.

7. . :-

(1) Two or more employees shall not be appointed substantively to the same permanent post at the same time.

(2) An employee shall not be appointed substantively to two or more separate and permanent posts at the same time.

(3) An employee shall not be appointed substantively to a post on which another employee holds a lien.

(4) Where an employee is transferred to any post not connected with his substantive post which is likely to continue for more than three years, the appointing authority may suspend his lien on his substantive post and fill it [provisionally] substantively.

(5) Unless his lien is formally terminated, transferred or suspended by the appointing authority, an employee holding substantively a permanent post shall retain lien on that post

(i) while on foreign service or holding a temporary post or officiating in another post,

(ii) during joining time or transfer to another post,

(iii) while under suspension,

(iv) while on leave.

8. . :-

(1) An employee is liable to be transferred from one post to another or to any place in the State which may be considered

necessary in the interest of the Board.

(2) An employee shall not, save in cases of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre to which he belongs would justify.

9. . :-

(1) Employees of the Board shall be liable to compulsory retirement on the' date of their completion of 58 years of age. Class IV servants shall be required to retire at the age of 60 years.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may require an employee of the Board (not being a Class IV employee) to retire after attaining the age of 55 years, on three months' notice, without assigning any reasons, if, in the opinion of the Board, such employee is found unsuitable for retention in the service of the Board. Any employee of the Board may, after attaining the age of 55 years, voluntarily retire after giving three months' notice to the appointing authority.

(3) Nothing contained in this rule shall apply to an employee (other than a Class IV employee) of the Board who is on leave preparatory to retirement on the 1st June, 1964, unless the appointing authority on being satisfied as to his efficiency and physical fitness, permits him to resume duty.]

10. . :-

A full-time employee shall subscribe to a provident fund on completion of one year of satisfactory service, in accordance with rules as the Board may prescribe.

11. . :-

(1) An employee shall begin to draw the pay and allowances attached to his tenure post on and from the date of assumption of the duties of that post, if that event takes place in the forenoon of that day; otherwise from the following day.

(2) The provisions of sub-rule (1) shall mutatis mutandis apply when an employee ceases to discharge those duties.

12. . :-

The promotion of an employee from a lower to a higher grade, his duties remaining the same, shall take effect from the date on which

the vacancy occurs. When, however, the promotion involves the assumption of a new post with enlarged responsibilities, the higher pay shall be admissible only on the date on which his duties of the new post are taken up.

13. . :-

The Board may fix the age-limits for the various classes of employees for first employment under the Board, provided that when such limits are not specifically laid down or otherwise, relaxed the normal age limits ¹[shall not be less than] 18 and not more than 22 years: ² [

Provided further that in the case of persons belonging to Scheduled Castes or Scheduled Tribes the upper age-limit may be relaxed by five years.]

1. Substituted by G.N. of 14-5-1964.

2. Added by G.N. of 26-11-1964.

14. . :-

Service under the Board shall be non-pensionable:

Provided that in the case of Government servants in pensionable service, taken over and employed by the Board under Section 13 of the Act who do not elect to be governed by these Rules, the Board shall be liable to pay such pension and leave contributions as may be necessary to secure such employee's lien under Government.

15. . :-

Subject to the provisions of Rule 14, the services of an employee who does not hold a permanent post under the Board or in any Government Department shall be liable to be terminated by the appointing authority with one calendar month's notice:

Provided that a permanent employee shall be entitled to three calendar months' notice:

Provided further that where an employee has been convicted in a Court of law for offences involving breaches of law and order or moral turpitude, or is declared insolvent, his services may be terminated without notice.

16. . :-

The appointing authority may dismiss or remove from service an employee after following the procedure laid down by Government under these Rules.

PART 3

Pay

17. . :-

Subject to these Rules the fixation of pay shall be within the competence of the appointing authority. The pay of an employee shall not be so increased as to exceed the maximum of the scale of pay sanctioned for his post.

18. . :-

An employee while on duty shall be entitled to draw the prescribed remuneration of the post to which he is appointed and while on leave shall be entitled to draw the basic salary admissible under these Rules.

18A. . :-

(1) Employees of the Board, who are members of the Army and Air Force Reserves/Indian Naval Reserves and Indian Naval Volunteer Reserve/Air Defence Reserve will, when called up for training, draw the following rates of civil pay, in addition to their military or naval pay, that is to say :

(a) when proceeding to carry out their training from their duty appointments, the pay and allowances they would have drawn under the Board's appointments but, for the training;

(b) while on leave in India, the civil leave pay and allowance which they would have drawn for the training. The time spent by such employees undergoing training or when called to army, air or naval service shall count for civil pay.

(2) The employees of the Board who join the Army in India Reserve of Officers when employed on part time military duty in peace time, will get their civil pay only which will be charged to the Fund.

18B. . :-

An employee of the Board, as an Officer of the Army in Indian Reserve carries out his military training on the expiry of leave out of India taken from his civil appointment, and before rejoining his civil appointment for duty, will receive pay as follows :

(1) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced.

(2) Full civil pay during the period of training.

18C. . :-

Employees of the Board who are members of the Territorial Army are entitled, when called out or embodies under Section 7(3) of the Territorial Army Act, 1948, to pay and allowances at civil rates or military pay and allowances, which is greater; provided that for the purpose of computing civil allowances, only those allowances, other than permanent travelling allowance and conveyance allowance, are taken into account as are attached and admissible in respect of the post from which the employee is called out and to which the employee is appointed on return from the Territorial Army. In cases where the civil pay and allowances mentioned above are higher than the military pay and allowances, the difference between (i) the civil pay and allowances (ii) the military pay and allowances shall constitute a charge against the Fund.

18D. . :-

A reservist of the Indian Naval Reserve/Indian Naval Volunteer Reserve in the employ of the Board shall, when called up for periodical training, receive naval pay and allowances and the excess, if any. of his civil pay over his naval pay. provided this excess is specifically sanctioned by the Board. The extra expenditure involved shall constitute a charge against the Fund.]

19. . :-

¹Subject to this rule, an employee shall be eligible to the minimum of the scale of the post to which he is appointed as his initial pay. ²

[(a) save as provided in Rules 26, 27 and 37, where an employee of the Board holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post, including an ex-cadre, his initial pay shall be regulated as follows : When the appointment to the new post involves assumption of duties or responsibilities of greater importance than those attaching to the old post, and,

(i) if he is drawing pay in the pay scale of the old (lower) post at a stage lower than the maximum and the rate of increment above that stage in that pay scale in Rs. 30 or less, his initial pay in the time-scale of the higher post shall be fixed at a stage next above the pay initially arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued; and

(ii) if the conditions laid down in sub-clause (i) of this clause are not satisfied, he will draw as initial pay, the stage of the time-scale next above his pay in respect of the old (lower) post;

(b) if the appointment to the new post does not involve such assumption, he will draw as initial pay, the stage of the time-scale which is equal to his pay in respect of the old post, or if there is no such stage, the stage next below that pay, plus personal pay equal to the difference and in either case will continue to draw that pay, until such time as he would have received an increment in the time-scale of the old post, or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his pay in respect of the old post, he will draw that minimum as initial pay:

(ba) when appointment to the new post is made on his own request and the maximum pay in the time-scale of that post is less than his pay in respect of the old post, he will draw that maximum as initial pay;

Provided that, in cases covered by both clauses (a) and (b), if the employee of the Board had previously held the same post or another post on the same or identical time-scale, then save as provided in clause (d), his initial pay shall not be less than the pay other than his special pay, personal pay or emoluments special classified as pay, by the Board under clause (aa) of Rule 3, which he drew on the last such occasion and he shall count the period during which he drew that pay on such last and any previous occasion for increments in the stage of the time-scale equivalent to that pay:

Provided further that, where the employee of the Board is reverted from an ex-cadre post to a post in the present cadre, the initial pay shall not be higher than the pay to which he would have been entitled on the date of reversion had he not been appointed to the ex-cadre post.

(c) Notwithstanding anything contained in these Rules the Board may appoint any person in consideration of his special knowledge, training or experience on an initial pay higher than the minimum of scale:

Provided that the higher initial pay shall in no case exceed three advance increments above the minimum of the scale of the post.

(d) Re-employment of any employee after resignation or discharge due to reduction in establishment or after invalidation shall constitute entirely a new appointment unless the period of break in service is converted into leave admissible, including extraordinary leave, or is otherwise condoned by the Board.

(e) If he has previously held substantively

(i) the same post, or

(ii) a permanent post which was at that time on the same time-scale, or

(iii) a permanent post, other than a tenure post which was at that time on an identical time-scale, or if he is appointed substantively to a tenure post which was at that time on a time-scale identically with that of another tenure post which he has previously held substantively, then except in case of re-employment after resignation or after discharge on reduction of establishment or after invalidation of the services, the initial pay shall not be less than the pay which he drew on the last such occasion and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

(f) If he previously officiated in

(i) the same post, or

(ii) a permanent post which was at that time on the same time-scale, or

(iii) a permanent post, other than a tenure post which was at that time on an identical time-scale, or if he has previously held substantively or officiated in

(i) a temporary post which was at that time on the same time-scale, or

(ii) a temporary post which was at that time on an identical time-scale, such post being on the same time-scale as a permanent post, then, save as provided in clause (d) his initial pay shall be fixed under clause (a) or clause (b), as the case may be, and he shall be entitled to count for increments all the previous service during which he would have drawn pay equal to or higher than the initial pay fixed under clause (a) or clause (b), had the time-scale, which is in force at the time of the appointment been in force from the

beginning:

Provided that his initial pay shall not be higher than that to which he would have been entitled under clause (f) had he been substantive in the post.

1. Substituted by G.N. of I-7-1977.
2. Substituted by Ci.N. of I-7-1977.

20. . :-

¹ The Board may grant a premature increment to any of its employees on the time-scale of pay.]

1. Substituted by G.N. of I-7-1977.

21. . :-

(1) Subject to the provisions of sub-rules (2) and (3), when the pay scale of a post is revised, the employee of the Board holding the post shall be treated as if he was transferred to a new post, and he will be eligible to draw pay only in the revised scale, but he shall have the option to retain the old scale until the date on which he has earned his next or any subsequent increment in that scale or until he vacates the post or ceases to draw pay in that time-scale. The option once exercised will be final.

(2) The option to retain the old scale under sub-rule (1) will also be available to an employee of the Board not actually holding the post at the time of revision of the scale under the following circumstances :

(i) when he holds a lien or a suspended lien on that post:

(ii) when he could have held that post but for service on deputation of foreign service or being on leave or holding a higher or equivalent post, provided it is certified by the Board that he would have held that post, but for his being away on account of the foregoing reasons.

(3) The option under sub-rule (1) will not be available to a temporary or officiating employee of the Board in respect of a post held by him if the pay scale of the post is reduced on account of the diminution in the duties and responsibilities attached thereto.

(4) Subject to the provisions of Rule 37, when an employee of the Board moves on to the revised scale under the foregoing provisions of this rule, he will draw as initial pay.

(i) if the minimum of the new scale is higher than his pay in his old scale, the minimum:

(ii) if the minimum of the new scale is not higher than his pay in the old scale, to pay which he was drawing in the old pay scale at the time the change was made, if that is a stage in the new scale or, if there is no such stage, the stage next below that pay plus personal pay equal to the difference (to be absorbed in the next increment) and in either case he will continue to draw that pay until such time as he would have received an increment in the old scale of pay, or for the period after which an increment is earned in the new time-scale, whichever is less. The pay of an officiating employee of the Board, fixed as above, will not be refixed in accordance with the provisions of Rule 19 on his confirmation in the new scale.

22. . :-

An increment in the time-scale may be drawn as a matter of course unless withheld by the appointing authority. In order the withholding of an increment, the period for which it is withheld and whether postponement shall have the effect of postponing future increments shall be stated. While withholding the increment of an employee it should be expressly stated in the order that the period for which it has been stopped will be exclusive of any interval spent on leave before the period is completed. When an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given without the specific sanction of the authority empowered to withhold increments.

23. . :-

(a) All duty in a time-scale post counts for increment in that time-scale.

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(b)

(i) Officiating service in another post, service in a temporary post, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable for the post on which the employee concerned holds a lien or would hold a lien, had his lien not been suspended under clause (4) of Rule 7.

(ii) All leave other than extraordinary leave and the period of deputation shall count for increment in the time-scale applicable to

a post in which the employee was officiating at the time he proceeded on leave on deputation and would have continued to officiate but for his proceeding on leave or deputation:

Provided that the appointing authority may, if satisfied that the extraordinary leave was taken on account of illness or for any other cause beyond the employee's control, direct that such extraordinary leave shall be counted for increment.

Explanation For the purpose of this clause the period of leave allowed to count for increment should be restricted to the period during which the employee would have officiated in the post if he had not proceeded on leave. For this purpose, the Welfare Commissioner should furnish a certificate while preferring the claim for increment as follows, namely : "Certified that Shri_____ would have continued to officiate in the post of_____ if he had not proceeded on leave for the period_____ to_____"]

(c) If an employee while officiating in a post or holding a temporary post in a time-scale of pay is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, count for increments in the time-scale applicable to such lower post. This clause applies to an employee who is not actually officiating in the lower post at the time of his appointment to the higher post but would have so officiated had he not been appointed to the higher post.

(d) If an employee's substantive tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty or leave or foreign service counts for increments in the time-scale applicable to the temporary post if that employee returns to the temporary post:

Provided that the appointed authority may, if satisfied that the leave was taken on account of illness or any other cause beyond the employee's control, direct that such extraordinary leave shall be counted for increments.

(e) Foreign service counts for increment in the time-scale applicable to the post in the service of the Board on which the employee concerned holds a lieu or would hold a lien, had his lien not been

suspended under ² [clause (4) of Rule 7].

(f) A period of overstaya leave shall not count towards increment.

1. Substituted by G.N. of 16-3-1965.
2. Substituted by G.N. of 16-3-1965.

24. . :-

(a) The authority ordering the transfer of an employee as penalty from a higher to a lower grade or post may allow him to draw any pay not exceeding the maximum of the lower grade or post which it may think proper.

(b) If an employee is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in the time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if so, to what extent:

Provided that if no period is mentioned in the order, it shall be deemed to be effective until further orders.

25. . :-

If an employee who has been reduced to a lower grade or post on account of misconduct or inefficiency is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced shall count for increments unless the authority promoting or reinstating him declares that it shall not so count either in whole or in part.

26. . :-

¹ A Board's employee who, holding a post in a substantive, temporary or officiating capacity, is appointed in an officiating capacity to a selection grade post, shall, continue to draw pay which he would have drawn but for his appointment to the selection grade post, till he is appointed to it substantively. On his substantive appointment to the post, his pay should be fixed under clause (b) of Rule 19 from the date of his substantive appointment.

1. Substituted by G.N. of 1-7-1977.

27. . :-

Except in the cases covered by clause (ba) of Rule 19. if the pay of the Board's employee officiating in a post is at any time, less than his substantive pay, he shall draw his substantive pay: Provided

that he is officiating in a post carrying duties and responsibilities of greater importance than those attaching to the post held by him, in a substantive capacity and if there is an enhancement in his substantive pay as a result of increment or otherwise, his pay shall be refixed in the pay scale of the higher post at the stage next above his substantive pay, if such relaxation is to his advantage.

(a) in case of a Board's employee whose increment in the officiating post is withheld for failure to pass within the prescribed period a regional language examination or the Hindi examination or other prescribed departmental examination:

(b) in case of a Board's employee whose increment is withheld with or without permanent effect, as a measure of punishment;

(c) in the case of a Board's employee who is on probation.]

28. . :-

If an employee's lien on his substantive appointment is suspended, the presumptive pay of the temporary post held by him may, for the purpose of calculating his pay in another appointment, be taken as his substantive pay.

29. . :-

The pay and allowances of an employee who is dismissed from service or whose services have been terminated ceases from the date of such dismissal or termination.

30. . :-

(1) An employee under suspension is entitled to a subsistence allowance in accordance with the provisions of sub-rule (2).

(2) The appointing authority may sanction a subsistence allowance to an employee under suspension, which shall in no case exceed half the average pay of the suspended employee. He shall also be paid any other compensatory allowance other than conveyance allowance of which he was in receipt on the date of suspension to such extent and subject to such conditions as the appointing authority may direct:

Provided further that when an employee is convicted by a competent Court of law the payment of the subsistence and other allowances shall cease.

31. . :-

When an employee, suspended pending enquiry into alleged misconduct, is honourably acquitted, he may be granted for the period of his absence from duty, the full pay to which he would have been entitled had he not been suspended. The amount of subsistence allowance (if any) already drawn will be deducted from the pay and allowances thus granted.

32. . :-

An employee committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest and therefrom entitled to subsistence grant until the termination of the proceedings against him when, if he is not dismissed from service, an adjustment of his pay and allowances should be made according to the conditions and terms provided in Rule 31 the full amount being given only in the event of his being considered to be acquitted of blame or if the imprisonment was for debt of its being proved that his liability arose from circumstances beyond his control.

33. . :-

No employee shall be entitled to pay or allowance for the period during which, without the permission of the appointing authority, he fails to stay in the area where he is expected to perform his duties.

34. . :-

An employee shall be eligible to such compensatory allowance as may be prescribed by the Board from time to time.

35. . :-

Every case of fixation of pay, increments and allowances not covered by these Rules may be decided by the Board and the decision, unless otherwise stated, shall not have general application but only cover the specific case referred to it.

36. . :-

When an employee is called upon to hold one or more independent equivalent or higher (but not a subordinate) post, in addition to his own duties, for a period excluding 22 days he may be paid 10 per cent of his presumptive pay of the additional post held by him during that period.

37. . :-

(1) The provisions of Rule 19 do not apply in the case of a Board's employee appointed from his higher post to a lower post due to reduction of establishment or reverting to a lower post on termination of his officiating promotion to a higher post. Where the Board's employee reverts to a lower post after a spell of promotion in a higher post, his pay in the lower post shall be fixed at the stage in the time-scale of the lower post at which the Board employee would have drawn pay but for his appointment to the higher post as admissible under Rule 23.

(2) The provision of Rule 19 do not also apply in the case of a Board's employee who has elected to retain a City scale under the Maharashtra Labour Welfare Board Employees Revision of Pay Rules, 1970. His pay on appointment to a post carrying the revised scale (mofussil scale) shall be fixed as provided in Rule 14 of those rules, i.e., on the basis of the "present pay" as defined in Rule 5(6) of those rules.]

1. Substituted by G.N. of 1-7-1977.

PART 4

Leave

38. . :-

Leave is earned by duty only.

39. . :-

Leave shall not be claimed as of right. When the exigencies of service so required discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

40. . :-

Leave may not be granted to an employee under suspension.

41. . :-

(1) An employee who resigns from service or is discharged on account of reduction of establishment shall not be entitled, if re-employed after an interval, to count his prior service towards leave.

(2) An employee who is dismissed or removed from the service, but is reinstated on appeal or revision shall be entitled to count his prior service for leave unless the appellate or revising authority decides that he shall not so count it in whole or in part.

42. . :-

Leave of absence may be granted to an employee by the authority

in whom the power to appoint that employee is vested.

43. . :-

Leave shall ordinarily begin on the day in which the transfer of charges is effected and shall end on the day preceding that on which charge is resumed provided the transfer or resumption of charge is effected in the forenoon in case of full-time employees, and first two hours of prescribed duty hours in case of part-time employees: otherwise on the following day. The authority granting the leave may allow Sundays or other recognised holidays to be prefixed or suffixed or both, to leave, if circumstances in its opinion justify the granting of such concession. Unless the authority granting leave in any case otherwise directs -

(a) if holidays are permitted to be prefixed to leave, the leave and any consequent re-arrangements of pay and allowances will take effect from the first day after the holiday: and

(b) if holidays are permitted to be affixed to leave, the leave shall be 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 affixed.

44. . :-

An employee on leave shall not take any service or accept any employment.

45. . :-

An employee who has taken leave on medical certificate shall not return to duty, until he has produced a medical certificate of fitness from the medical officers specified in clause (c) of Rule 4. The certificate shall be in the following form : "I, A, B, do hereby certify that I have examined C.D. and that I consider him fit to resume his duties in the service of the Maharashtra Labour Welfare Board."

46. . :-

Unless he is permitted to do so by the authority which granted his leave, an employee on leave shall not return to duty more than fourteen days before the expiry of the period of leave granted to him.

47. . :-

An employee who remains absent after the end of his leave shall not be entitled to leave salary for the period of such absence and

that period shall be debited against his leave account as though it were on leave on half average pay unless his leave is extended by the authority sanctioning the leave. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of clause (b) of Rule 8.

48. . :-

(1) An application for leave or for an extension of leave shall be made in writing through the immediate departmental superior (if any) to the authority competent to grant such leave or extension.

(2) The rate at which the different types of leave are admissible to the different employees of the Board are as shown below :

Nature of leave	Rate Limit upto which leave can be accumulated	Limit of leave that can be granted at a time.
A. Full-time employees		
1. Earned leave	1/22 of the period spent on duty during the first year of service and thereafter at 1/11 (one-eleventh) of the period spent on duty.	180 days.
2. Half pay leave	20 days for each completed year of service.	
3. Extraordinary leave.	90 days at a time.	
4. Maternity leave for women-workers with over one year's service.	Three months from the date of commencement of six weeks from the date of confinement whichever is less.	
B. Part-time employees		
1. Full pay leave	10 days for each completed year of duty.	40 days.
2. Half pay leave	15 days for each year of duty.	The maximum amount of leave to be granted at any one time shall be limited to ninety days.
3. Extraordinary leave.	90 days at a time.	

49. . :-

(1) An employee of the Board on earned leave is entitled to leave salary equal to greater of the amounts specified below :

(i) the substantive pay on the day before the leave commences, or
(ii) (a) in respect of the first sixty days of the earned leave, the average monthly pay earned during the twelve complete months preceding the month in which the leave commences; and (b) thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

(2) An employee on half pay leave or on leave not due is entitled to leave salary equal to half the substantive pay or half the amount specified in sub-clause (ii) of clause (b) of sub-rule (1). whichever amount is greater, subject in either case to a maximum of Rs. 750 per month.

(3) An employee on commuted leave shall be entitled to leave salary equal to twice the amount admissible under sub-rule (2).

(4)

(a) An employee on maternity leave with at least two years' continuous service shall be entitled to leave salary as laid down in sub-rule (1).

(b) In the case of an employee on maternity leave with less than two years but more than one year's service, the leave salary admissible will be as laid down in sub-rule (2).

(5) An employee on extraordinary leave is not entitled to any leave salary.

50. . :-

Any kind of leave under these Rules other than casual leave may be granted in continuation of any other kind of leave.

51. . :-

(1) Leave at the credit of an employee in his leave account shall lapse on the date of compulsory retirement:

Provided that if in sufficient time before that time he has

(a) formally applied for leave and been refused it, or

(b) ascertained in writing from the sanctioning authority that leave if applied for, would not be granted. in either case the ground for refusal being the requirements of the 'Board service, then the employee may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

(2) An employee retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a), had he retired on that date. The total period which he may take on each occasion shall not exceed six months. When his duties finally cease, the employee may be granted leave preparatory to retirement, upto a maximum of six months, as follows :

(i) the balance after deducting the amounts of leave, if any taken during the period of extension from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, plus

(ii) the amount of leave earned under this clause which is due to the employee and which he has. in sufficient time during the period of extension,

(1) formally applied for and been refused, or

(2) ascertained in writing from the sanctioning authority. would not be granted if applied for, in either case the ground of refusal being the requirements of the Board service.

PART 4A

Application of Bombay Civil Services Rules

51A. . :-

Except as specifically provided in the foregoing provisions of these Rules, the provisions of the Bombay Civil Services Rules (except Chapter XI thereof) as amended from time to time shall be applicable to the Welfare Commissioner and other employees of the Board.

PART 5

Conduct, Discipline and Appeal

52. . :-

An employee shall not, except with the previous sanction of the Welfare Commissioner,

(a) accept directly or indirectly on his own behalf or on behalf of any person, or

(b) permit any member of his family to accept, any gift, gratuity or reward or any offer of a gift from a person not being a member of

his family.

53. . :-

An employee shall not enter into any pecuniary arrangement for his resignation by one of them of any office under the Board for the benefit of others. Should this rule be infringed, any nomination or appointment consequent upon such resignation shall be cancelled.

54. . :-

When an employee is adjudged or declared an insolvent or when a moiety of the pay of such employee is constantly being attached or has been continuously under attachment for a period exceeding two years or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he shall be liable to dismissal.

55. . :-

(a) An employee may not, without the previous sanction of the Welfare Commissioner, communicate directly or indirectly to outside persons or parties to press any document or any information which has come into his possession in the course of his duties or has been collected or prepared by him in the course of his duties.

(b) Applications, petitions or representations concerning service matters will be submitted through the immediate superior officer and shall not be presented through outside agencies not connected with the Board. Two or more employees may not jointly submit such application, petition or representation.

56. . :-

An employee may not, without the previous sanction of the Board have recourse to any Court or to the press for the vindication of his acts performed in the course of his employment or character from defamatory attacks. In granting sanction to recourse to Court, the Board shall in each case decide whether it will bear the cost of the proceedings or whether the employee will bear his own expense thereof, and if so, whether in the event of a decision in his favour the Board shall reimburse him to the extent of the whole or any part of the cost incurred by him in excess of the costs and damages, if any, awarded to him by the Court:

Provided that nothing in the Rules shall limit or otherwise effect the right of any employee to vindicate his private acts or character.

57. . :-

An employee shall not

- (a) be wilfully insubordinate or disobey any lawful and reasonable order of a superior officer,
- (b) commit any theft, fraud or dishonesty in connection with the Board's property or business,
- (c) take or give bribe, illegal gratification or any consideration in cash or kind,
- (d) be irregular in attendance, be unauthorisedly absent without leave and be absent without permission.
- (e) commit any habitual breach of any departmental circulars or orders.
- (f) engage in private trade or vocation directly or indirectly while in the service of the Board.
- (g) be habitually negligent or neglect work.
- (h) cause wilful damage to property belonging to the Board or for the time being in possession of the Board,
- (i) consume any statutorily prohibited liquor or be intemperate in habit,
- (j) be insolvent, impertinent or rude or uncivil behaviour.
- (k) fail to give full and correct information regarding his previous working and record or regarding any matter connected with the Board's business, or in connection with any acts of omission or commission relating to the Board's business when demanded by a superior officer.
- (l) unauthorisedly divulge any information or document relating to the Board's business.
- (m) commit any act prejudicial to discipline and order.
- (n) commit such other acts as may be notified by the Board from time to time as constituting misconduct.

58. . :-

Without prejudice to the provisions of any law for the time being in force, an employee who is found guilty of any of the acts of misconduct detailed in Rule 57 or for good and sufficient reason

may be liable to any one of the following punishment:

- (a) Censure
- (b) Withholding of increments or promotion including stoppage at an efficiency bar,
- (c) Reduction to a lower post on a fixed pay or a time-scale or to a lower stage in a time-scale,
- (d) Recovery from his pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders,
- (e) Fine,
- (f) Suspension,
- (g) Removal from service under the Board,
- (h) Dismissal from service under the Board.

59. . :-

The Welfare Commissioner may impose any of the penalties mentioned in Rule 58 and such other penalties as may be prescribed by the Board whom he has power to appoint.

60. . :-

The services of an employee convicted in a Court of law for offences involving breaches of law and order, or moral turpitude shall be terminated without notice.

61. . :-

An employee charged with any act of misconduct is liable to be suspended pending enquiry into the alleged misconduct. In the case of suspension, the enquiry shall be completed and a decision given within ninety days from the date of suspension. The Welfare Commissioner may, in exceptional circumstances, extend the period of suspension beyond ninety days.

62. . :-

Subject to the provision of any law for the time being in force, an employee may appeal to the Board against any penalties imposed under Rule 59.

63. . :-

In the case of an appeal against any order imposing penalties under Rule 59 the Board may consider

- (a) whether the facts on which the order was based have been established,
- (b) whether the facts established afford sufficient ground for the action taken,
- (c) whether the penalty is excessive, adequate or inadequate, and after such consideration shall pass such orders as it thinks proper.

64. . :-

The Board may authorise the Chairman of the Board to consider such appeals and issue the necessary orders on its behalf. The Welfare Commissioner shall give effect to any order made by or on behalf of the Board by the Chairman on such appeals.

65. . :-

Every appeal under Rule 62 shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Welfare Commissioner and shall be accompanied by a copy of the order appealed against.

66. . :-

An appeal may be withheld if

- (a) It is appealed in case in which no appeal lies under these Rules, or
- (b) it does not comply with the provisions of Rule 65, or
- (c) it is not preferred within one month after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay,
- (d) it is a repetition of a previous appeal and no new facts or circumstances are adduced which afford grounds for a re-consideration of the case:

Provided that in every case in which the appeal is withheld, the appellant shall be informed of the fact and the reason for it:

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 65 may be re-submitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal and such appeal shall not be withheld if it is re- submitted in a form which complied with

these provisions.

67. . :-

No appeal shall lie against the withholding of an appeal by a competent authority.

68. . :-

(a) No order of dismissal, removal or reduction (other than an order based on facts which have led to his conviction in a Criminal Court) shall be passed unless the employee concerned (hereinafter referred to as the person charged) has been informed in writing of the grounds on which it is proposed to take action.

(b) The grounds on which it is proposed to take action shall be reduced to a form of a definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case.

(c) The person charged shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person.

(d) If he so desires, an oral enquiry shall be held. At the enquiry so held, oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish. provide⁴ that the officer conducting the enquiry may, for reasons to be recorded in writing, refuse to call any witnesses.

(e) The proceedings shall contain a sufficient record of the evidence and statement of the findings and grounds.

69. . :-

The grounds on which it is proposed to take action should be reduced to writing in the form of a series of definite charges. Each charge shall be drawn up clearly and precisely, care being taken to avoid vagueness.

70. . :-

The charges so framed shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and other circumstances which it is proposed

to take into consideration in passing orders in the case. The relevant allegations as to facts should be clearly stated as well as the inferences which they appear to lead to; and any circumstances which appear to support such inferences should also be clearly mentioned. Copies of the relevant documents, if any, should also be supplied to him. In short, the person charged should be informed of the whole case against him in all essential features.

71. . :-

The person charged shall, thereafter, be required to put in a written statement of his defence within a reasonable time, and he should also be asked to state whether he desires to be heard in person.

72. . :-

After the written statement of defence, if any, is filed, and even if no such written statement is filed, the person charged should be given an opportunity of making an oral statement, either to supplement or explain the written statement or in lieu of it, as the case may be.

73. . :-

If the person charged refuse to make any statement, as regards any charge, his refusal to make a statement shall be recorded. The refusal of a person to make a statement shall not be construed that he admits the truth of the charge.

74. . :-

The officer holding the inquiry thereafter may, if he considers it necessary to do so, and shall, if the person charged desires it, hold an oral inquiry.

75. . :-

At the oral inquiry, evidence shall be heard as to such of the allegations as are not admitted. All evidence shall be recorded in the presence of the enquiry officer and the person charged and the evidence in support of the allegations against the person charged should be recorded first. He shall be allowed to give evidence in person and also to cross-examine the witnesses examined against him. The person charged shall, subject to the power of the enquiry officer to refuse to call a witness for special and sufficient reasons which shall be recorded by him in writing, also be entitled to have called at the enquiry such witness as he may wish. Though it is in the discretion of the enquiry officer to decide what would be special

and sufficient reasons for refusing to call a particular witness, the discretion shall not be exercised capriciously to the prejudice of the person charged. Ordinarily the request to call a witness shall not be rejected: when, however, it appears, that the request to call a particular person to give evidence is vexatious or is made with a view unnecessarily to delay or prolong the enquiry, such request may be rejected e.g.. when the request is made to call an officer who has absolutely no knowledge of the facts relating to any of the charges and the request is made merely to trouble or cause inconvenience of that officer.

76. . :-

The evidence of each witness shall be recorded in the form of narrative. After the evidence of a witness is completed, it shall be read over to him, and if necessary, explained to him in a language in which it was given. It should be corrected, if necessary, and then signed by the enquiry officer. If the witnesses denies the correctness of any part of the evidence when the same is read over to him. the enquiry officer may. instead of correcting the evidence, make a memorandum thereon if the objection taken to it by the witness, and may add such remarks as he thinks necessary. If the evidence is given in a language with which the person charged is not familiar, and an authenticated translation of such evidence in the language known to the person charged should form part of the record, copies of such evidence as are required by the person charged shall be supplied to him free of charge.

77. . :-

Ordinarily, the person charged shall be required to produce his documentary evidence, if any, along with his written statement, but such evidence shall not be rejected merely because it is produced late. It is always safer to admit relevant documentary evidence proposed to be used against such person shall, as a rule, be placed on record at a very early stage, and copies of such evidence shall, as provided in Rule 70, be supplied to him at the time when the charges and the grounds on which they are based are communicated to him.

78. . :-

Ordinarily pleaders shall not be allowed to appear in the inquiry. The person charged shall also not be entitled as of right to ask for being defended by a pleader in such inquiry. But there is no prohibition against allowing pleaders on either side: and it must

always be borne in mind that the person charged should have an adequate opportunity of defending himself. If, therefore, the case is very complicated or difficult, or where the person charged is likely to be embarrassed, he might be allowed to have legal aid.

79. . :-

After completing the oral inquiry, if any, and giving the person charged a further opportunity of making a written or oral statement, the enquiry officer should record his findings on each charge and the reasons for such findings.

80. . :-

The procedure laid down in the foregoing rules may not be followed, and all or any of the provisions of those rules may be waived, in the following cases :

(i) when the order of punishment, i.e.. dismissal, removal or reduction is to be based on facts which have led to the conviction of the person charged in a Criminal Court, the order of punishment may be passed on the strength of the facts as disclosed in the criminal case;

(ii) when the person charged has absconded, or when it is for other reasons impracticable to communicate with him;

(iii) in exceptional cases where there is difficulty in observing the exact requirements of these rules, the requirements of the rules should not, however, be waived, unless it can be done without injustice to the person charged. In such cases, the enquiry officers shall also record in writing his reasons for waiving the requirements of the rule.

PART 6

Miscellaneous

81. . :-

A service book shall be opened for every employee at his own cost on his being appointed substantively or in an officiating capacity to a permanent post or is appointed to hold a temporary post under the Board for the first time, except in the case of employees officiating in posts or holding temporary posts who are recruited for purely temporary or officiating vacancies for short periods.

82. . :-

It shall be the duty of every employee to see that his service book is properly maintained and that all erasures in it are attested. An

employee shall be permitted to examine his service book, should he at any time desire to do so.

83. . :-

When an employee is reduced to a lower post, removed or dismissed from service or suspended from employment, the reasons for the reduction, removal, dismissal or suspension, as the case may be, shall always be briefly stated thus: "Reduced for inefficiency", "reduced owing to revision of establishment" etc.

84. . :-

In the service book, every step in an employee's service with the Board, including temporary and officiating promotions of all kinds, increments and transfer and leave of absence taken shall be regularly and concurrently recorded, each entry being duly verified with orders, pay-bills, and leave statements and attested. Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post shall also be recorded in the service book and duly attested after verification. The date of birth shall be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on. When once an entry of age or date of birth has been made in service book, no alteration of the entry shall afterwards be allowed unless it is known that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error.¹ * * *

1. Deleted by G.N. of 26-11-1964.

85. . :-

The service book shall be taken up for verification in January of every year, and a certificate to the effect that the service book has been verified up-to-date shall be recorded.

86. . :-

The service book may be handed over to an employee after he retires or if he resigns or is discharged from service without fault, an entry being first made therein to that effect, or in the event of an employee's service terminating by his death, to his relatives on application. Should no application be made within six months of the death of the employee, the service book may be destroyed. When an employee's service is terminated by removal or dismissal, his service book shall be retained for a period of five years or until his decease, whichever is earlier, after which it shall be destroyed.

87. . :-

Joining time may be granted to an employee to enable him

(a) to join a post to which he is appointed while on duty in his old post, or

(b) to join a new post when he has not had sufficient notice of his appointment to the new post on return from leave, or

(c) to join a new post on return from leave on average pay of more than four months duration.

88. . :-

No joining time shall be admissible when the change of appointment does not involve an actual change of office. Joining time of not more than one day shall be allowed when

(a) the appointment to a post in a new office does not necessarily involve a change of residence from one station to another, or

(b) there is an actual change of office in the same station.

89. . :-

The joining time of an employee involving a transfer from one station to another shall not be more than a maximum of six days for preparation in addition to the period actually necessary for completing the journey.

90. . :-

(a) If an employee is authorised to take over charge of a post elsewhere than at head-quarters, his joining time shall be calculated from the place at which he takes over charge.

(b) By whatever route an employee actually travels, his joining time shall be calculated by the route, the traveller ordinarily uses.

91. . :-

The Welfare Commissioner may in any case extend the joining time admissible under these Rules.

92. . :-

An employee on joining time shall be entitled to be paid as follows :

(i) If on joining time under clause (a) of Rule 88. he is entitled to the pay which he would have drawn if he had not been transferred or the pay which he will draw on taking charge of the new post,

whichever is less.

(ii) If on joining time under clause (b) of Rule 88. he is entitled when returning from extraordinary leave other than extraordinary leave not exceeding 14 days, granted in continuation of other leave at no payment at all. and

(iii) when returning from leave of any other kind, to the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary.

93. . :-

An employee who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after expiry of joining time shall be treated as misconduct.

94. . :-

No employee shall be transferred to foreign service against his will.

95. . :-

An employee in foreign service shall be entitled to revert six months after he has given notice to the Board of his wish to revert.

96. . :-

An employee in foreign service shall be liable to be recalled by the Welfare Commissioner at any time.

97. . :-

The amount of emoluments to be granted to an employee transferred to foreign service shall be regulated by the following principles :

(a) The pay which he shall receive in such service shall be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value in addition to his pay proper, the exact nature of such remuneration or concession shall be similarly specified. No employee shall be permitted to receive any remuneration or enjoy any concession which is not so specified, and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(b) The terms granted to the employee transferred shall not be so greatly in excess of the emoluments which the employee would receive in the Board's service as to render foreign service

appreciably more attractive than the Board's service.

98. . :-

(a) The foreign employer shall pay to the Board contribution towards the Board's gratuity and provident fund on behalf of the employee transferred to the foreign employer and leave salary calculated at the rates and by the method prescribed below.

(b) Rate of monthly contribution for leave salary payable during foreign service shall be 11 percent, of pay drawn in foreign service.

99. . :-

(a) An employee reverts from foreign service to the service of the Board on the date on which he takes charge of his post in the Board service:

Provided that if he takes leave preparatory to retirement on the conclusion of foreign service, his reversion shall take effect from the date on which he proceeds on leave.

(b) When an employee reverts from foreign service to the service of the Board, his pay shall cease to be paid by the foreign employer and his contributions shall be discontinued from the date of reversion.

100. . :-

The amount of a compensatory allowance shall be so regulated that the allowance is not on the whole source of profit to the recipient. All general or special orders are subject to this principle.

101. . :-

The following are the different kinds of compensatory allowances sanctioned by the Board :-

(i) Local allowance,

(ii) House-rent allowance.

(iii) Travelling allowance (which includes conveyance allowance).

102. . :-

(a) Unless it be in any case otherwise expressly provided, a compensatory allowance attached to a post shall be drawn in full by the employee actually performing duties of that post and shall not be drawn in whole or part by anyone else Save as provided by

these Rules, a compensatory allowance attached to a post shall cease to be drawn by an employee when he vacates the post.

(b) During joining time on transfer from one post to another, to both of which a local allowance is attached, an employee shall draw the allowance at the lower of the two rates.

(c) During joining time on transfer from one post to another to both of which a house-rent allowance is attached an employee who is appointed to join a new post while on duty in his old post, shall draw his allowance at the lower of the two rates. In case the post to which the employee is transferred, carries the concession of free quarters, the employee shall draw the house-rent allowance attached to the post from which he is transferred. The grant of house-rent allowance in these cases is subject to the condition that the expenditure on account of which the allowance was granted continues to be incurred during the joining time.

(d) During the period occupied in handing over and taking over charge, both the relieved and relieving employees to whom the concession of rent-free quarters or house-rent allowance in lieu thereof is admissible, shall be considered as entitled to the concession of rent-free quarters or house-rent allowance in lieu thereof.

(e) When an employee is on leave for a period not exceeding four months, other than leave preparatory to retirement, the title to compensatory allowance shall remain intact

(i) when the original leave not exceeding four months is not subsequently extended, or if extended the total period does not exceed four months throughout the period;

(ii) when the original or extended leave not exceeding four months referred to in sub-clause (i) is subsequently extended and the total period exceeds four months, upto the date of expiry of the original or extended leave not exceeding four months or the date of sanction to the first subsequent extension which causes the total period of leave to exceed four months whichever is earlier.

(f) When an employee is transferred duly to another station which is expressed to be for a period not exceeding four months including 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. shall remain intact upto the

date of the order of the extension.

103. . :-

Except where otherwise provided in these Rules, an allowance granted owing to the expensiveness of living may be drawn

(a) during leave, if

(i) the authority sanctioning the leave certifies in the sanctioning order that the employee is likely, on the expiry of the leave, to return to duty at the station from which he proceeded on leave or at another station in which he will be entitled to a similar allowance, and

(ii) the employee for drawing an allowance granted owing to expensiveness of living other than house-rent allowance, certifies that he or his family or both resided for the period for which the allowance is claimed, at any of the stations mentioned in sub-clause (i) above.

(iii) for drawing house-rent allowance, the employee certifies that this rate of expenditure for a house continues during his absence during temporary transfer if

(a) the authority sanctioning the transfer certifies that the employee is likely, on the expiry of the temporary duty, to return to the station from which he is transferred,

(b) the employee draws no allowance of the same kind in the post to which he is transferred, and

(c) for drawing an allowance granted owing to expensiveness of living other than house-rent allowance certifies that he kept his family, for the period for which the allowance is claimed, at the station from which the allowance is claimed, at the station from which he proceeded on transfer; and for drawing house-rent allowance, the employee certifies that the previous rate of expenditure for a house continues during his absence.

104. . :-

For the purpose of calculating travelling allowance, employees are divided into the following four grades :

(a) The first grade 17[shall include the Welfare Commissioner and all other employees] of the Board in receipt of actual pay exceeding ¹ [Rs. 800] per month.

(b) The second grade shall include all employees of the Board in receipt of actual pay of Rs. 200 or more but less than Rs. 750 per month.

(c) The third grade shall include all full-time employees of the Board not included in Grade I,II and IV.

(d) The fourth grade shall include all servants of the Board in Class IV service and part-time employees.

1. Substituted by G.N.of 7-10-1964.

105. . :-

(1) An employee in transit from one post to another shall rank in the grade to which the holding of the lower of the two posts would entitle him to belong.

(2) If the initial order of transfer is modified while the employee is in transit, his travelling allowance shall be regulated in accordance with the initial or the final order of transfer, whichever entitles him to rank in the lower grade; provided that if the initial order entitles him to travelling allowance in higher grade, he may be allowed to claim travelling allowance admissible according to that grade on his certifying that he actually travelled by the higher class.

106. . :-

The following are the different kinds of travelling allowances which may be drawn in different circumstances by employees : -

(a) Conveyance allowance.

(b) Mileage allowance.

(c) Daily allowance

(d) The actual cost of travelling.

107. . :-

The conveyance allowance is an allowance which is granted to an 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.

108. . :-

The Board may grant, on such conditions as may be imposed, a monthly conveyance allowance to any employee who is required to

travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance.

109. . :-

Except as otherwise provided in these Rules and unless the authority sanctioning it otherwise directs, a conveyance allowance is drawn all the year round, is not forfeited during the absence from headquarters and may be drawn in addition to any other travelling allowance admissible under these Rules. Road mileage and daily allowance may, if admissible, be drawn in addition to conveyance allowance by an employee in receipt of conveyance allowance in the following circumstances only :

(i) if he is in receipt of conveyance allowance of Rs. 75 per month or more or being in receipt of a conveyance allowance of less than Rs. 75 per month but not less than Rs. 35 per month maintains a motor car or a motor cycle, he may draw road mileage and daily allowance, if admissible, when he travels by the nearest practicable route to a place situated more than ten miles from his headquarters for so much of the journey as if performed at a distance of more than ten miles from his headquarters.

(ii) If he is in receipt of conveyance allowance of less than Rs. 75 per month but not less than Rs. 35 per month and does not maintain a motor car or motor cycle, he may draw road mileage and daily allowance if admissible when he travels by the nearest practicable route to a place situated more than five miles from his headquarters or beyond municipal limits, whichever is farther, for so much of the journey as is performed at a distance more than five miles from his headquarters or beyond municipal limits, whichever is farther.

110. . :-

An employee stationed in Greater Bombay who is in receipt of conveyance allowance shall not be entitled to draw daily allowance or mileage when travelling within the limits of Greater Bombay.

111. . :-

A conveyance allowance cannot be drawn during leave or joining time.

112. . :-

A mileage allowance is an allowance calculated on the distance travelled and given to meet the cost of a particular journey.

113. . :-

(a) For the purpose of calculating mileage allowance a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, the Welfare Commissioner shall decide which shall be regarded as the shortest of two or more routes.

(c) If the employee travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance shall be calculated on the route actually used.

114. . :-

The Welfare Commissioner may, for special reasons which should be recorded, permit mileage allowance to be calculated on a route other than the shortest or cheapest provided that the journey is actually performed by such route and provided that the mileage allowance calculated on such route does not exceed that calculated on the shortest route by more than 50 per cent.

115. . :-

A journey on transfer begins and ends at the actual residence of the employee concerned. The point in any station at which a journey other than a journey on transfer is held to commence or end in the chief post office if it is not situated in a very outlying part of the station or such other chief public office, as may be determined by the Welfare Commissioner under this rule.

116. . :-

If an employee or a member of his family travels in a class of accommodation low of than that to which he is entitled he shall be allowed the fare of the class of accommodation actually used.

117. . :-

For the purpose of calculating mileage allowance, employees, when travelling by railway, are considered to be entitled to accommodation according to the following scale :

118. . :-

In suitable cases, the employee may be provided with season tickets for the purpose of travelling on duty by rail.

119. . :-

For journey other than journeys on transfer, the mileage allowance admissible to an employee of the first, second or third grade shall be as under :

(a) A single fare of the class to which the employee is entitled to accommodation. plus

(b) an allowance for incidental expenses calculated as follows -

(i) for an employee of the first 6 naye paise per mile grade

(ii) for an employee of the second 4 naye paise per mile grade

(iii) for an employee of the third 2 naye paise per mile, grade

120. . :-

Employees of the fourth grade will be entitled to railway mileage plus daily allowance or allowance admissible to them or 1-1.2 fares of the class in which they are entitled to travel (extra half fare being for passenger train), whichever is greater.

121. . :-

If an employee of the second or third grade actually travels by a train which does not provide the class of accommodation to which he is entitled under Rule 117, he shall be allowed to draw the mileage of the next higher class provided that the Welfare Commissioner certifies that it was necessary in the interest of the Board that he should travel by that train.

122. . :-

(a) I or journeys by road, mileage allowance is calculated at the following rates for each mile travelled :

1. Employees using their own conveyance

1st Grade		2nd Grade		3rd (grade		4th Grade	
Basic	Revised	Basic	Revised	Basic	Revised	Basic	Revised

rate	rate (temporary)	rate	rate (porary)	rate	rate (temporary)	rate	rate (temporary)
<i>Motor Cycle</i>							
37 nP. per mile	56 nP. per mile	25 nP. per mile	44 nP. per mile				
<i>Motor Car</i>							
12nP. per mile	19nP. per mile	12nP. per mile	12nP. per mile	12 nP. per mile	19nP. per mile		

II. Any other means of conveyance

1st Grade		2nd Grade		3rd Grade		4th Grade	
12nP. per mile	19 nP. per mile	12 nP. per mile	19nP. per mile	12nP per mile	19np. per mile	06 nP. per mile	09 nP per mile

III. Employees hiring conveyance

1st Grade		2nd Grade		3rd Grade		4th Grade	
The actual cost of hiring the conveyance in whole or in part		The actual cost of hiring the conveyance in whole or in part		The actual cost of hiring not more than two seats in a conveyance		The actual cost of hiring not more than one seat	
Basic rate	Revised rate	Basic rate	Revised rate	Basic rule	Revised rate	Basic rate	Revised rate
57 nP. per	(temporary) 56 nP.	25 nP. per	(temporary) 44 nP per mile	12nP. per mile	(temporary) 19nP. per	06 nP. per	(temporary) 09 nP. per

mile	per mile	mile			mile	mile	mile
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V. Employees borrowing a conveyance from any other employee or a private individual

The expenses paid by the borrower, subject to the limit prescribed for employees of the respective grade in Part 1 or 11 above whichever is less.

(b) In calculating mileage allowance for journey by road fractions of a miles shall be omitted from the total of a bill for any journey but not from the various items which makes up the bill Each complete journey is to be considered separately and a journey on tour ends when the employee returns to headquarters.

(c) In the case of transfer, mileage shall be allowed for the distance between the employee's actual residence and the nearest railway station.

123. . :-

A daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the ordinary daily charge incurred by an employee in consequence of such absence.

124. . :-

A daily allowance may be drawn while on tour by every employee whose duties require that he should travel, and shall not be drawn except while on tour.

125. . :-

Daily allowance shall be drawn in the following scale : Daily allowance rates

126. . :-

An employee is on tour when absent on duty from his headquarters either within, or with proper sanction beyond his sphere of duty. The Welfare Commissioner shall fix the sphere of duty in respect of each employee.

127. . :-

An employee draws travelling allowance for journeys on tours in the shape of daily allowance.

128. . :-

Daily allowance shall not be drawn except during absence from headquarters on duty. A period of absence from headquarters begin when an employee actually leaves his headquarters and shall end when he actually returns to the headquarters.

129. . :-

Daily allowance shall not be drawn for any day on which an employee does not reach a point outside a radius of five miles from his headquarters or beyond municipal limits whichever is farther or return to his headquarters from a similar point.

130. . :-

Subject to the conditions prescribed below, daily allowance shall not be drawn during a halt on tour or on a holiday occurring during a tour:

- (a) An employee who takes casual leave when on tour is not entitled to draw daily allowance during such leave.
- (b) Daily allowance may not be drawn for a continuous halt of more than ten days at one place :

Provided that the Welfare Commissioner may grant individual exemption from the operation of this rule on condition that he is satisfied that prolonged halt is necessary in the Board's interest.
19Rales applicable to Poona and Kirkee.

- (c) after a continuous halt often days' duration, the halting place shall be regarded as the employees' temporary headquarters;
- (d) a halt is continuous unless terminated by an absence from duty at a distance from the halting place exceeding five miles for a period including not less than three nights:
- (e) in calculating the duration of a halt, any date on which an employee travels or halts at a distance from the halting place exceeding five miles shall be excluded.

131. . :-

- (a) An employee in a service other than inferior service may exchange his daily allowance for mileage allowance on any day on which he travels by railway or more than twenty miles by road:

Provided that, if a continuous journey extends over more than one day, the exchange must be made for all such days and not for a part only of them.

(b) When a journey by road is combined with a journey by railway under clause (a) of this rule

(i) mileage allowance shall be drawn on account of such journey by road but such mileage is limited to the amount of daily allowance unless the road journey exceeds twenty miles.

132. . :-

An employee of the fourth grade may draw

(i) for a journey by rail, mileage allowance in addition to daily allowance.

(ii) for a journey by road --

(a) daily allowance and mileage allowance when he travels under the conditions described in exception (iii) to rule 131 or when he travels twenty miles but does not return to headquarters on the same day as he leaves them, or

(b) mileage allowance in lieu of daily allowance when he travels more than twenty miles other than under the conditions described in exception (iii) to Rule 131, but returns to headquarters on the same day as he leaves them, or

(iii) For a journey by road combined with a journey by railway, he may draw mileage allowance limited to the amount of daily allowance unless the journey exceeds twenty miles, except as provided in exception (iii) to Rule 131 for the road journey in addition to the allowance admissible under clause (i) of this rule.

133. . :-

The Board may permit any employee or class of employees to draw the actual cost of hiring a conveyance on a journey for which no travelling allowance is admissible under these Rules. The actual expenses allowed under this rule shall be subject to the limit prescribed under Rule 109 (ii).

134. . :-

An employee travelling on duty within five miles of headquarters or the municipal limits whichever is farther, shall not be entitled to daily allowance or mileage but may, if he is not in receipt of conveyance allowance, recover the actual amounts limited to daily allowance which he may spend in payment of fares for journeys by rail or other public conveyance.

135. . :-

Travelling allowances shall not be admissible to any person for the journey to join his first post under the Board.

136. . :-

Travelling allowances is not admissible to any person for a journey made during leave or while proceeding on or returning from leave or while under suspension or after he is removed or dismissed from service or after his services are terminated:

Provided that an employee may be permitted by the Welfare Commissioner mileage allowance for journeys undertaken during leave when the Welfare Commissioner is of the opinion that the journey performed is in the interest of the Board.

137. . :-

Travelling allowance shall not be drawn by an employee on transfer from one station to another unless he is transferred in the interest of the Board and is entitled to pay during the period occupied by the journey. A transfer at his own request shall not be treated as a transfer in the Board's interest unless the Welfare Commissioner, for special reasons which should be recorded, otherwise directs. Instruction : When an employee is transferred otherwise than in the Board's interest a copy of the order of transfer shall be sent to the Accounts Officer of the Board with an endorsement stating the reason of the transfer. In the absence of such an endorsement the Accounts Officer shall assume that the employee has been transferred in the Board's interest.

138. . :-

An employee shall be entitled, for a journey on transfer, to the following concessions:

(1) For journeys by rail

(i) he shall draw one fare of the class to which his grade entitles him in the case of journeys by rail plus four times the incidental fare admissible for employee of his grade;

(ii) he shall draw one fare for each adult member of his family and one half fare for each child for whom such fare is payable, if they accompany him;

(iii) he shall draw the actual cost of carriage by goods train of personal effects upto the following maximum :

Grade of employee	If not possessing a family No. of maunds	If possessing a family No. of maunds
I Grade	60	90
II Grade	30	45
III Grade		
IV Grade	18	22.1 2

139. . :-

When an employee, who claims travelling allowance under Rule 138 and who was residing with his family, is obliged to move them in consequence of his transfer to another station he shall be reimbursed the cost, even though they may not proceed to his new station: but the travelling allowance drawn shall be limited to actual expenses, not exceeding the amount which would have been admissible, if the family had proceeded to the employee's new station.

140. . :-

A female employee shall claim travelling allowance under Rule 138 for her husband if the latter is wholly dependent on her.

141. . :-

An employee whose headquarters are changed, while he is on tour, and who proceeds to his new headquarters without returning to his old, shall be entitled to

(i) travelling allowance as on tour for his journey upto the new headquarters:

(ii) three times the incidental fare to which his grade entitles him from his old to new headquarters;

(iii) all the additional concessions admissible under clauses I and II of Rule 138 excluding those in clause 1 (i) and one-half of the mileage for self in clause II-(i) thereof.

142. . :-

An employee who goes on earned leave not exceeding 120 days, after he has given over charge of his old post and before he has taken charge of his new post, shall be entitled, whether the order of the transfer is received before or after the commencement of his leave, to travelling allowance as a journey from his old to his new

post.

143. . :-

The travelling allowance of an employee both when proceeding on transfer to foreign service and when reverting to duty under the Board shall be borne by the foreign employer.

144. . :-

Employees who are required to accompany members of the welfare centres on excursion tours shall be allowed to draw travelling allowance as on tour.

145. . :-

The following provisions shall apply to an employee of the Board who is summoned to give evidence and who attends meetings of any Committee or Board constituted by Government:

(i) he may draw travelling allowance as for a journey on tour attaching to his bills a certificate of attendance given by the Court. Committee or Board or if the journey is for attending meeting, by the authorities convening the meeting;

(ii) the travelling allowance 'honorarium/ fees paid by the Court. Committee or Board or if the journey is for attending meeting, by the authorities convening the meeting shall be credited to the Board.

146. . :-

Casual leave

(i) is not earned by duty,

(ii) cannot be accumulated.

(iii) cannot be taken in conjunction with any other kind of leave

(iv) is not credited to another leave account.

(v) is debited only to casual leave account.

147. . :-

¹ [Absence on casual leave shall be treated as duty.]

1. Substituted by G.N.. of 26-11-1964.

148. . :-

The Welfare Commissioner or any other officer subordinate to him to whom the powers to grant casual leave upto the limits specified

by him are delegated, is the authority to decide whether in a particular case, casual leave should not be granted. Its grant shall however be subject to the following conditions :

(i) not more than fifteen days' casual leave shall be granted to a full-time employee and not more than seven days' casual leave shall be granted to a part-time employee in a year.

(ii) Not more than seven days' (in exceptional circumstances ten days) casual leave shall be granted at any time to full-time employee provided that all applications for more than six days' casual leave at a time shall be considered by Welfare Commissioner and orders passed by him.

(iii) If a series of holidays occur together and a Board's servant takes casual leave in continuation of them, not more than two holidays may be enjoyed in conjunction to any spell of casual leave whether by prefixing or suffixing or by both and further the total period of casual leave and holidays in continuation enjoyed at one time should not exceed seven days save only in exceptional circumstances when it may be extended upto ten days. Sunday and holidays interposed between two periods of casual leave shall, however, be treated as part of casual leave.

(iv) It is not prefixed or suffixed to any kind of leave or joining time.

(v)

(a) The balance of unutilised casual leave of one year shall not be allowed to be carried forward to the next year.

(b) If in one spell of casual leave the period of leave which commences in one calendar year concludes in the following calendar year, each year's account shall be debited with the amount of casual leave availed of during each of the calendar year. Thus if casual leave for seven days is granted from 28th December, 1957 to 3rd January, 1958. it shall be assumed that the employee availed of four days casual leave in 1957 and of three days in 1958.

149. . :-

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1. Deleted by G.N. of 14-5-1964.