

**PART IV**  
**CHAPTER X**  
**Leave**

**Section I. – General Conditions of Leave**

**\*57. Leave earned by duty.** – Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

**Government of Rajasthan's Decision**

% 1. A number of Government servants had to remain without posting for various period during the process of integration of services. A question has been raised whether such periods will count for earning leave.

Since leave is earned by the actual performance of duty and no duty was performed by the Government servants concerned during such periods, it has been held that the periods in question will not count for earning leave, even though these may count for pension in terms of F.D. No. 23 (2)-R/52, dated 31-5-1952, (See Government of Rajasthan's Decision No. 1 below Rule 180 of R.S.R.)

@2. Doubts have been expressed whether the terms "leave" referred to in Finance Department Memo. of even number dated 7-1-53 (reproduced as decision No.1) means only privilege leave or would include other kind of leave e.g. half pay leave also and whether the order will have retrospective effect. The matter has been examined. It has been held that the terms leave occurring in the said order refers to "privilege leave" or corresponding leave only and not to any other kind of leave. The order is to apply with retrospective effect but no recovery is to be made in cases of persons who retired before 7<sup>th</sup> January, 1953.

(2) Leave accounts of Government servants, who remained unposted or 'surplus' should be revised in the light of Finance Department Memo. of 7-1-53 (Decision No.1) as clarified in para 1 above. In the case of non gazetted employees this should be done by the Head of Offices concerned.

If any debit balance is caused by the revision on this basis of leave accounts of Government servants such balance should be adjusted against the leave to be earned in future.

**57 A. How regulated in the case of Government servant governed by a different set of rules when holding post to which these rules apply—** Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not

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\* Inserted by F.D. Order No. F. 5(1) F. D(R) /56 dated 11-1-1956.

% Inserted by F.D. No. F.23 (2) R/52, dated 7-1-1953.

@ Inserted by F.D. Memo. No. F.23(2) R/52, dated 26-12-1953.

ordinarily entitled to leave under these rules in respect of duty performed before such transfer.

**58. Leave in respect of service prior to discharge on re-employment or reinstatement.**—(a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

### ***Audit Instructions***

(1) The re-employment of a person who has retired on superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases the service of the re-employed person should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants,

\* (2) Deleted.

### ***\* Government of Rajasthan's Decision***

In cases where resignation of public service is not deemed as resignation within the meaning of rule 208 (b) of the Rajasthan Service Rules continuity of Service benefit should be allowed in the matter of leave also.

**\*\*59. Leave cannot be claimed as right**— Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service; provided that any leave applied for and due as preparatory to retirement shall not be refused by such authority and it shall be refused in writing by the Government or by such authority to whom powers have been delegated in this behalf. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority, and so while it is open to the authority competent to refuse or

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\* Audit Instruction No. (2) deleted and Government of Rajasthan's Decision inserted vide FD Memo No.F.1(34)FD/63, dated 28-12-1963,

"(2) Resignation of the public service even though followed immediately by re-employment constitutes a forfeiture of past service for purposes of leave.

\*\* Substituted vide FD Notification No. F.I (11)FD(Exp:-Rules)/67-I, dated 21-3-1967—

"59 Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave, to refuse or revoke leave at any time according to the exigencies of the public service. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave."

revoke leave due and applied for under this rule, it is not open to him to alter the nature of such leave.

***Government of Rajasthan's Orders.***

%Instances have come to notice of late where the interval of duty between two or more spells of leave availed of by the Government servants was only nominal. In such cases, the leave sanctioning authorities failed to check the attempt at evasion of leave rules by exercising their discretion under Rule 59 of Rajasthan Services Rule to refuse leave and granted the leave ignoring the spirit of the rules with the result that unintended benefit were derived by the Government servants concerned.

2. Under Rule 59 of Rajasthan Service Rules an authority empowered to grant leave has no power to interfere with the option admissible to a Government servant to take privilege leave or half pay leave as he may elect. Thus once leave is sanctioned, its nature cannot be altered by treating two separate spells of leave as a continuous one so as to obviate any unintended benefit being derived from the rules. The deliberate or intentional evasion of leave rules can, however, be checked by the leave sanctioning authorities by resort to refusal of leave under Rule 59 of R. S. R. as the case may be. It is, therefore, suggested that action may be taken to ensure that all cases in which a fresh spell of leave is applied for by Government servants after a short interval of duty, are carefully examined with a view to see that the spirit of the rules is observed and that the competent authorities refuse the leave by exercising the discretion vested in them under Rule 59 of R. S. R., if they have reason to believe that an attempt was being made to take undue advantage of the leave rules or to evade the spirit thereof.

\*3. Requests are being received in Finance Department from the Administrative Department/Heads of Departments that one kind of leave sanctioned to the Government servants be converted into another kind of leave.

The matter has been considered and the Governor has been pleased to order that in such a case the authority which granted him leave may commute it retrospectively into leave which was due and admissible to him at the time of leave was granted, provided that the request for commutation is received within a period of 3 months of the expiry of the said leave. It is further ordered that the commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servants i.e. any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

**60. Commencement and end of leave.** – Leave ordinarily begins on the day on which transfer of charge is effected and end on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India the last day of his leave is the day before the arrival of the vessel in which he returns at her moving or anchorage in the port of debarkation or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.

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% Inserted vide FD Memo No, 2834/F.7A (21)FD-A (Rules)/58, dated 7-2-1959.

\* Inserted vide F.D. Order No. F 1(25) FD (Gr.-2)/76 dated 14-5-1976.

**\*\*60-A. Address while on leave.** – Every Government servant proceeding on leave must record on his application for leave, the address at which letters will find him during leave. Subsequent changes in address (during leave), if any, should likewise be intimated to the Head of the office or the Department as the case may be.

**61. Combination of holiday with leave** <sup>+</sup> [ ] – When the day immediately preceding the day on which a Government servants leave begins or immediately following the day on which his leave <sup>+</sup>[ ] expires is a holiday or one of a series of holidays, the Government servants may leave his station at the close of the day before, or return to it on the day following such holiday or series of holiday; provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over securities or of moneys other than a permanent advance :
- (b) his early departure does not entitle a corresponding early transfer from another station of Government servants to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it;

**62. Power to exempt** – On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under Rule 61 is not applicable to any particular case.

**63. Consequential arrangements when effective if holidays combined with leave** — Unless the competent authority in any case otherwise directs :-

- (a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) If holiday are affixed to leave <sup>\*</sup>[ ] time, the leave <sup>\*</sup>[ ] is treated as having terminated on, and any consequent re-arrangement of pay and allowances take effect from the day on which the leave <sup>\*</sup>[ ] would have ended if holidays had not be affixed.

**@Government of Rajasthan's Decision**

Finance Department Order dated 9-8-1962 appearing as "Clarification" below rule 35 of the Rajasthan Service Rules, regulates grant of additional pay under rule 50 in cases where dual arrangements are made for a period <sup>%</sup> of 30 days or more.

A question has been raised as to whether the period of holidays prefixed and affixed to leave could be included in computing the period of dual arrangements and additional pay granted accordingly. Under the existing

<sup>\*\*</sup> Inserted by F.D. Order No. (1) (R)/56 dated 11-1-1956.

<sup>+</sup> Deleted the words "or joining time" vide F.D. Noti. No. F.1(7) (Exp. Rules)/67-I, dated 23-2-1967.

<sup>\*</sup> Deleted- the word's "or joining time" vide F.D. Noti. No. F.1 (7) FD.(Exp.Rules)/67, dated 23-2-1967.

<sup>@</sup> Inserted vide F.D. Memo No, F. 1(25) FD (Exp. Rules)/66, dated 1-7-1966.

<sup>%</sup> Substituted vide F.D. Order No. F. 1(78) FD. Rules/71, dated 10-11-1971 for, "exceeding".

provisions such periods of holidays are not included in computing the period of dual arrangements and no additional pay is admissible.

The matter has been examined in the light of provisions of Rule 63 of R. S. R. and it has been decided that for the purpose of aforesaid order holidays pre-fixed and affixed to leave should be included in computing the period of dual arrangements and accordingly additional pay should be granted.

### CLARIFICATION

<sup>\$</sup>It is observed that a restricted holiday is not exactly covered under Rule 7 (12) (b) of Rajasthan Service Rules, as it stands at present, because on a restricted holiday, the office is not closed for transaction of Government business without reserve or qualification. However, as the restricted holidays are akin to other closed holidays, it has been decided that restricted holiday can be prefixed or suffixed to regular leave or casual leave.

**64. Acceptance of employment on leave.** — (1) A Government servant on leave may not take any service or accept any employment <sup>%</sup> [including the setting up of a private professional practice as accountant, consultant, legal or medical practitioner] without obtaining previous sanction of Government.

<sup>\*</sup>Note:— No permission under this Rule to take up any service or accept employment shall be granted in respect of a Government servant taking employment with International Agencies or Statutory Bodies/ Public Sector concerns in Rajasthan beyond the period of 3 years or one year as the case may be.

<sup>%%</sup>(2) The leave salary of a Government servant who is permitted to take up employment under a Government or private employer during leave shall be subject to such restrictions as the Governor may by order prescribe.

### NOTES.

1. This rule does not apply to casual literary work or to service as an examiner or similar employment nor does it apply to acceptance of foreign Service which is governed by Rule 141.

<sup>£</sup>2. This rule does not apply where a Government servant has been allowed to take up limited amount of private practice and receive fees therefore as part of his conditions of service e.g. where a right of private practice has been granted to a Medical officer.

### CLARIFICATION

<sup>X</sup>It is hereby made clear for the avoidance of doubt, that the restriction on leave salary imposed by Rule 64 (2) of R. S. R. will be equally applicable in the case of a Government servant in temporary employee who may be

<sup>\$</sup> Inserted vide F.D. order No. F. 1(49)F.D.(Gr. 2)/82 dated 15.9.1990

<sup>%</sup> Inserted vide F.D. No. D. 6403/59, F. 7A(34)FDA.(Rules)/59, dated 30-11-1959.

<sup>\*</sup> Inserted by F.D. Notification No. F.1(21)F.D.(Rules)/72, dated 18-8-1972.

<sup>%%</sup> Inserted vide F.D. Order No. F. 1(86) R/56, dated 12-8-1958.

<sup>£</sup> Inserted vide F.D. Memo No. F. 1(f)(16)F.D.A/R/57-I, dated 30.6.1961

<sup>X</sup> Inserted vide F.D. Order No. F.1 (86) R/56, dated 12-8-1958.

permitted to take up other employment under a State Government or under a private employer or employment payable from a local fund, during terminal leave or such other leave on the expiry of which he is not expected to return to duty.

It has further been decided that the restrictions referred to above shall also be applicable in the case of contract officers,

### ***Government of Rajasthan's Decision***

%The leave salary of a Government servant, who is permitted to take employment during leave preparatory to retirement or refused leave under another Government or under a private employer or employment payable from a local fund; will be restricted to amount of leave salary admissible in respect of leave on half pay.

**\*65. Re-employment of Government servants on leave preparatory to retirement.**—(1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining the duty will be cancelled. The leave so cancelled will be treated as leave refused and shall be granted from the date of Compulsory retirement or after the expiry of re-employment if the Government servant continues in service up to the date of compulsory retirement or beyond the aforesaid date, as the case may be.

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% Inserted vide F.D. Memo No. F. 1(f) (16) F.D.A./R/57-I, dated 30-6-1961.

\* Substituted by F. D. No. D. 1760/59 F. 1 (f) (16) FDA/R/57, dated 30-10-1959-

"65. (1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of Rule 89 it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as optional for the purposes of Rule 66,(2) When a Government servant is employed in any post under Government, while he is on leave under Rule 89, he may continue to enjoy his leave concurrently with such employment but his leave salary, which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:—

- (i) In the case of a Government servant eligible for pension, to the amount of pension inclusive of pension equivalent of any retirement gratuity admissible under the rules which, it is anticipated, will be admissible to him on retirement. (No subsequent re-adjustment will be made on basis of the actual amount of the pension inclusive of gratuity finally sanctioned); and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

In respect of the fresh employment during leave the pay of the Government servant will be regulated as if he were in temporary employ. No leave will be earned in respect of such period of employment during leave.

During such employment he may also be granted dearness and compensatory allowances if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

(3) The leave salary of a Government servant who is permitted during leave preparatory to retirement before attaining the age of superannuation or during leave under Rule 89, to take up employment under another Government, or under a private employer or employment payable from a local fund, will also be restricted during each employment as in (2) above."

@(2) Deleted.

### **NOTE**

\*The amendment to Rule 65 made under Finance Department No. F. 35 (30)-R/52, dated the 12th July, 1952 will take effect from 1st April, 1951, the date from which the Rajasthan Service Rules come into force.

### **Government of Rajasthan's Decisions.**

\$1. (1) A number of Government servants retired under Integration Department No.401-GD./Sec.II dated 24-6-49, and No. 26.., Sec. II dated-14-8-49, were re-employed temporarily before availing, in full or in part, of the leave due to them. The question as to their enjoyment of the leave not availed of and of its being counted towards service qualifying for pension has been examined by Government. After considering all aspects of the matter it has been decided that the Government servants concerned may be allowed to be treated as on leave until the leave is exhausted while performing duty on the post to which they have been re-employed and in that case they may be allowed to draw half the leave salary admissible in addition to the pay fixed on re-employment and to count the period of leave towards pension. If any Government servant so re-employed does not wish to take advantage of this concession, he may avail of the leave and draw full leave salary admissible during such leave on the termination of the re-employment. In that case the retirement will be deemed to have been effective before re-employment and the period of leave will not count towards pension.

(2) In either case the leave shall not exceed the maximum extent of leave which could be availed of as leave preparatory to retirement under the rules of the unit concerned.

(3)The option with reference to para 1 must be communicated to the Accountant General through the Head of the Office before pension can be calculated.

@2. A doubt has arisen whether clause (2) of rule 65 precludes recall of a Government servant from leave preparatory to retirement granted under Rule 89 *ibid* and the grant to him, if necessary of further extension of service. The intension underlying the aforesaid clause is not to fetter the discretion of the competent authority in the matter. When a Government servant, who has proceeded on leave preparatory to retirement under Rule 89, is re-called to duty during the period of such leave and is granted further extension of service, the unexpired portion of his leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under proviso to rule 89.

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@ Deleted vide F.D. Order No.F.1 (f)(16)FD-A(R)57-11,dated 30-6-1961—

"(2) The leave salary of a Government servant who is permitted to take employment during leave preparatory to retirement before attaining the age of superannuation or during leave under another Government or under a private employer or employment payable from a local fund will be restricted to amount of leave salary admissible in respect of half pay leave."

\* Inserted vide F.D. Order No.F.35(51) R/52, dated 11-4-1953.

\$ Inserted vide F. D. Memo No. F. 35 (1) R/52. dated 6-2-1952

@ Inserted vide F.D. Memo No. F. 35 (30) R/52. dated 6-1-1955.

<sup>£</sup>3. *Leave salary to those who are allowed to take up employment during leave preparatory to retirement:-* -Under paras 2 and 3 of Rule 65 of Rajasthan Service Rules the leave salary of a Government servant who is permitted to take up other employment or private employment or employment payable from a local fund during leave preparatory to retirement or during refused leave under Rule 89 of R.S.R. is restricted as follows:—

- (i) In the case of a Government servant eligible for pension to the amount of pension which it is anticipated will be admissible to him on retirement, and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

It has been contended in this connection that the application of two different formula in the matter of restriction on leave salary, according as the officer concerned is eligible for pension or not, leads to certain anomalies and operates inequitably especially in relation to a pensionable employee who retires on a pension less than the maximum pension normally admissible under the rules.

Since there is considerable force in the above contention and since it is desirable to ensure uniform treatment in this respect for all types cases, it was ordered in partial modification of clauses (2) and (3) of Rule 65 of Rajasthan Service Rules that in all such cases (including the case of a Government servant eligible for pension), the leave salary shall in future be restricted to the amount of leave salary admissible in respect of <sup>%</sup>(leave on half pay.)

These orders will have effect from the date of issue and past cases will not be re-opened.

<sup>@</sup>4. (i) In cases where an officer who before retirement was in the employ of the Government of Rajasthan is re-employed before he has had an opportunity to avail himself of the leave which had been refused to him in the exigencies of public service under rule 89 of the Rajasthan Service Rules before the date of superannuation, and which could only be enjoyed by him after, the date of superannuation, the officer may be permitted, to avail himself of the unutilised portion of such leave on termination of the period of re-employment.

(ii) The leave salary for the period of such leave would be the same as would have been admissible in the normal course but for re-employment reduced by the amount of pension and/or pension equivalent of gratuity and other retirement benefits.

(iii) The leave salary for the refused leave which is permitted to be availed of on termination of the period of re-employment would be borne by the Department which would have borne it had the leave been enjoyed before re-employment and not postponed.

(iv) To the extent the leave earned during the period of re-employment is not availed of during the period of re-employment itself, it will be allowed to be

<sup>£</sup> Inserted vide F. D. Order No. 1416/ F. 7A (11) F. D. A. Rules/58 dated 24-4-1958

<sup>%</sup> Substituted for the words "leave on half average pay" vide F.D. Corrigendum No. 1346/59 F. 7A(11) F.D.A./Rules/58, dated 28-4-59.

<sup>@</sup> Inserted vide F.D No. 1760/56 F.I (f) (16F. D.)A./57, dated 30-10-1959, w.e.f. 30-6-1959.

availed of on the termination of re-employment provided the refused privilege leave carried forward under para (i) above and the privilege leave allowed as terminal leave shall together not exceed the limits upto which privilege leave can be allowed at a time under Rule 89 of the Rajasthan Service Rules.

(v) If a person has on the date of re-employment enjoyed a portion of the refused leave the leave admissible to him on finally demitting office after re-employment will be composed of the unavailed of portion of such leave, and the leave earned during the period of re-employment in such manner as the officer desires and the incidence of such leave salary will follow the manner in which the two leaves are combined. Formal sanction to such leave should be accorded by the authorities empowered to sanction it prior to and during re-employment.

(vi) The privilege leave earned during re-employment shall be allowed to be availed of as terminal leave even though it may not have been formally applied for and refused in the exigencies of public service.

66. **Recall from leave.**— All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw travelling allowance for the journey under the Travelling Allowance Rules but to draw, until he joins his post, leave-salary only.

\* Note. --(Deleted).

67. **Application for leave to whom made.** — An Application for leave or extension of leave must be made to the authority competent to grant such leave or extension.

68. **Government Servant before transfer to foreign service be acquainted with its leave rules.**— A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

@69. **Application for leave by Government servant in foreign service.**— A Government servant on foreign service in India should submit all applications for leave, other than privilege leave not exceeding 120 days with the report of the Accountant General, through his employer to the authority competent to sanction the leave.

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\* Deleted vide F.D. Notification No. F.1 (58) FD (Rules)/70, dated 12-1-1976, the following:—

"Note — \*\*The concession regarding the drawal of travelling allowance on compulsory re-call from leave will be regulated under Rule 33 of the Rajasthan Travelling Allowance Rules." \*\* Substituted for existing note "The concession regarding the drawal of travelling allowance on compulsory recall from leave will be admissible if the leave curtailed is not less than one month" by F. D. Order No. 6896/F.1(178) FD/R/56, dated 19-2-1957.

@ Substituted for existing Rule 69 by F.D.Notification No. F. 1(17) FD-A, (Rules)/61, dated 11-5-1962. "69. A Government servant on foreign service should submit all applications for leave other than privilege leave for not more than three months, with the report of the Accounts Officer, through his employer to the authority competent to sanction the leave."

70. **Medical certificate for gazetted officer.**—Before a Gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form:—

***Medical Certificate for Gazetted Officer***

Statement of the case of.....Name (to be filled in by the applicant in the presence of the Civil Surgeon or Official Medical attendant).

Appointment.....

Age.....

Total service.....

Previous periods of leave if absence on medical certificate.

Habits.....

Disease.....

Civil Surgeon of

I.....after careful personal examination of the

Medical Officer at or of

case certify that.....is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment the period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted.....month's leave with effect from..... [In my opinion it is/it is not necessary for the officer to appear before a Medical Board}.

Dated.....

The.....

*Civil Surgeon.*

*or Official Medical Attendant.*

\*Note:—This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto 2 months or exceeds that period.

**NOTES.**

1. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

2. This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to a particular Locality, or that he is not fit to proceed to a particular locality. Such Certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Committee to decide the question of his fitness.

\*3. In a case, where the period of leave initially recommended or the period of leave initially recommended together with any extension thereof

\* Inserted by F. D. Notification No. F. 1(42) FD(E-R) 63, dated 12-12-1963.

+ Inserted by F.D.Notification No. F.I (42) FD(E-R)63 dated 12-12-1963

subsequently recommended, does not exceed @[two months] the Medical Officer should invariably certify whether in his opinion it is or it is not necessary for the officer to appear before a Medical Committee.

### **Government of Rajasthan's Decision**

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

%71. Deleted.

%72. Deleted.

**73. Detention under professional observation in doubtful cases.**—Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under the professional

\* Inserted by F.D. Order No. F.1(40)FR/56, dated 5-9-1958.

@ Substituted for the words "one month" by F.D. Order No. F.1(47) F.D.A.(Rules)/61, dt. 28-11-1961

= Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

% Deleted vide F.D. Notification No. F.1(12)F.D. (Gr.-2)/80, dated 5-12-1980, the following:—

"71. *Appearance before a Medical Committee.*—Having secured such a certificate, the Government servant must, except in cases covered by Rule 74 obtain the permission of the Head of his Office or, if he himself is the Head of an Office, of the Head of his Department to appear before a Medical Committee. He should then present himself with two copies of the Statement of his case before such a committee. The committee will be assembled under the orders of the Director of Medical and Health Services. The Committee will be assembled either at Jaipur or at such other place as the Government may appoint.

72. *Certificate from the Medical Committee.*—Before the required leave or extension of leave can be granted, the Government servant must obtain from the Committee a Certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgement, after careful personal examination of the case, we consider the health of.....to be such as to render leave of absence for period of.....months absolutely necessary for his recovery."

observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

"—having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain..... under professional observation for.....days."

**\*74. Grant of leave to a gazetted Government servant on medical grounds.—**

- (i) "A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate. An application for leave on medical certificate made by a gazetted Government servant shall be accompanied by a medical certificate given by an authorised medical attendant in the form prescribed under Rule 70.
- (ii) When leave to a gazetted Government servant on medical Grounds exceeds a period of 60 days, leave may be granted by the competent authority on the basis of a medical certificate given by a medical officer of or above the rank of Chief Medical & Health Officer.
- (iii) When the applicant is hospitalized as an indoor patient and the leave is recommended by the medical officer Incharge of the case in the hospital not below the rank of Chief medical & Health Officer, leave for the period of hospitalization shall be sanctioned by the competent authority.

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\* Substituted vide F.D. No. F. 1(12) FD(Gr.2)/80, dated 5-12-1980 for:-

"74. *When certificate of Medical committee dispensed with.*— (1) If the State of the applicant's health is certified by a Medical Officer of Government or above the rank of a District Medical Officer to be such as to make it inconvenient for him to present himself at any place in which a Committee can be assembled, the authority competent to grant the leave may accept in lieu of the certificate prescribed in Rule 72 either:—

- (a) a certificate signed by any two Medical Officers being Medical Officers of or above the rank of District Medical Officer ; or
- (b) If the authority considers it unnecessary to require the production of two medical opinions a certificate signed by an officer of or above the rank of a District Medical Officer and countersigned by the Collector of the district or the Commissioner of the Division.

\*\* (2) Notwithstanding anything contained in sub-rule (1) the authority competent to sanction leave may dispense with the procedure laid-down in rules 71 and 72 :—

- (i) When the leave recommended by the authorised Medical Attendant is for a period not exceeding two months, or
- (ii) When the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of District Medical and Health Officer for the period of hospitalisation or convalescence :Provided that such a Medical Officer certifies that in his opinion it is necessary for the applicant to appear before a Medical Committee."

\*\*Inserted vide. F.D. Order No. F. 1(47) F. D. A. (Rules)/61, dated 28-11-1961.

° Substituted vide FD Notification No. F.1(12)FD(Gr-2)/80 dated, 15.12.1992.

A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate given by the authorised medical attendant in the form prescribed under Rule 70.

<sup>x</sup>Note:-1 The expression "authorised medical attendant used in sub-rule (1) shall mean a Government medical officer or Government Vaidya/Hakim/<sup>@</sup>Homeopathic Chikitsak on duty in a Government hospital or dispensary.

X Note:-2 The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days.

**75. Medical certificate does not confer right to leave .** – The grant of a certificate under \* ( ) Rule 74 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

<sup>%</sup>**76. Leave on medical certificate to non-gazetted servants Procedure regarding :-**(1) (a) An application for leave on medical certificate made by a non-gazetted Government servant shall be accompanied by a medical certificate in the form prescribed below this rule given by an authorised medical attendant defining as clearly as possible the nature and probable duration of illness.

(b) An application for leave on medical certificate under clause (a) may be accompanied by a certificate given by a registered medical practitioner <sup>+</sup>( ) if a Government medical officer/ Vaidya /Hakim is not

<sup>x</sup> Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-1989 for

<sup>@</sup> Note 2. The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the Competent authority for a period not exceeding seven days only.

<sup>@</sup> Renumbered as note No.1 and Inserted vide FD Notification No. F.1(12) FD/Gr.2/80 dated 2-5-1985.

<sup>\*</sup> Deleted vide FD Notification No. F.1(12) FD (Gr.2)/80 dated 15-12-1980 the words "Rule 72 or."

<sup>%</sup> Substituted vide F.D. Notification No. F.1(12)FD (Gr.2)/80, dated 30-6-1980, for –

"76. Leave on medical certificate to non-gazetted servants procedure regarding – (a) Every application for leave on Medical Certificate made by a non-gazetted Government servant in superior service shall be accompanied by a Medical Certificate in the form prescribed below this rule given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a Medical Officer of Government.

<sup>+</sup> Deleted the words "other than Homeopathic practitioner" vide F D Notification No F. 1 (12) FD (Gr. 2) 80, dt. 2-5-85.

(b) The authority competent to sanction leave may, at its discretion secure a second medical opinion by requesting the District Medical officer to have the applicant medically examined. Should it decided to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given

(c) It will be the duty of District Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

*"Signature of applicant"*

*Medical Certificate for Non-Gazetted Officers  
recommended for leave or extension or  
commutation of leave.*

I \_\_\_\_\_ after careful personal examination of the case hereby certify that \_\_\_\_\_ whose signature is given above is suffering from \_\_\_\_\_ and I consider that a period of absence from duty of \_\_\_\_\_

stationed at the place where he falls ill. The certificate from the registered medical practitioner should invariably indicate his registration number.

<sup>x</sup>*Note 1:—* The expression "authorized medical attendant" used in sub-rule (1) (a) shall mean a Government medical officer or Government Vaidya/Hakim/+"Homeopathic Chikistak" on duty in a Government hospital or dispensary and the expression "registered medical practitioner" includes Allopathic/Ayurvedic/Unani practitioner registered under law in force from time to time.

<sup>\*</sup>*Note 2.* The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days only.

(2) The authority competent to grant leave at his discretion may secure a second medical opinion by requesting a Government medical officer not below the rank of Chief Medical Officer to have the applicant medically examined on the earliest possible date.

(3) It shall be the duty of the Government Medical Officer referred to in sub-rule (2) to express opinion both as regards the fact of illness and as regards necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or before a medical officer nominated by himself.

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with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his health

*Dated*

*The*

*Government Medical Attendant  
or other Registered practitioner.*

#### **NOTE**

The possession of certificate as prescribed in this Rule does not in itself confer upon the Government servant concerned any right to leave.

#### ***Government of Rajasthan's Decision***

\*Doubts have been expressed whether the term "Registered Medical Practitioners" occurring in Rule 76 (a) of R. S. R. is to be restricted only to registered Allopathic-Medical Practitioner or should also include registered practitioners of Ayurvedic and Unani systems for purposes of Rule 76 (a) of R. S. R. for application for leave on Medical Certificate by non gazetted Government servants in superior service. The matter has been examined and it has been held that the term "registered medical practitioner" occurring in Rule 76 (a) of R. S. R. may be interpreted so as to include also Ayurvedic and Unani Practitioners registered under law in support of application by Government servants for leave on medical grounds (Rule 76) (a) of R. S. R. or for purposes of (Rule 83 of R. S. R.) or

Medical Certificate issued by Homeopathic practitioners will not be accepted for any purpose for which a Medical Certificate is a pre-requisite under Rules.

\* Inserted by F.D. Circular No. 22 (2) F. II/53, dated 30-10-1953.

<sup>x</sup> Numbered as Note No.1 vide FD Notification No. F.1(12)FD/(Gr.2) 80 dated 2-5-1985.

\* Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-89 for :—

@ "*Note 2.*— The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of Sanction of leave by the competent authority for a period not exceeding seven days only."

@ Inserted vide FD Notification No. F. 1(12) FD/Gr.2/80 dated 2-5-85.

(4) The grant of medical certificate under this rule does not itself confer upon the Government servant concerned any right to leave.

*Medical Certificate for non gazetted Government servant.*

I.....,after careful personal examination of case hereby certify that....., whose signature is given below, is suffering from.....and I consider that a period of absence from duty of.....with effect from.....is absolutely necessary for the restoration of his health.

Date

Signature of Government servant

Name

Designation

Government Medical Attendant/

Department

other Registered Practitioner

with registration number.

***Government of Rajasthan's Decision***

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं हैं।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

**77. Leave on Medical Certificate to class IV Servant.**—In support of an application for leave or for an extension of leave, on Medical certificate from a non-gazetted Government servant in Class IV service, the authority

<sup>1</sup> Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

competent to grant the leave may accept such certificate it may deem sufficient.

**78. Medical Certificate to Government servant who is unfit to return to duty.-** Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that Government servant is permanently unfit for Government service should be recorded in the Medical Certificate.

79. Every certificate of <sup>@</sup>[ ] a Medical Officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

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<sup>@</sup> Substituted by F.D. Notification No. F. 1(12) FD(Gr. 2)/80 dated 5-12-1980, the words "a medical Committee or".

## SECTION II

### *Grant of Leave*

**80. Priority of claims to leave.**—In cases where all applications of leave cannot, in the interest of public service, be granted, an authority competent to grant leave should, in deciding which application should be granted to take into account the following considerations:—

- (a) the Government servant who can, for the time being best be spared,
- (b) the amount of leave due to various applicants,
- (c) the amount and character of the service rendered by each applicant since he last returned from leave,
- (d) the fact that any such applicant was compulsorily recalled from his last leave,
- (e) the fact that any such applicant has been refused leave in the public interests.

**%81. Grant of leave to a Government Servant who is unlikely to be fit to return to duty.**—(1) When a medical authority has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not, necessarily be refused to such a Government servant. It may be granted if due by a competent authority on the following conditions:—

(a) If the medical authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical authority.

(b) If a Government servant is declared by medical authority to be completely and permanently incapacitated for further service, leave or an extension to leave may be granted to him after the report of the medical authority has been received, provided that the amount of leave as debited against the leave account together with any period of duty beyond the date of the medical authority's report does not exceed six months.

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% Substituted for the following by FD Order No.D.3672 F.7a{12)FDA(Rules)57,dt. 28-9-1957:-

"When a Medical Committee has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted if due, by a Competent authority on the following Conditions:—

(a) If the Medical Committee is unable to say with certainty that the Government Servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without, further reference to a Medical Committee.

@(2) and (3) Deleted

**82. Leave not admissible to a Government Servant who ought to be dismissed.**—Leave should not be granted to a Government servant who ought at once to be dismissed or remove from Government service for misconduct or general incapacity.

**\*82-A. Omitted.**

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(b) If the Medical Committee declares the Government servant to be completely and permanently incapacitated for further service in India the Government servant should except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him is on leave when examined by the Committee or if he is not on leave, from the date of the Committee's report.

(c) A Government servant declared by a Committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave not exceeding six months as debited against the leave account if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servants breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pensions."

@ Sub-rule (2) & (3) deleted vide FD. Order No. F.7A(12)F.D.(1) Rules/58, dated 30-10-1958.

\* Omitted vide F.D. Notification No. F.1(9)FD(Gr.2)/77 dated 26-5-78 w.e.f 1-9-1976 the following:—

@ @ 82-A. *Leave to Gazetted Government Servants.*—Leave to a Gazetted Government servant must not be granted without obtaining a report from the Accountant General upon his title to leave, except in Cases of emergency % [or in case of privilege leave not exceeding 120 days while in foriegn service] and on the responsibility of the Government Servant for the consequence of the leave asked for being in admissible. Such a report from the Accountant General is not required in the cases of Non-Gazetted servant unless in foreign service % [When he applies for leave other than privilege leave not exceeding 120 days].

#### NOTE

The admissibility of leave in the case of a Government servant officiating in a Gazetted post should be certified by the Audit Officer.

**£Exception 1.**—In case where a Government servant certifies in writing that the leave other than leave preparatory to retirement, refused leave and terminal leave applied for by him is admissible to him and is at his credit, under the rules, the same may be sanctioned by the authority competent to sanction the leave without waiting for a report from the Accountant General upon his title to leave. It should be mentioned in the sanctioning order that the grant of leave is subject to verification by the Accountant General. If leave so sanctioned, on verification by the Accountant General is found to be not due to him, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due, the period may be treated as extraordinary leave.

+2.—In case of leave preparatory to retirement the Government servant may obtain leave title directly from the Accountant General. On receipt of leave title he shall submit the same along with leave application to the leave sanctioning authority. The Accountant General while reporting leave title to the Government servant concerned shall also send a copy of his report on leave title to the leave sanctioning authority.

Where, however, leave title is not received by the Government servant concerned in time from Accountant General the officer himself will record a certificate on the leave application that to the best of his knowledge leave applied for is due to him. In such a case he shall also give an undertaking to the effect that if leave so sanctioned to him is found to be not due, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due the period may be treated as extra-ordinary leave."

@@ Inserted vide F.D. Order No. F. 5(1)FD(R)/56, dated 11-1-56.

% Inserted by F.D. Notification No. F.1(37)F.D(Exp.-Rules)/64 dated 6-9-1966,

£ Inserted vide F.D. Notification No. F.1(5)FD(E-R)/66,dated 24-3-1966.

+ Inserted vide F.D. Notification No. F.1(22)FD(Exp.-Rules)/66 dated 23-9-1966.

**^83. Certificate of fitness to return to duty.**—A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

**Civil Surgeon**

I.....at.....do Medical officer (Name of Hospital/Dispensary) hereby certify that I have carefully examined Shri.....Designation.....of the..... department and find that he has recovered from his illness and is now fit to resume duties. I also certify that before arriving at his decision I have examined the original medical certificate(s) and/Statement(s) of the case on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Signature of Authorized  
Medical Attendant/Civil Surgeon.

Dated:

**Government of Rajasthan's Decision**

@राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतिकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतिकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

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<sup>^</sup> Substituted vide F. D. Notification No. F.D(12)F.D(Gr.2)/80, dated 5-12-1980 for—

"83. *Certificate of fitness to return to duty.*—A Government servant who has taken leave on Medical Certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

We the members of a Medical Committee —

Civil Surgeon of ————do hereby certify that we/I have carefully Registered Medical Practioner of -----examined.....of the ..... Department and find that he has recovered from his illness and is now fit to resume duties in the Government service. We/I also certify that before arriving at this decision we/I have examined the original Medical Certificate(s) and Statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

The original Medical Certificate (s) and Statement (s) of the case on which the leave was originally granted or extended should be produced before the authority asked to issue the above certificate. For the purpose the original certificate (s) and Statement (s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned."

@ Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

**\*84. Deleted**

**%85. Return from leave before due date:—**(a) (i) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(ii) Notwithstanding anything contained in clause (i) above a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty save with the consent of the authority empowered to appoint him.

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\* Deleted vide F. D. Notification No. F. 1 (12) FD (Gr-2)/80, dated 5-12-1980, the following:—

84. *When Gezzetted Government Servant to obtain Certificate of fitness from Medical Committee:—*If the Government servant on leave is a Gazetted Officer, such certificates should be obtained from a Medical Committee except in the following cases:—

(a) Cases in which the leave is for not more than three months.

(b) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the Medical Committee granting the original certificate or the certificate for extension State at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness.

In the excepted cases the certificate may be obtained from a District Medical Officer or of equivalent rank.

If the Government servant on leave is not a Gazetted Officer the Competent authority may, in its discretion accept a certificate signed by any registered medical practitioner.

***Government of Rajasthan's Decision.***

Rules 83 and 84 of Rajasthan Service Rules provide that an officer who has taken leave on medical certificate is required to produce a Medical certificate of fitness before returning to duty.

The Accountant General has brought to the notice of Government that in the case of Gazetted Officer, rejoining duty on return from leave on medical certificate, no information is, at present, received in his office to show whether or not the leave sanctioning authorities are obtaining from the concerned officers the certificate of fitness from the appropriate Medical Authority before permitting them to rejoin duty and accordingly it is not possible for his office to watch whether the compliance with the relevant rules in the Rajasthan Service Rules is being made.

With a view to secure due compliance of the rules and to avoid delay in the matter of issue of pay slips to the Gazetted Officers on their return from leave on Medical Certificate, the leave sanctioning authorities are requested to ensure that while issuing orders permitting an officer to rejoin duty, an intimation should simultaneously be sent to the Accountant General that the certificate of fitness from the appropriate Medical Authority as required under the rules has obtained from the officer before permitting him to join duty. As the pay slips on return from- leave will be issued by the Accountant General on receipt of such intimation it is necessary that the requisite information is sent to him as early as possible."

% Substituted for " 85 (a) unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him" by F.D. Order No. F.7(4) II/55 dated 14-7-1955.

(b) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders.

***Clarification.***

@ Attention is invited to clause (b) of Rule 85 which provides that a Government servant on return from leave is not entitled to presume as a matter of course, the post which he held before going on leave in the absence of formal orders of posting. In this connection doubts have been raised whether authorities competent to grant leave can issue posting orders of Gazetted officers on return from leave. The matter is clarified as follows.-

(1) An authority who is competent to grant leave can issue orders of reposting of a Gazetted officer to the same post if during the currency of leave the post was kept unfilled.

(2) Where leave has been sanctioned by one authority and the leave vacancy has been filled under orders of another authority the latter authority can only issue re-posting orders of officers returning from leave. As Accountant General will not issue pay authority in the absence of such an order re-posting an officer who has returned from leave, such orders should invariably be issued before expiry of leave.

***Government of Rajasthan's Decision.***

\* Cases have come to the notice of Government when the sanctioning authorities while permitting a Government servant under Rule 85 of R.S.R. to return from leave before its expiry, do not issue orders and endorse a copy thereof to Accountant General with the result that hardship is caused to the officers in getting duty pay for the period of leave not availed of.

It is imperative that no delay occurs in the issue of the orders for cancellation of leave. The sanctioning authorities are requested to keep this in mind in all cases when sanctioned leave is cancelled.

@@ 86. **Absence after expiry of leave:**—(1) A Government servant who is absent from duty without leave or before leave applied for has been sanctioned by the competent authority shall be treated to have remained willfully absent from duty and such absence shall amount to interruption in service involving forfeiture of past service unless, on satisfactory reasons being furnished, the absence is regularized by grant of leave due or is commuted into extra-ordinary leave by the authority competent to sanction leave.

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@ Inserted vide F.D. Order No.F.1 (23)F.D. (E.R.)/63, dated 21-10-1963.

\* Inserted by F.D. Memo. No.49/22/56/F.7(4)F II/55, dated 26-10-1956.

@@ Substituted vide FD Noti. No. F.1(58)FD(Rules)/70 dated 12-1-1976 for—

"86. *Absence after expiry of leave.* — A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence and that period will be treated as though it were leave on half-pay unless his leave is extended by Government. Willful absence from duty after the expiry of leave may be treated as misbehavior for the purpose of this rule."

(2)<sup>+</sup> (a) A Government servant who remains absent from duty after the expiry of *the* sanctioned leave or after communication of refusal of extension of leave is not entitled to any pay and allowances for the period of such absence and the period of such absence shall be commuted into extra ordinary leave unless on satisfactory reasons being furnished, the period of absence is regularized by grant of leave due by the authority to grant leave.

+<sup>(b)</sup> Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

%<sup>(3)</sup> Notwithstanding the provisions contained in sub-rules (1) and (2) above the disciplinary authority may initiate departmental proceeding under Rajasthan Civil Services (Classification, Control & Appeal) Rules against a Government servant who willfully remains absent from duty for a period exceeding one month and if the charge of willful absence from duty is proved against him, he may be removed from service.

<sup>=</sup>(4). Unless the State Government, in view of the special circumstances of the case, determines otherwise a State Government employee who remains absent from duty for a continuous period exceeding five years other than on foreign service, whether with or without leave, shall be deemed to have resigned from service.

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to the employee before the provisions of this sub-rule are invoked.

***\* Government of Rajasthan's Decision. (Deleted)***

***+ Government of Rajasthan's Decision***

***^(i) Treatment of wilful absence from duty not recognised :***

Wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as 'dies non,' for all purposes, viz. increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and the entire past service will stand forfeited.

***(ii) Action for over stayal of leave :***

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<sup>+</sup> Renumbered and inserted vide FD Notification No. F.1 (33) FD/Gr-2/78 dated 8-4-1986 with Immediate effect.

% Added vide F.D. Notification No. F. 1(33) FD(Gr. 2)/78 dated 22-2-1979.

<sup>=</sup> Inserted vide FD Notification No. F.1(5)FD/Rules/96 dated 20.8.2001.

\* Deleted vide F.D. Notification No. F. 1(58) (Rules)/70, dated 10-8-1976 w.e.f. 12-1-1976, the following:--

***Government of Rajasthan's Deceision***

@A Question has been raised regarding the manner in which the absence of a Government servant without leave, or before leave has been sanctioned is to be treated.

The position is that willful absence from duty is misbehavior and has to be dealt with as such. Absence without leave, moreover, amount to interruption in service involving forfeiture of past service, unless on satisfactory reasons being furnished, the absence is commuted into extraordinary leave by the sanctioning authority."

<sup>+</sup> Inserted by F.D. Memo No. F. 35(29) R/52, dated 9-7-1952,

<sup>^</sup> Inserted vide FD Notification No.F.1(33)FD(Gr.2)/78 dated 08-04-1986.

Doubts were raised in certain quarters as to how the cases in which an official over stays the prescribed quantum of extraordinary leave should be dealt with. The matter has been considered and it is clarified that the aforesaid rule does not take away the power of disciplinary authority to take appropriate disciplinary action for any misconduct and impose one of the penalties under Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958. Action can, therefore, be taken under these rules for unauthorised absence from duty or overstayal of leave even for one day, treating it is misconduct, if the facts and circumstances of the case warrant such an action.

## CHAPTER XI

### *Leave*

#### **Section 1.—General,**

**87.Applicability.**—The rules in this Chapter (other than those relating to procedure) relating to the nature and extent of the leave admissible to Government servants, apply only to Government servants holding permanent posts in a substantive capacity, except in so far as they are expressly stated to apply to temporary Government servant

**\*87-A. Leave Account.**—A Leave Account in Form No. 1 in Appendix IIA to these rules will be maintained for each Government servant.

**+87B (i) Leave Account of Gazetted Government servants** shall be maintained by the authorities to who are required to keep service books in their custodies under sub-rule (2) of Rule 160

**(ii) Leave account for non-gazetted Government Servants.**—The leave Account of non-gazetted Government servants shall be maintained by the Head of Office in which he is employed.

#### ***Government of Rajasthan's Decision.***

\*If a non-gazetted Government servant who is officiating in a Gazetted post proceeds on leave he should be treated as continuing to held a gazetted status during his leave for all practical purposes viz. for purposes of issue of notifications, drawals of leave salary and other allowances, grant of leave or extension of the leave on medical certificate, etc. irrespective of whether the leave counts for increment or not, whether, but for his going on leave, he would have continued to officiate in the gazetted post or not, and whether on the expiry of his leave he would return to his gazetted post or not.

(2) If such a Government servants holds a lien on a non-gazetted cadre which includes a leave reserve, he will, while on leave, count as one on leave in that cadre, and for this purpose the Head of the Office concerned should be consulted before hand and kept informed.

(3) This decision will apply also to a Government servant transferred from one office of the Rajasthan Government to another or from Rajasthan Government to the Central Government and *vice versa* and holding a lien (active or suspended) on a non gazetted post in his parent office, when he proceeds on leave while officiating in a gazetted post in the borrowing office.

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\*Inserted by F.D. Order No. F.10(6)FII/54, dated 14-6-1954.

+ Substituted vide FD Noti. No. F.l(66)FD/Gr,2/85, dated 30-12-1985 effective from 1-1-1981:—

**\*87-B. Leave Account of Gazetted Officers.**—(i) The Leave Account of Gazetted Government servant shall be maintained by or under the direction of the Accountant General, Rajasthan.

The following procedure should be followed in future in the cases of such officers.:—

- (i) leave and any extension thereof should be granted and notified by the borrowing office; and
- (ii) leave salary should be paid initially by the borrowing office, and finally adjusted in accordance with the appropriate rules regulating incidence of leave salary.

**88. Combination of leave of various kinds.**—Any kind of leave may be granted in combination or in continuation of any other kind of leave.

**89. Leave beyond date of Superannuation.**—No leave shall be granted beyond the date on which a Government servant must compulsory retire.

@Provided that if insufficient time before the date of compulsory retirement an officer has been denied in whole or in part on account of exigencies of public service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement, the amount of privilege leave which was due to him on the said date of compulsory retirement, subject to the maximum limit of 120 (or 180 days in case of person enjoying leave ex-India), as prescribed in rule 91 so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement to commence and date of compulsory retirement does not exceed the amount of leave preparatory to retirement actually denied, the half pay leave, if any, applied for by an officer preparatory to retirement and denied in the exigencies of public service being exchanged with privilege leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement.

\*Provided further that an officer whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may be granted privilege leave as under:—

- (i) during the period of extension, any privilege leave due in respect of the period of such extension and to the extent necessary, the privilege leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;

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@ Substituted vide FD No.153/59/F.7A(4)FD-A(Rules)58, dated 30-4-1959—

"Provided that the authority empowered to grant leave may allow a Government servant who has been denied in whole or in part on account of the exigencies of public service the privilege leave which was due to him pending retirement, the whole or any portion of the privilege leave so denied, even though it extends to a date beyond' The date on which such Government servants must compulsory retire.'

\* Substituted by F.D. Order No. 741/F.7A(4)F.D. A/58, dated 2-5-1958 -

"Provided further that a Government Servant whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or, if the conditions of the preceding proviso are satisfied after its expiry, and privilege leave which could have been granted to him under the preceding proviso had he retired on that date and in addition any privilege leave due in respect of such extension. In determining the amount of privilege leave due, in respect of the extension with reference to Rule 91 of the privilege leave, if any, admissible on the date of compulsory retirement shall be taken into account".

- (ii) after the expiry of the period of extension:—
  - (a) the privilege leave which could have been granted to him under the preceding proviso, had he retire on the date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension.
  - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service;
- (iii) in determining the amount of privilege leave due in respect of the extension with reference to Rule 91 the privilege leave, if any, admissible under the preceding proviso shall be taken into account.

\* Note.—Omitted.

### ***Government of Rajasthan's Decisions.***

- %1. Under rule 89 of the Rajasthan Service Rules, no leave shall be, normally, admissible to a Government servant beyond the date of his superannuation. If, however, he had applied for privilege leave sufficiently early but was refused such leave either wholly or in part on account of the exigencies of public service the Government servant concerned may be allowed the privilege leave so refused after the date of his superannuation, subject to a maximum of @ [120 days.]

The Rajasthan Service Rules came into force on 1st April, 1951, Government servants who have to retire shortly after 1st April, 1951, would not have known of this condition and consequently had no opportunity to apply for privilege leave in time. It would be a hardship to them if rule 89 is applied rigidly. Government are, therefore, pleased to extend following concessions to Government servants retiring before 31st December, 1951 :-

Category	Leave to be granted even though the requirements of the rule 89 have not been complied with, provided the Government servant has the leave to his credit.
Government servants retiring <i>on</i> or before 30th September, 1951.	Privilege leave for 120 days after the date of superannuation

\* Omitted Vide F.D. Notification No. F.1(48)F.D. Exp. Rules/67 dated 1-4-1969—

"The permission given by this rule for an officer being granted leave for not more than four months beyond the age at which he must compulsorily retire, also carries with it the permission for the officer to retain lien on his post. As the officer does not continue on duty but merely draws a leave salary by virtue of a privilege extended to him, no formal extension of service necessary."

% Inserted by F.D. Memo No. F. 35(7) R 51, dated 13-8-1951.

@ Substituted for "4 months" by F.D. Order No. F.1(109)F.D./56, dated 3-1-1957

Government servants retiring after 30th September, 1951 but on or before 31 <sup>st</sup> October, 1951.	Privilege leave for 90 days after the date of superannuation
Government servants retiring after 31 <sup>st</sup> October, but on or before 30 <sup>th</sup> November, 1951.	Privilege leave for 60 days after the date of superannuation.
Government servants retiring after 30 <sup>th</sup> November but on or before 31 <sup>st</sup> December, 1951.	Privilege leave for 30 days after the date of superannuation

Government servants retiring after 31<sup>st</sup> December, 1951 can be granted privilege leave only if the requirements of rule 89 have been complied with.

Heads of Departments are requested to bring the contents of this order to the notice of all Government servants in their departments.

\*2. Certain doubts<sup>1</sup> have been expressed in regard to the exact manner in which rule 89 of the Rajasthan Service Rules will operate. The position has been examined and it was held that leave under the second proviso to rule 89 of R.S.R. can be granted, after the expiry of the period of extension, only if the conditions of the first proviso to the rule are fulfilled viz., that if the leave was denied on account of the exigencies of public service. This condition applies both to (i) the privilege leave which could have been granted under the first proviso, and (ii) the privilege leave due in respect of the period of extension. Leave earned during the period of extension is thus not admissible automatically at the end of the period of extension and can be allowed only if it has been denied previously. In both cases, i.e. in the case of leave after the date of compulsory retirement, or after the expiry of the period of extension, leave can be allowed only if the Government servant has before the date of the compulsory retirement or the expiry of the period of extension, as the case may be, formally applied for leave and been refused it, or ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements, of the public service.

#3. It has been represented to the Government that as a result of the reduction in the age of compulsory retirement from 58 to 55 years with effect from the 1st July, 1967, a number of Government servants who attained the age of 55 years soon after this date were precluded by the provisions of Rule 89 of Rajasthan Service Rules from applying for leave preparatory to retirement either wholly or partly.

The matter has been carefully considered and it has been ordered that in all cases in which the Government servants retire/have retired between the 2nd July, 1967 and the 31st December, 1967 refused leave to the extent mentioned below be sanctioned —

\* Inserted by F.D. Memo No. D.4756/F,II/53, dated 25-6-1953.

# Inserted vide F, D. Order No, F. 1 (42) FD (E-R)/67, dated 5-10 1967.

(i) In case of Government servants who have retired between the 2nd July, 1967 and the 31st August, 1967, the entire privilege leave (not exceeding 120 days) which he could have availed of in the normal course till the date of compulsory retirement be treated as refused leave after deducting the period of any leave preparatory to retirement actually availed of by them.

(ii) In case of persons retiring between 1st September, 1967 and 31st December, 1967 the amount of leave due as preparatory to retirement (not exceeding 120 days) after deducting therefrom (1) the period from 1-9-1967 to the date immediately before the date of retirement and (2) any leave preparatory to retirement availed of till 31st August, 1967 shall be treated as refused leave.

### **Illustrations.**

#### **Case A.**

Where the Government servants did not avail of any leave preparatory to retirement before 1-9-1967.

Date of compulsory retirement	1-10-1967.
Amount of privilege leave due (not exceeding 120 days) as preparatory to retirement	120 days
Less the period from 1-9-1967 to 30-9-1967	30 days
Amount of refused leave	90 days

#### **Case B.**

Where the Government servant availed of leave preparatory to retirement before 1-9-1967—

Date of compulsory retirement	5-11-1967
Amount of Privilege leave due (not exceeding 120 days) as leave preparatory to retirement	120 days
Less the period of leave preparatory to retirement Availed of before/ after 1-9-1967 i.e. from 18-8-1967 to 14-11-1967	89 days
Amount of refused leave	31 days

Leave salary payable in consequence of paragraph I above shall be regulated in accordance with Finance Department Memo No. F. 1(48) FD (E-R)/67, dated 15-7-1967.

@4. As a consequence of issue of Finance Department Notification No. F. 1 (42) FD (Exp.-Rule)/67-I, dated 13-6-1967, changing the retirement age from 58 to 56 years from 1-7 1967, certain Government servants were

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@ FD Order No, F 1(31) FD (Rules) 68, dated 3-8-1968.

granted extension in service with effect from 1-7-1967. A question has been raised whether in the case of such Government servants who were granted extension in service from 1-7-1967, the amount of privilege leave (not exceeding 120 days) ' which was at their credit can be automatically treated to have been refused in terms of sub-paras VIII and IX of paragraph 3 of the Finance Department Order dated 13-6-1967 (as amended from time to time) [appearing as Government of Rajasthan's Instruction below Rule 56 (a) (i).]

The matter has been considered and it has been decided that provisions of aforesaid are not applicable to such cases. Such Government servants may, however, be permitted to carry forward the amount of privilege leave(not exceeding 120 days) which may be at their credit before 1-7-1967. The leave so carried forward together with privilege leave earned during the period of extension in service will be availed of during the period of extension in service or in case such leave is refused under Rule 89 of Rajasthan Service Rules, it may be availed of after the expiry of the period of extension in service in accordance with rules.

<sup>x</sup>5. Under Rajasthan Government decision No. 2 it was held that leave under the 2nd proviso to Rule 89 of the Rajasthan Service Rules can be granted, after the expiry of the period of the extension, only if the leave was denied on account of the exigencies of the public service, both in case of privilege leave which could have been granted under the first proviso and (ii) the privilege leave due in respect of the period of extension. In both the types of cases referred to above i.e. in the case of leave after the date of compulsory retirement or after the expiry of the period of extension leave can be allowed only if the Government servant has before the date of his compulsory retirement or the expiry of the period of extension, as the case may be, formally applied for leave and the same has been refused, or ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service.

Government servants who have been granted extension of service after they had attained the age of superannuation in accordance with delegation of powers at Serial No. 19A(i) of Appendix IX of the Rajasthan Service Rules, Volume II, upto 28-2-1971 or upto the date on which they attain the age of 58 years whichever is earlier where required to make formal application for grant of leave before the date of their compulsory retirement.

The matter has been examined and it is decided that as in their case the extension of service is automatic upto 28-2-1971 or upto the date on which they attain the age of 58 years, whichever is earlier, the amount of privilege leave as may be due before the date of superannuation may be carried forward beyond the date of superannuation and it may be availed of during the period of extension together with the privilege leave due in respect of the period of extension subject to the limits prescribed under rule 91 of the Rajasthan Service Rules. However, the leave so carried forward and leave earned during the period of extension will not be admissible automatically at the end of the period of extension but will be allowed only when it has been denied in public interest.

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<sup>x</sup> FD Notification No.F. 1(12) F.D. (Rules)/70, dated 7-3-1970.

@6. In modification of the provisions contained in Government of Rajasthan's Decision No. 5 below Rule 89 of the Rajasthan Service Rules (inserted vide Finance Department Notification No F 1 (12) FD (Rules)/70 dated 7-3-1970) it has been decided that in the case of a Medical Officer (including teaching Staff of Medical Colleges) who is due to attain the age of superannuation and has applied for leave preparatory to retirement which has been refused by the competent authority before the date on which he would have proceeded on leave then such leave will be carried forward during the period of extension in service granted to him provided extension in service starts immediately after the date of superannuation. If however, the leave applied for is sanctioned and intimation of sanction is received by the officer after the date on which he would have proceeded on leave, the period between the proposed date of proceeding on leave preparatory to retirement and the date prior to the date of receipt of sanction for leave will be treated as refused leave. In case orders of extension are issued after the officer has attained the age of superannuation and the leave applied for is also refused then the period between the date of attaining the age of superannuation and the date prior to the date of actually resuming duty on account of grant of extension in service shall be regularized by grant of refused leave or if no leave is due then extra-ordinary leave will be granted.

Cases decided before the issue of these orders in which benefit of refused leave has been allowed will not be re-opened.

#### ***Instructions.***

%(a) The Gazetted Officers, whose title to leave has to be verified by the Accountant General should submit applications for such leave two months in advance of the date from which it is intended to proceed on leave. These applications should be forwarded to the Accountant General with the request to report the title to leave urgently and forward the same sanctioning authority within a fortnight at the latest. The sanctioning authorities will then record orders in writing whether the leave has been sanctioned or refused these orders will be communicated to the Accountant General and the officers concerned.

(b) In case of non-Gazetted Officers as it is not necessary to obtain a report from the Accountant General, the application for leave preparatory to retirement should be submitted at least a month before the date from which leave is applied for. The authority competent to sanction such leave shall record in writing decision to grant or refuse leave before the aforesaid date.

As regards past cases in which the Government servants had applied for leave preparatory to retirement in sufficient time before, but the leave could not be granted in time or earlier than the date of attaining age of superannuation or before being re-employed, for one reason or the other, but not due to any fault on the part of the Government servant concerned it has been decided that they will be considered on the merits of each.

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@ Inserted vide Memo No. F.1 (12) FD (Rules)/70, dated 13-1-1971.

% Inserted vide F.D. Order No. 5132 FD(A)/57/F1(43)(Rules)/57, dated 14-9-1957.

### **Clarification**

@ Attention is invited to Note 1 below Rule 56 of the Rajasthan Service Rules which provides that a Government servant who is granted refused leave under Rule 89 extending beyond the date of compulsory retirement or the expiry of an extension of service, is deemed, for purposes of pensionary benefits to have retired from service on the date of his compulsory retirement or on the expiry of the extension of service as the case may be; and becomes eligible to all pensionary benefits from such date. In regard to aforesaid provisions certain points have been raised which are clarified as under:—

<b>Point raised</b>	<b>Clarification</b>
(i) Whether a Government servant who avails himself of the refused leave immediately after the date of compulsory retirement or on the expiry of extension of service, as the case may be, will retire from service with effect from the date of commencement of the refused leave and become eligible for all pensionary benefits from that date.	The Government servant who avails himself of the refused leave in full or in part immediately after the date of his compulsory retirement or on the expiry of the extension of service will be deemed to have retired from service on the date of his compulsory retirement or where extension of service is granted, from the date of expiry of such extension and shall become eligible for all pensionary benefits from that date
(ii) How Payment of leave salary will be regulated for the period of refused leave:—	
(a) When it is enjoyed immediately after the date of compulsory retirement or on the expiry of the extension of service, as the case may be.	The leave salary admissible in such cases will be the same as admissible in the normal course but reduced by the amount of pension and pension equivalent gratuity or other retirement benefits.
(b) When it is availed of concurrently with the performance of the duties of the post in which the person is re-employed	The leave salary would be restricted to that admissible during leave, on half pay leave reduced by the amount of pension and/ or pension equivalent of gratuity or other retirement benefits.
(c) When the person proceeds on leave from the post in which he is re-employed and avails of the refused leave during the period of the re-employment or after.	The leave salary would be the same as would have been admissible in the normal course but for re-employment, reduced by the amount of pension and/ or pension equivalent of gratuity and other retirement benefits.

@ Inserted vide FD Memo No. F.1(48)FD(Exp.Rules)/67 Dt.15.7.1967 Effective from 1-7 -1967.

<p>(d) How leave salary and dearness allowance during refused leave should be worked out if the amount of leave salary (excluding dearness allowance) is less than the pension (excluding temporary increase) and pension equivalent of retirement benefits.</p>	<p>The leave salary and dearness allowance where admissible should be adjusted against pension (including pension equivalent of gratuity and other retirement benefits) and temporary increase on pension respectively. In other words the officer would be entitled to the following payments by way of pension-leave salary and dearness allowance:—</p> <p>(i) Leave salary—Nil.</p> <p>(it) Normal pension and temporary increase of such pension if any; and</p> <p>(iii) The difference between dearness allowance on the salary which the officer would have been normally entitled to and the. temporary increase on pension</p>
<p>(e) Whether dearness allowance admissible on leave salary would also be reduced,</p>	<p>The dearness allowance payable on leave salary for the period of refused leave will be reduced by the amount of temporary increase on pension if any.</p>

\*90. Deleted

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<sup>+</sup> Deleted by FD Order No. D 6792/57/F. 1(40) FD(A) Rules/56 dated 28-10-1957,

## Section II

### *Privilege leave etc.*

- \*91. Admissibility of privilege leave. —** (1) (a) A Government servant whether temporary or permanent shall be entitled to privilege leave of 30 days in a calendar year.
- (b) Notwithstanding the provisions of clause (a) above the amount of privilege leave admissible to a member of Rajasthan Armed

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\* Substituted vide F.D. Notification No. F.I (49 ) FD (Gr.-2)/82, dated 22-2-1983 w.e.f.-1-1-1983 for the following:—

@91. *Amount of Privilege leave admissible :—*( 1) (a) The Privilege leave admissible to a permanent Government servant other than I.P.S. Officers,<sup>£</sup>[employed in the Rajasthan Armed Constabulary and posted in NEFA and Tripura or] on the Border as defined in Government Order No. F. 1 (21) GA/A/Gr.II/64, dated 8-5-1964 is one eighth of the period spent on such duty:

Provided that he shall cease to earn such leave when the privilege leave due amounts to 180 days:

Provided further that if the officer has been denied, by issue of a formal order setting forth the reasons thereof, the whole or part of leave due to him in exigencies of public service, he shall be entitled to accumulate such leave in excess of the maximum limit of 180 days.

@ Rule 91 (A) added vide FD Noti. No.F.1(24)FD(Exp-Rules)/64 dated 22.1.1965 effective from 1.06.1964.

£ FD No.F.1(76)FD(ER)/65, dated 31-3-1967, effective from 1-1-1967 and corrigendum No.F.1(32)FD (Rules)/68 dated 17-7-1968 for – "employed in the Rajasthan Armed Constabulary and posted".

%(b) The privilege leave admissible to a Government servant in permanent employ is one eleventh of the period spent on duty:

Provided that he shall cease to earn such leave when the privilege leave due amounts to 180 Days.

(2) Subject to the provisions of + [Rules 59, 89 and sub rules (1) and (3) of this Rule] the maximum privilege leave that may be granted at a time to a Government servant shall be 120 days.

% Added by deleting the existing second proviso by FD order No. 4492/57, F.1(40)FD (A) Rules-66 dated 18-7-1957.

+ (3) The maximum privilege leave that may be granted at a time to a Government servant shall be 180 days when he is undergoing treatment for Tuberculosis or Leprosy or Cancer or a Mental Disease in recognized Sanatorium/Hospital.

+ Substituted for the words 'Rule 59 and 89 and Inserted vide FD Notification F.1(58)FD (A) (Rules)/62 dated 20-7-1963, effective from 1-10-1962.

^ *Exceptions. —* (1) the maximum privilege leave that may be granted at a time to an officer shall be 120 days, \*\* [subject to Rules 59 and 89].

(2) Privilege leave may be granted to a Government servant other than class IV service for a period of 120 days but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, <sup>x</sup>[Deleted] Nepal and Pakistan.

Provided that where privilege leave exceeding a period of 120 days is granted the period of leave spent in India shall not in the aggregate exceed the aforesaid limits.

^ Added by deleting the existing second proviso by FD order No. 4492/57, F.1(40)FD (A) Rules-66 dated 18-7-1957.

\*\* The words "Subject to Rules 59 and 89" added by FD order No.D.6792/57 F.1(40)Rules/56, dated 28-10-1957.

x Deleted vide FD Noti. No.F.1(58)FD(Rules)/70 dated 12-1-1976, the words "Damen Div, Goa"

@ (3) The maximum privilege leave that may be granted at a time to a Government servant shall be 180 days when he is undergoing treatment for Tuberculosis or Leprosy or Cancer or a mental disease in a recognized Sanatorium, Hospital.

@ Inserted by FD Noti. F.7-A(85)FD-A(Rules)60 dated 7-5-1962.

**?Rule 91 Substituted vide FD Not. No. F.1(58)/FD-A(Rules)62 dt. 21.11.1962 w.e.f. 1.10.1962**  
**(For more about Rule 91 see at the end of the Chapter)**

Constabulary other than I.P.S. Deployed on deputation to Indian Reserve Battalion or on Border (as defined from time to time), shall be 42 days in a calendar year,

(c) (i) Except as provided in sub-clause (ii) of this clause a Government servant shall be entitled to accumulate leave upto a maximum period of =300 days.

(ii) A member of R.A.C. other than I. P. S. deployed on deputation to Indian Reserved Battalion, who has been denied the whole or part of leave due to him in exigency of public service by issue of a formal order setting forth the reasons thereof, shall be entitled to accumulate such leave in excess of maximum limit of =300 days.

\*[(2) (a) <sup>+</sup>(i) The leave account of every Government servant shall be credited with privilege leave, in advance, in two installments of 15 days each or 21 days each in the case of R.A.C. as provided in clause (b) of sub-rule (1) above, on the first day of January and July of every calendar year irrespective of whether it is an even or uneven year.

<sup>+</sup>(ii) When a Government servant joins a new post without availing of the full joining time as admissible under sub-rule (4) of Rule 5 of the Rajasthan Civil Services (Joining Time) Rules, 1981, subject to the maximum of 15 days, reduced by the number of days actually availed off, shall be credited to his leave account as earned leave, provided that earned leave already at his credit together with the credit given under this sub-clause does not exceed =300 days.

(b) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If a Government servant remains on extraordinary leave in a half year, deduction shall be made at the rate of one tenth of the period of extraordinary leave during that half year subject to a maximum of 15 days or 21 days in case of R.A.C. personnel.]

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<sup>=</sup> The existing words and figures \$240 days substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

\$ The existing words and figures 180 days substituted vide FD Notification F.1(49)FD(Gr.2)82 dated 28-12-1991.

\*Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 5-11-1984, w.e.f. 1-1-1985 for:—

"(2)(a) Each employees privilege leave account shall be credited with 30 days privilege leave or 42 days privilege leave in the case of R.A.C. as provided in clause (b) of sub-rule (1) above, on 1st January every year irrespective of whether it is an even or uneven year. The leave taken during the course of calendar year from time to time shall be accounted for from the balance of privilege leave.

(b) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If a Government servant remains on extraordinary leave during a calendar year, deduction shall be made at the rate of one- tenth of the period of extraordinary leave subject to a maximum of 30 days or 42 days in case of R.A.C personnel."

<sup>+</sup> Sub-clause (a) renumbered as (a) (i) and sub-clause (ii) Inserted vide F.D. Notification No. F.1 (49) FD/Gr-2/82, Dated 10-12-85.

**Government of Rajasthan's Decision.**

@ [The undersigned is directed to invite attention of Finance Department Notification of even number dated 22-2-1983 under which procedure for credit of privilege leave has been revised and credit of privilege leave for a calendar year has been allowed in advance on the commencement of a new calendar year i.e. on 1st January at the respective prescribed rates with the retrospective effect from 1-1-1983. The retrospective operation of the provisions contained in the aforesaid Notification has put the balance of the privilege leave account of certain Government servants comparatively in a disadvantageous position.

2. Accordingly the matter has been looked into and the Governor has been pleased to order that in respect of the calendar year 1983, a Government servant may opt for credit of privilege leave into their privilege leave account on the basis of monthly credit as is allowed in the case of Government servants appointed during the calendar year. The rate of credit of privilege leave into privilege leave account on monthly basis is given below: —

<i>Category of Government servants</i>	<i>Rate of credit of P.L, per month.</i>
(1) Government servants who are entitled for 30 days privilege leave in a calendar year	2-1/2 days,
(2) R.A.C. personnel	3-1/2 days
(3) Staff of Courts	1 day.

3. Those Government servants who wish to avail aforesaid opportunity shall convey their consent to the leave sanctioning authority within a period, of two months in writing from the publication of this order in the Rajasthan Rajpatra.]

(3). Subject to the provisions of rule 59 the maximum amount of privilege leave that may be granted to a Government servant at a time shall be 120 days, but in case the privilege leave is taken for the purpose of undergoing treatment for T. B., leprosy or cancer or a mental disease in a recognized Sanatorium/Hospital, the maximum period for which privilege leave can be granted shall be ^'300 days' at a time.

\* [(4) (a) A Government servant shall earn privilege leave at the rate of 2-1/2 days, or 3-1/2 days in case of R.A.C. personnel deployed on deputation to

@ Inserted vide F.D. Memo No.F.I(49)FD(Gr.2)/82, dated 28-3-1984,

^ The existing words and figures “\*240 days” substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

\* The existing words and figures “180 days” substituted vide FD Notification No. F.1(49)FD/Gr.2/82 dated 28.12.1991.

\* Substituted vide F.D. Notification No. F.I (49)FD(Gr.2)/82, dt. 5-11-1984, w.e.f. 1-1-1985, for:—

Indian Reserve Battalion, for each completed month of his service in a half year in which he is appointed.

(b) In case of resignation, termination, discharge, removal or dismissal from service or death while in service or on retirement from service the privilege leave shall be reckoned with effect from 1st January or 1st July as the case may be in the half year of occurrence of the event and credited to his leave account at the rate of 2-1/2 days or 3-1/2 days in case of R.A.C. personnel for each completed calendar month upto the end of the month in which he ceases to be in service.]

\$Deleted GRD.

# [91.A. **Encashment of privilege leave while in Service:—**

(l) (i) A Government servant may, on surrender of privilege leave not exceeding 30 days <sup>+</sup>(once) in a block of two years, first block commencing from 1-4-1982, be granted leave encashment equal to the period of leave surrendered.

@ [Provided that no encashment of privilege leave may be allowed to a temporary Government servant unless he has completed one year of service. The block year will not be changed.]

(ii) The number of days of privilege leave surrendered shall not be referred to any particular period but may be reckoned as surrendered on the date of application of leave for encashment benefit and debited against the leave account of Government servant.

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"(4) (a) A Government servant shall earn privilege leave at the rate of 2-1/2 days or 3-1/2 days in case of R.A.C. personnel deployed on deputation to Indian Reserve Battalion for each completed month of his service in a calendar year in which he is appointed.

(b) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service the privilege leave shall be re-reckoned with effect from 1st January in the year of occurrence of event and credited to his leave account *at* the rate of 2-1/2 days or 3-1/2 days (in case of R.A.C. personnel) for each completed calendar month up to the end of month in which he ceases to be in service."

\$ Inserted vide FD Notification No.F.1(49)FD(Gr.2)/82 dated 27-01-1995 and deleted vide FD Notification No.F.1(4)FD(Rules)98 dated 23/27-03-1999.

**"Government of Rajasthan's Decision**

In order to avoid delay in getting cash payment in lieu of unutilized privilege leave on the date of retirement, it has been decided that the competent authority may issue orders for cash payment one month in advance of the date of retirement on receipt of application from the concerned Government servant, but the payment of the same shall be made only after the actual retirement of the Government servant has come into effect.

During the period from the date of sanctioning cash payment and, actual retirement, ordinarily no privilege leave shall be sanctioned to him. If in emergent circumstances, any leave is required to be sanctioned the orders earlier issued for cash payment shall be simultaneously revised by the leave sanctioning authority."

# Inserted vide FD Notification No.F.1(49)FD(Gr.2)/82, dated 22.2.1983 w.e.f. 1.1.1983 in place of following Government Rajasthan's Decision- (See at the end of this chapter)

<sup>+</sup> Inserted vide F.D. Notification No. F.1 (66) FD (Gr.2)/85, dated 30-12-1985 effective from 1-1-1983.

@ Inserted vide F.D. Notification No. F.1 (49) FD (Gr.2)/82, dated 13-9-1983 Effective from 1-1-1983.

%[(iii) The Authority who is competent to sanction privilege leave shall be competent to accept surrender of privilege leave and to grant leave encashment benefit thereof.

\*\* The number of Government servants in an office or department to whom leave encashment benefit is sanctioned during the first financial year of the block of two years under this rule shall not exceed 50% of the total employees and in the next financial year of the same block year there shall be no such restriction, about the number of Government Servants for grant of leave encashment benefit.

(iv) The amount of leave salary for the period for which leave is surrendered shall be calculated in accordance with the provisions of rule 97 and in addition dearness allowance the rates in force from time to time shall be admissible. The leave salary and allowances admissible for leave surrendered shall be computed on the basis of rate of pay which a Government servant is drawing immediately before the date of sanction of leave. A month for the purposes of calculation of leave salary and allowances shall mean <sup>+</sup>15 days.

### **Government of Rajasthan's Decision**

<sup>=</sup>1. The facility of encashment of privilege leave in the first year of a block year of two years prescribed by the State Government is admissible to 50% of the employees as per rules. A point has been raised that since vote on Account for 4 months only has yet been passed by the Legislative Assembly, whether the facility of encashment of privilege leave can be admissible to 50% of the employees prior to passing of the full budget by the Assembly during this year. It is hereby clarified that since we have obtained authorisation for expenditure of 4 months only, the facility of leave encashment to the employees would be restricted to a number equivalent to 1/3 of the 50% of the employees who are entitled to avail this facility during the year 1996-97.

The remaining employees shall be able to avail themselves of the encashment after July 31, 1996.

<sup>B</sup> 2. The facility of encashment of privilege leave in the first year of a block of two years prescribed by the State Government is admissible to 50% of the employees as per rules. A point has been raised that since Vote on Account for four months has been passed by the Legislative Assembly, whether the facility of encashment of privilege leave can be admissible to 50%

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% Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 3-5-1984 for:—

"(iii) The authority who is competent to sanction privilege leave shall be competent to accept surrender of privilege leave and to grant leave encashment benefit thereof. The number of Government servants in an office or department, to whom leave encashment benefit is sanctioned at a time under this Rule shall not exceed 4% of total employees in a month. This restriction shall not apply to offices having strength of less than 25."

\*\* Substituted vide F.D. Notification No. F.1(49)FD(Gr.2)/82, dated 28-1-1986 for:—

[The number of Government servants in an office or department to whom leave encashment benefit is sanctioned during a financial year under this Rule shall not exceed 50% of the total employees.]

<sup>+</sup> Substituted for the words and figures "30 days" vide FD Order No. F. 1 (38) FD/ (Gr.2)/65-II dated 25-10-79.

<sup>=</sup> Inserted Vide FD Circular No. F.1(49)FD(Gr-2)/82 dated 20.4.1996

<sup>B</sup> Inserted Vide FD Circular No. F.1(4)FD/Rules/98 dated 4.4.1998.

of the employees prior to passing of the full budget by the Assembly during this year. It is hereby clarified that since we have obtained authorisation for expenditure of four months only, the facility of leave encashment to the employees would be restricted to a number equivalent to 1/3<sup>rd</sup> of the 50% of the employees who are entitled to avail this facility during the year 1998-99.

The remaining employees shall be able to avail themselves of the encashment after July 31, 1998.

& 3. The State Government have decided to defer the payment of leave encashment for the block years 1998-2000 upto the next block i.e. 2000-2002. The payment of leave encashment bills for which sanctions issued on or after 30.10.1999 shall not be made during the current financial year. The deferred payment may however, be made in the next block beginning 1.4.2000.

%4. In partial modification of Finance Department order of even number dated 30.10.1999 the State Government have decided that the payment of leave encashment for the block year 1998-2000 may be made upto 29th February 2000 to those employees who have not participated in the strike and also to those who have participated in the strike but in compliance of the announcement made by the Chief Minister have joined their duties on or before 11th instant if their applications are pending or they apply for the same within the above stipulated period.

The drawing and disbursing officer concerned shall record a certificate in the bill for drawal of the amount that the employee(s) has/have not participated in the strike and those who participated in the strike have joined their duties on or before 11<sup>th</sup> February, 2000.

\$5. I am directed to say that no sanction for grant of leave encashment benefit be issued and no payment be made till further orders towards leave encashment for the Block Years 2000-2002.

However, the payment of pending bills sanctions pertaining to Block Years 1998-2000 may be made as per order of even number dated 30.10.1999.

#6. In continuation of Government order of even number dated 1.4.2000, the facility of leave encashment admissible under rule 91A of RSR is kept in abeyance till further orders.

**@91.B.Cash payment in lieu of unutilised privilege leave on the date of retirement.—**

^(1). A Government servant on retirement from service on superannuation, invalid, compensation pension or retirement pension under rule 50 and

& Inserted vide FD Order No. F.1(4)FD/Rules/98 dated: 30.10.1999.

% Inserted vide FD Order No. F.1(4)Fd/Rules/98 dated: 11.2.2000

\$ Inserted vide FD Order No. F.1(4)FD/Rules/98 dated 1.4.2000

# Inserted vide FD Order No.F1(4)/FD/Rules/ 98 dated: 18.3.2002

@ Inserted vide F. D. Notification No. F. 1(49) FD (Gr.2)/82, dated 22-2-1983, for following Government of Rajasthan's Decisions. ^ (Please see at the end of this chapter)

^ Substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 20.8.2001

53 of Rajasthan Civil Services (Pension) Rules, 1996 shall be paid cash equivalent to leave salary in respect of the period of unutilised privilege leave not exceeding 300 days at his/her credit at the time of retirement.

Note : The benefit under this sub-rule shall not be admissible to the Government servants retired compulsorily as a measure of penalty under the Rajasthan Civil Services (CC&A) Rules, 1958."

- (2) The cash payment of leave salary admissible under sub-rule (1) above shall be paid on retirement in one lump sum as one time settlement.
- (3) The cash payment under this rule shall be equal to leave salary as admissible for privilege leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No City Compensatory Allowance or House Rent Allowance shall be payable on cash payment of leave salary.

(4) The cash payment for un-utilised privilege leave shall be calculated as follows:—

Cash payment=	Pay admissible on the date of retirement plus Dearness Allowance admissible on that date	Number of unutilised privilege leave at credit on the date of retirement subject to a maximum of +300 days.
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(5) The head of office or head of department, as the case may be, shall be competent to grant leave and permit cash equivalent of privilege leave not exceeding +300 days at the credit of a Government servant on the date of retirement.

(6) The benefit of cash payment under this rule, shall also be admissible to Government servants who are granted extension in service after attaining the age of superannuation. In such cases the benefit shall be granted on the date of final retirement on the expiry of extension.

%(7) The authority competent to grant leave may withhold whole or part of cash equivalent of privilege leave in case of a Government servant who retired from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the

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A Government servant on retirement from service on superannuation, invalid, compensation or retirement pension under %rule 50 of Rajasthan Civil Services (Pension) Rules 1996 shall be paid cash equivalent to leave salary in respect of the period of unutilised privilege leave not exceeding +300 days at his credit at the time of retirement.

% The existing word and figure "rule 244(1) substituted vide FD Notification No. 1(5)FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

+ The existing word & Figure \*240 days substituted vide FD Notification No.F.1(5)FD/Rules/96 dated 02.04.1998 w.e.f. 01.01.1998

\* The existing word & Figure "180 days" substituted vide FD Notification No.F.1(49)FD/Gr.2/82 dated 28.12.1991

% Inserted vide FD Notification No.F.1(4)FD/Rules/98 dated : 18.08.1999

view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of the Government dues if any.

### **Government of Rajasthan's Decision**

%In order to avoid delay in getting cash payment in lieu of balance of unutilised privilege leave on retirement, it has been decided that the competent authority may issue orders for cash payment one month in advance of the date of retirement on receipt of application from the concerned Government servant but the payment of the same can be made on the date of retirement of the Government servant.

During the period, from the date of sanctioning cash payment and actual retirement ordinarily no privilege leave shall be sanctioned to him. If in emergent circumstances any leave is required to be sanctioned the orders earlier issued for cash payment shall be simultaneously revised by the leave sanctioning authority.

&91C (a) In the event of death of a Government servant while in service, a lump-sum amount equal to the amount of leave salary admissible under Rule 97 and dearness allowance admissible thereon in respect of privilege leave that may be due to the deceased Government servant on the date of death not exceeding "300 days" privilege leave may be paid to the widow/children of the deceased Government servant. The method of calculation of cash payment shall be as prescribed in sub-rule (4) of rule 91B.

(b) The authority competent to sanction family pension in respect of deceased Government servant shall sanction the lumpsum amount payable under this rule.

### **^92. Special rules applicable to officers in Vacation Departments.—**

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% Inserted vide FD Notification No.F.1(4)FD/Rules/98 dated 23/27.3.1999.

& Inserted vide FD Notification No. F. 1 (5)FD (Rules)/96 dated 29.10.1997 w.e.f. 01.10.1996,

= The existing word & Figure 240 days substituted vide Fd Notification F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

^ Susbstituted vide FD Notification No.F.1(49)FD(Gr.2)82 dated 17.3.1994

@ (a) (i) Privilege leave is not admissible to a Government servant whether temporary or permanent serving in a vacation department in respect of duty performed in any calendar year in which he avails himself of the full vacation except to the extent indicated under sub-clause (ii) of this rule.

(ii) Teaching staff in School's, Polytechnics, Arts and Science Colleges shall be entitled to 15 days privilege leave in a calendar year. The leave account of every Government servant shall be credited with 15 days privilege leave immediately after expiry of every calendar year. The grant of this privilege leave shall be subject to the following conditions:—

(1) Eight days' privilege leave out of 15 days in a calendar year shall qualify, for grant of encashment of surrender of privilege leave while in service under Rule 91 A and for carry forward of balance to the next year.

(2) Rest 7 days privilege leave out of 15 days in a calendar year shall, if not availed of, during the calendar year in which it is credited to leave account, shall lapse at the end of the calendar year. This leave of seven days shall not qualify for grant of encashment on surrender of privilege leave under Rule 91 A.

<sup>l</sup>(a), (i) Privilege leave is not admissible to a Government servant whether temporary or permanent serving in a vacation department in respect of duty performed in any calendar year in which he avails himself of the full vacation, except to the extent indicated under sub-clause (ii) of this rule.

(ii) Teaching staff in Schools, Polytechnics, Arts and Science, Colleges shall be entitled to 15 days privilege leave in a calendar year. The leave account of every Government servant shall be credited with 15 days Privilege leave immediately after expiry of every calendar year.

(iii) (1) A Government servant appointed during a calendar year shall be allowed privilege leave @ 1-1/4 days for each completed month of his service immediately after the expiry of that calendar year.

(2) In case of resignation, termination from service or death while in service or on retirement from service on superannuation, invalid, compensation or retirement under <sup>\$</sup>"Rule 50 of the Rajasthan Civil Services (Pension) Rules 1996" during a calendar year, the privilege leave @ 1-1/4 days for each completed calendar month shall be credited to his leave account.

Note: — Privilege leave account of a Government servant for the calendar year ending on 31-12-93 shall be credited in accordance with the provisions in force as on 31-12-1993."

(b) The privilege leave admissible to such a Government servant in respect of any calendar year in which he is prevented from availing himself of the full vacation is such proportion of 15 days as the number of days of vacation not taken bears to the full vacation. If in any calendar year, the officer does not avail of the full vacation, 15 days' privilege leave will be admissible to him at the end of the vacation in respect of that calendar year.

<sup>%</sup>[(c) (i) Notwithstanding anything contained in sub-rule (a) and (b) of this rule, an officer of a Civil Court or a member of the staff shall

(iii) (1) A Government servant appointed during a calendar Year shall be allowed privilege leave @ 1-1/4 days for each Completed month of his service immediately after the expiry of that calendar year subject to the conditions laid down in sub-clause (ii) in proportion of 8:7 respectively.

(2) In case of resignation, termination from service or death while in service or on retirement from service on superannuation, invalid, compensation or retirement under <sup>+</sup>rule 244(1) of Rajasthan Service Rules during a Calendar year, the Privilege leave @2/3 day for each completed calendar month shall be credited to his leave account.

Note: — Privilege leave account of a Government servant for the calendar year ending on 31-12-84 shall be credited at the rate of one day's privilege leave for each completed period of four months service up to 31-12-1984.

@ Substituted vide F D Notification No. F.1(49) FD (Gr. 2)/82, dated 29-3-1985 w.e.f. 1-1-1985 for:— Previous Rule 92 as stood before 29.3.1985 may be seen at the end of this chapter (&)

<sup>1</sup> Substituted vide FD Notification No. F. 1(49) FD(Gr. 2) /82, dated 17-3-1994

<sup>\$</sup> The existing word & figure Rule "244 (1) of Rajasthan Service Rules" substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

<sup>%</sup> Substituted vide F.D. Notification No. F.1(49) FD (Gr. 2)/82, dated 5-11-1984 w.e.f. 1-1-1985:—

"(i)Notwithstanding anything contained in sub-rule (a) and (b) of this rule an officer of a Civil Court or a member of the staff shall be entitled to privilege leave of 12 days in calendar year.

(ii)An officer of a Civil Court or member of the staff shall earn privilege leave at the rate of one day for each completed month of his service in a calendar year in which he is appointed.

be entitled to privilege leave of 12 days in a calendar year. The leave account of every Government Servant shall be credited with privilege leave, in advance, in two instalments of 6 days each on the first day of January and July of every calendar year irrespective of whether it is an even or uneven year.

- (ii) An officer of a Civil Court or a member of the staff shall earn privilege leave at the rate of one day for each completed month of his service in a half year in which he is appointed.
- (iii) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extra-ordinary leave. If such a Government servant remains on extra-ordinary leave in a half year, deduction shall be made at the rate of one-tenth of the period of extra-ordinary leave during that half year subject to a maximum of 6 days.]
- (iv) The privilege leave admissible to such a Government servant in respect of any calendar year in which he is prevented from availing himself of the vacation shall be such proportion of 18 days as the number of days of vacation not enjoyed bears to the full vacation.
- <sup>@</sup>[(v) In case of resignation, termination, discharge, removal or dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January or 1st July as the case may be in the half year of the occurrence of the event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service.]

(d) Vacation may be taken in combination with or in continuation of any kind of leave under these rules provided that the total duration of vacation and privilege leave taken in combination or in continuation of other leave or not, shall not exceed the amount of privilege leave due and admissible to an officer at a time under Rule 91.

**\* Deleted.**

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(iii) No deduction in leave balance shall be made if a Government servant remains on any kind of leave other than extraordinary leave. If such a Government servant remains on extra ordinary leave during a calendar year, deduction shall be made at the rate of one-tenth of the period of extraordinary leave subject to a maximum of 12 days.

<sup>@</sup> Substituted vide F.D. Notification No. F.1 (49) FD (Gr. 2)/82, dated 5-11-1984 w.e.f. 1-1-1985

"(v) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January in the year of the occurrence of event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service."

\* Proviso deleted vide F.D. Notification No. F,1 (49)F.D.(Gr. 2)/82 dated in 22-2-1983 w.e.f. 1-1-1983, the following-

"Provided further that the total duration of vacation privilege leave and commuted leave taken in conjunction shall not exceed 240 days."

@93. (1) **Admissibility of Half Pay Leave and Commuted Leave:—**

@ Substituted vide F.D. Notification No. F.1(49) FD(Gr.2)/82, dated 22-2-1983 w.e.f. 1-1-1983 for-  
**(§) 93 (a) Amount of half pay leave admissible.** —Half pay leave admissible to a Government servant in permanent employ in respect of each completed year of service is 20 days.

(b) The half pay leave due may be granted to an officer on Medical Certificate or on private affairs:-

**(c) Amount of Commuted leave admissible and condition of its admissibility** .—Commuted leave not exceeding half the amount of half pay leave due may be granted on Medical certificate only to a Government servant in permanent employ subject to the following conditions:—

(i) commuted leave during the entire service shall be limited to a maximum of 240 days;

(ii) when commuted leave is granted twice the amount of such leave shall be debited against the half pay leave due;

(iii) \* [save as provided in sub-clause (iv)] the total duration of % [privilege] leave and Commuted leave taken in conjunction shall not exceed \*\*240 days :

Provided that no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry.

\*(iv) the total duration of privilege leave and commuted leave taken in conjunction by a Government servant, who is undergoing treatment for Tuberculosis/Leprosy/Cancer/Mental disease in a recognised Sanatorium/Hospital shall not exceed 300 days.

**Government of Rajasthan's Decision.**

%1. Under Rule 93 (c) of the Rajasthan Service Rules read with Rule 72 *ibid*, commuted leave on medical certificate or extension of such leave to gazetted officers can be granted only on production of a proper medical certificate from the Medical Committee.

2. Cases have come to the notice of the Government wherein such leave has been granted without obtaining the requisite certificate and the Government was therefore, placed in embarrassing position of *ipso facto* regularising such cases. It is, therefore, enjoyed upon all Heads of Departments/Administrative Departments that the requirements of the above rule should always be kept in view while granting such leave. Government will not be prepared to regularise such cases in a routine way.

% Inserted vide FD order No. D.6352 FD/F-1(D)(2)FDA/Rules/57 dated 4.2.1958.

\*3. A question having arisen as to how to treat the commuted leave already granted to a Government servant who subsequently intends to retire on the expiry of such leave, it has been decided that when commuted leave is granted to a Government servant under the aforesaid rule and he intends to retire subsequently, the commuted leave should be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the Government servant, who avails himself of commuted leave, but the question whether the Government servant concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reason of ill-health incapacitating him for further service, no refund should be taken.

\* Inserted vide FD Memo No. D.7885/59/F.7a(45)FDA/Rules)59-II dated 15.12.1959.

@ (d) **Leave not due when admissible.**—Save in the case of leave preparatory to retirement, leave not due may be granted to an officer in permanent employ for a period not exceeding 360 days during his entire service, but of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the officer may earn subsequently.

**Government of Rajasthan's Decision.**

\*\*Government have considered the question whether 'Leave not due' should be granted to a Government servant who is undergoing treatment for Tuberculosis. It has been decided that 'leave not due' may be granted to permanent +[ ] Government servants suffering from the tuberculosis subject to the condition that the authority competent to sanction leave is satisfied that there is a reasonable prospect of the Government servant (i) returning to duty on the expiry of the leave, and (ii) earning thereafter leave not less than the amount of leave not due availed of by him. The prospect of returning to duty on the expiry of the leave should be assessed on the basis of the certificate given by the appropriate medical authority. The prospect of earning at least an equivalent amount of leave not due should be assessed with reference to the fact whether in the normal course the Government servant

- (a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service;
- (b) The leave under clause (a) may be granted on medical certificate or on private affairs.
- (2) (i) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate of an authorised medical attendant to a permanent Government servant subject to the following conditions:-
  - (a) When commuted leave is granted twice the amount of leave shall be debited to half pay leave due;

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would have enough service after his returning to duty within which he would be able to wipe off the debit balance. For example if an officer returns to duty and, in the normal course has to serve for only three years before reaching the age of superannuation, the 'leave not due' should not exceed the half pay leave he can earn during this period.

\*\* Inserted vide FD Memo No. F.12(3)F/II/58 dt. 28.11.1958

2. The appropriate medical authority will be:—

- (i) The Government servant's authorised medical attendant;
- (ii) The Medical Officer incharge of a recognised *sanatorium* in the case of a Government servant undergoing treatment in a recognised sanatorium;
- (iii) A Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned in the case of a Government servant receiving treatment at his residence, and
- (iv) A qualified Tuberculosis Specialist or a Civil Surgeon in the case of a Government servant suffering from Tuberculosis other than pulmonary tuberculosis.

#### **NOTES.**

1. Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the Government servant returning to duty on the expiry of the leave and it should be limited to the half pay leave he is likely to earn thereafter.

+2 Deleted.

+Deleted vide FD Notification No. F.1(58)FD/Rules/70 dated 12.1.1976. the following –

\$2. "Half pay leave in respect of any completed year of service, if the service during that year was rendered partly in post other than Class IV and partly in class IV post may be calculated as under- The half pay leave should be calculated on a pro rate basis separately in respect of the post other than class IV and Class IV service and then added up. The fraction, if any, present in the total half pay leave for particular year should be ignored if it is less than half or reckoned as one day if it is half or more."

(\$ Inserted vide FD Order No.F.5(2)F(R)56, dated 11.1.1956.)

\$ Substituted vide FD Notification No. F.1(58)FD(A)(Rules)62 dated 21.11.1962. w.e.f. 1.10.1962

\* Aided vide FD Notification No. F.7(a)(39)FDA(Rules) dated 7.5.1962.

\*\* Substituted for 180 days by FD order No. 4492/F.1(40)(Rules)/56 dated 18.7.1957.

% Substituted for words "earned" vide FD Order No. 4492/F.1(40)FDA(Rules)56 dated 18.7.1957.

@Substituted vide FD order No. 4492/57 F1(40)FD(A)Rules/56 dated 1.7.1957.

(d) Save in the case of leave preparatory to retirement leave not due may be granted, to a Government servant in permanent employ only on Medical certificate for a period not exceeding 180 days during his entire service. Such leave will be debited against the half pay leave the officer may earn subsequently.

- (b) That the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry.
- (ii) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service without production of medical certificate where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.
- (3) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employment subject to the following conditions: —
  - (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry,
  - (b) the leave not due shall be limited to the half pay leave he is likely to earn thereafter;
  - (c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate of the authorised medical attendant,
  - (d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently.
- (4) A temporary Government servant, who has been appointed in accordance with the rules regulating recruitment and conditions of service framed under the proviso to Article 309 of the Constitution of India or where such recruitment rules have not been framed the appointment has been in accordance with orders issued by the Government from time to time prescribing academic qualification, experience etc., shall on completion of three years service be entitled to commuted leave and leave not due under sub-rule (2) and (3) respectively.
- (5) No leave salary shall be recovered where a Government servant, who has been granted commuted leave or leave not due under sub-rule (2) or (3) as the case may be, dies or is retired under \*[rule 53] or is retired on invalid pension under \*[rule 35 of Rajasthan Civil Services (Pension) Rules 1996]. In all other cases like resignation, voluntary retirement, removal, dismissal etc. the recovery of leave salary shall be made.

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\* The existing word & figure “Rule 244(2) and Rule 228” subsituted vide FD Notification No. F.1(5) FD/Rules/96 dated 29.10.1997 w.e.f. 1.10.1996

- \*93A. (1) A member of Police Subordinate Service who is suffering from Tuberculosis shall be entitled to special medical leave for a period not exceeding six months during the entire period of service subject to fulfilment of the following conditions:—
- (i) the leave due and admissible under Rules 91 and 93 of Rajasthan Service Rules has been completely availed of and utilised ;
  - (ii) the special medical leave shall be admissible to an indoor patient admitted to a Government hospital/T.B. Sanitorium or a hospital or Sanitorium recognised by Government under Rajasthan Civil Services (Medical Attendance) Rules. 1970;
  - (iii) the special medical leave shall also be admissible to a member of the Police Subordinate Service undergoing treatment as out patient in a Government hospital/T.B Sanitorium on the basis of a medical certificate given by a Medical Board constituted in accordance with the instructions/directions issued by the Director of Medical & Health Services from time to time.
- (2) The special medical leave may be granted in combination or in continuation of any other kind of leave after leave due and admissible under Rules 91 & 95 has been fully utilised or consumed.
- (3) The leave salary in respect of the special medical leave referred to in sub-rule (1) above shall be equal to the pay to which he is entitled to on the day before the leave commences.

#94. **Admissibility of Terminal Leave:—** (1) Terminal leave to

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\* Inserted vide Finance Department Notification No. F. 1(58) FD/ Rules/70, dated 30-6-1980 with effect from 1-7-1980.

# Substituted vide F.D. Notification No. F. 1 (49) FD (Gr.-2)/82, dated 22-2-1983 w.e.f. 1-1-1983 for:—

"£94 (1)The provisions of rules 91,92 and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible to: —

(i) an officer employed in the Rajasthan Armed Constabulary and posted in the Border as defined in Government Order No. F. 1(21) GA/A/Gr. II/64 dated 9-5-1964 is one sixteenth of the period spent on duty;

(ii) a Government servant not covered by clause (i) above, is one twenty-second of the period spent on duty. Provided that in the case of such a Government servant: —

(a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry except in the case of an officer who has been declared completely and permanently incapacitated for further service by a medical authority, and

- (b) 'no leave not due' shall be granted.
- (2) (i) Privilege leave is not admissible to an officer not in permanent employ serving in a Vacation Department in respect of the first year of service in which he avails himself of the full vacation.
- (ii) The privilege leave admissible to an officer not in permanent employ serving in a vacation department in respect of the first year in which he is prevented from availing himself of the vacation is such proportion of 15 days as the number of days of vacation not enjoyed bears to the full vacation.
- (3) Notwithstanding anything contained in sub-rule (1) and (2) of this Rule—
- (i) The privilege leave admissible to an officer of a Civil Court not in permanent employ is 1/66 of the period spent on duty (excluding vacations) in respect of the first year of service, and in addition;
- £.Substituted vide F.D. Notification No. F. 1 (58) FD (Rules)/70, dated 12-1-1976 as amended vide Notification of even No. dated 15-9-1976 w.e.f. 12 1976. Previous Rules 94 be seen at the end of this Chapter (&&)
- (ii) The privilege leave admissible to such an officer in respect of the first year of service in which he is prevented from availing himself of the vacation, is such proportion of 10 days as the number of days of vacation not enjoyed bears to the full vacation.

@4. Notwithstanding anything contained in sub-rule (1), (2) and (3) of this rule a temporary Government servant, who has been appointed in accordance with the rules regulating recruitment and condition of service framed under proviso to Article 309 of the Constitution or where such recruitment rules have not been framed the appointment has been in accordance with orders issued by the Government from time to time prescribing academic qualification, experience etc., shall on completion of three years service be allowed leave as admissible to a Government servant in permanent employ.

***Government of Rajasthan's Decision.***

Terminal leave to the extent of privilege leave due and admissible may be granted at the discretion of the authorities competent to sanction leave, even when it has not been applied for and refused in the public interest, to the following categories of Government servants on the termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of post before attaining the age of superannuation,
- (b) re-employed pensioners who are treated as 'new entrants' in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
- (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of the Rajasthan Service Rules;
- (d) unqualified persons who have to vacate their temporary posts to make room for qualified candidates; and

@Added vide F.D. Notification No. F. 1(58) FD (Rules)/70, dated 14-12-1978.

- (e) Persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.

The above decision is not applicable to :—

- (i) apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them; or
- (ii) where the Government servant concerned has been dismissed or removed from service; or where the services of the Government servant have been terminated for taking part in any anti-national movement.

If a temporary Government servant resigned his post on his own volition he may, at the discretion of the sanctioning authority, be granted leave not exceeding half the amount of privilege leave at his credit, which he can avail at a time.

It is not necessary to extend the temporary post or tenure of re-employment to cover the period of leave granted to a Government servant at the end of his temporary employment or period of his re-employment.

In all cases where any notice of termination of service is required to be given under the terms of employment of temporary Government servant concerned and that Government servant is relieved before the expiry of notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

the extent of privilege leave not exceeding \*300 days may be sanctioned at the discretion of the authority competent to grant leave even when it has not been applied for and refused in the public interest to the following categories of Government servants on termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of the post before attaining the age of superannuation;
  - (b) re-employed pensioners;
  - (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of Rajasthan service Rules;
  - (d) unqualified persons who have to vacate their temporary posts to make room for qualified candidates; and
  - (e) Persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.
- (2) A temporary Government servant, who resigns on his own may at the discretion of the sanctioning authority be granted terminal leave not exceeding half the amount of privilege leave at his credit subject to a maximum of \*150 days.
- (3) The cash payment of leave salary under sub-rule (1) and (2) shall be paid in lump sum as one time settlement in accordance with method of computation laid down in sub-rule (3) and (4) of rule 91B.

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*Clarification.*

A question has been raised whether in the case of temporary 'Government servants whose services are terminated on payment of pay and allowances in lieu of notice under Rule 23- A of the Rajasthan Service Rules, privilege leave at their credit may be granted as terminal leave and now the leave salary therefor regulated. In accordance with "Government of Rajasthan Decision" below Rule 94, temporary Government Servants whose services are terminated may be granted terminal leave to the extent of Privilege Leave to their credit. In such cases, for the period of notice during which terminal leave is also availed of by the Government servant concurrently, only leave salary is admissible. It is hereby clarified that, in cases in which pay in lieu of notice is allowed, the Government servant concerned may be granted terminal leave to the extent due and admissible but the leave salary for such leave should be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

\* The existing word and figure ^240 days subsituted vide FD Notification No.F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

^The existing word and figure 180 days subsituted vide FD Notification No.F.1(49)FD/Gr.2/82 dated 28.12.1991.

\* The existing word and figure ^120 days subsituted vide FD Notification No. 1(5)FD/Rules/96 dated 2.4.1998 w.e.f 1.1.1998.

^The existing word and figure 90 days subsituted vide FD Notification No.1(49)FD/Gr.2/82 dt.28.10.1991.

- (4) Terminal leave under sub-rule (1) and (2) above shall not be admissible to:—
- (a) apprentices and persons not in the whole time employment of the Government;
  - (b) government servants dismissed or removed from service; and
  - (c) government servants whose services have been terminated for taking part in any anti-national movement.

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### ***Vacations.***

\*94-A. Unless the contrary appears from the context vacation counts as duty and not as leave.

A competent authority may specify the departments or parts of departments which should be treated as Vacation Departments and the conditions which a Government servant should be considered to have availed himself of a vacation.

### ***Government of Rajasthan's Decision.***

%The Governor is pleased to order that the Agriculture and Veterinary Institutions in Rajasthan, may be treated as vocational Institutions.

### ***Annexure.***

1. A vacation Department is a department, or part of a department, to which regular vacations are allowed during which Government Servants serving in the Department are permitted to be absent from duty.

2. (i) The following classes of Government servants should be deemed to be serving in Vacation Department when the conditions of paragraph 1 above are fulfilled :—

- (a) Education officers, other than the Director and Deputy and Assistant Directors of Education and Inspecting officers and their establishment,
- (b) Any other class of Government servant which a competent authority may declare to be so serving.

(ii) In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a Vacation Department.

3. A Government servant serving in a Vacation Department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to forgo such vacation, or portion of vacation. ^[ ]

### ***NOTE.***

1. A Government servant who has routine duties to discharge during a vacation which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant shall be considered to have availed himself of a vacation or a part of it. A Government servant, who absents himself from his place of

\* Inserted vide F.D. Order No. F. 5(1) F/R/58, dated 11-1-1956.

% Inserted vide Agri. Department Order No. 5291/57/F. 31 (44)/ Agr./57, dated 11-5-1957.

^ Deleted vide F.D. Notification No. F. 1. (28) FD (Rules)/72, dated 6-6-1972, the following—  
"Provided that if he has been prevented by such an order from enjoying more than 15 days of the vacation, he shall be considered to have availed himself of no portion of the vacation."

duty during any part of vacation is expected to arrange for and is responsible for the performance, without any cost to Government, of such routine duty. Should a Government servant who is absent from the place of duty during any portion of a vacation be recalled there to he will not be entitled to travelling allowance unless the vacation is combined with leave.

2. The words "higher authority" occurring in this paragraph mean, in the case of the Head of an Officer or Institution, the Head of Department and in other cases the Head of the Office or Institution.

**@Exception: —** The following specialties of the Ayurvedic Colleges will not be treated as a vacation department.

1.	Kaya Chikitas	काय चिकित्सा
2.	Shalya Shalakya	शल्य शालक्या
3.	Prasooti	प्रसूती
4.	Stri Rog	स्त्रीरोग
5.	Kaumar Bhartiya	कोमार भृत्य
6.	Agat Tantra	अगत तंत्र
7.	Vikriti vigyan	विकृति विज्ञान
8.	Sharir Kriya	शरीर क्रिया
9.	Ras Bheshajya	रस भषज्य

**95. Leave to a temporary employees appointed substantively without interruption in duty.—** An official not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the privilege leave which would have been admissible if his previous duty had been duty as a Government servant in permanent employ diminished by any leave already taken. Leave is not an interruption of duty for the purpose of this rule.

**\*96. Extraordinary leave. — (a)** Extraordinary leave may be granted to a Government servant in special circumstances —

@ Inserted vide F.D. Notification No. F. 1 (62) F.D (Rules/68, dated 18-8-1969. Effective from 17-12-1968,

\* Substituted for rule 96 by F.D. Order No. F. 12(4) F.II 1/53, dated 21-12-1953: —

\*96.(i) Extraordinary leave may be granted to a Government servant in special circumstances: —

(a) when no other leave is by rule admissible; or

(b) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(ii) Except in the case of a Government Servant in permanent employ and an officer in quasi-permanent employ the duration of extraordinary leave shall not exceed three or twelve months on any one occasion, the longer period being admissible subject to such conditions as "the Government may by general or special order prescribe only when the Government servant concerned is undergoing treatment for tuberculosis is in a recognised Sanatorium by a qualified T. B. Specialist or an officer of or above the rank of a District Medical Officer.

(iii) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary Leave.

- (i) when no other leave is by rule admissible, or
- (ii) when other leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(b) Except in the case of a Government servant in permanent-employment, [ ] the duration of extraordinary leave shall not exceed three or eighteen months on any one occasion, the longer period being admissible, subject to such conditions as the Government may by general or special order prescribe, only when the Government servant concerned is undergoing treatment for—

- (i) Pulmonary Tuberculosis in a recognised Sanatorium, or
- (ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon, or
- (iii) Leprosy in a recognised Leprosy Institution or by a Civil Surgeon or a Specialist in Leprosy recognised as such by the State Administrative Medical Officer concerned.

@“Provided that a temporary employee who has been appointed after regular selection as per recruitment rules and who has completed three years regular service shall be entitled to extra ordinary leave on the scales admissible to a permanent Government servant.”

&(b) (A)—Where the extraordinary leave is granted, under sub-rule (b), to a Government servant undergoing treatment for T. B. and he resumes his duty after availing of such leave and earns subsequently half pay leave, the extraordinary leave so availed of by him will be converted into half pay leave and it shall be adjusted against the half pay leave earned.

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#### NOTES.

The grant of Extraordinary Leave upto 12 months to temporary Government servants under this rule will be subject to the following conditions: —

- (i) The Government servant concerned has been in continuous Government service for a period exceeding one year;
- (ii) the post from which the Government servant proceeds on leave is likely to last till he returns to duty; and
- (iii) the Government servant produces a certificate from the Medical Officer Incharge or the Sanatorium of the T. B. Specialist, or other Medical Officer of the prescribed rank, who may be treating him, specifying the period for which leave is recommended.

The Medical Officer recommending leave will bear in mind that he must not recommended the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume duties. In such case the opinion that the Government servant is permanently unfit to Government service should be recorded in the Medical certificate."

\* Deleted words "and an officer in quasi-permanent employ" vide F.D. Order No. F. 1(53) FD-A (Rules)/61, dated 1-1-1965.

@ Insert vide FD Notification No. F.1(5)FD/Rules/96 dated 26.2.2002

& Inserted by F.D. Notification No. F. 1 (61) FD (E-R)/65, dated 17-11-1965.

**NOTES.**

1, The concession of extraordinary leave upto eighteen months will be admissible also to a Government 'servant ^[suffering from pul-mona Tuberculosis who] receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

2. (i) The concession of extraordinary leave upto eighteen months under this sub-rule will be admissible only to those Government servants who have been in continuous Government service for a period exceeding one year.

(ii) The post from which the Government servant proceeds on leave is likely to last till he returns to duty, and

(iii) The Government servant produces a certificate from the Medical Officer-in-charge of the Sanatorium or the T. B. Specialist or other Medical Officer of the prescribed rank, who may be treating him, specifying the period for which leave is recommended.

The Medical Officer recommending leave will bear in mind that he must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume duties. In such cases the opinion that the Government servant is permanently unfit io Government service should be recorded in the Medical Certificate

***Government of Rajasthan's Decision***

@1. Cases are being received for relaxing provisions of the above rule either on grounds of prolonged illness of the Government servant concerned or to enable him to undertake different courses of studies.

It has been decided that in future the recommendations received from Administrative Department for the grant of extraordinary leave in relaxation of rule 96 (b) of the Rajasthan Service Rules will be considered only where the following conditions are satisfied: —

(i) The Government servant concerned should have completed three years continuous service (including leave admissible under the rules) on the date of expiry of three months extraordinary leave, normally admissible to a temporary employee,

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<sup>^</sup> Substituted vide order No. 4438/58/F. 1 (40) F.D. (Rules)/56, dated 30-4-1959 for the words "who for want of accommodation in any recognised Sanatorium at or near the place of his duty."

<sup>@</sup> Inserted vide F.D. No. 8141/59/F. 7A(45) F D-A(Rules)/59-1, dated 15-12-1959.

- (ii) The total period of extraordinary leave (including three months admissible under the rules) should not exceed: —
- (a) six months, where the extraordinary leave is required on account of the illness of the Government servant and where the application of grant of such leave is supported by a Medical certificate as required under the rules; and
- (b) two years for the purposes of prosecuting studies certified to be in the public interest.

(c) Where a Government servant who is not in a permanent employ<sup>\*</sup> [ ] fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him, or where such a Government servant, who is granted a lesser amount of extraordinary leave than the maximum amount admissible remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit upto which he could have been granted such leave under sub-rule (b) <sup>%</sup>[he shall, unless the Governor in view of the exceptional circumstances of the case otherwise determines, <sup>@</sup>[be removed from service after following the procedure laid down in the Rajasthan Civil Services (Classification, Control & Appeals), Rules, 1958.]

(d) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

<sup>£</sup>2. Government servants suffering from T. B. before resuming duty should produce fitness certificate from the following authorities: —

(i) A tempoary gazetted Government servant suffering from pulmonary tuberculosis or tuberculosis of any other part of the body should produce a fitness certificate from a Medical Committee as laid down in Rule 84 irrespective of the fact whether the treatment is had at a Sanatorium or at the residence of the Government servant. A. T. B. Specialist should also be co-opted as a member of the Medical Committee.

(ii) A temporary non-gazetted Government servant suffering from pulmonary tuberculosis, should produce a certificate of fitness either from the Medical Officer in-charge of a recognised Sanatorium or from a T.B. Specialist recognised by State Government while such a Government servant suffering from tuberculosis of any other part of the body should produce a certificate from a qualified T.B. Specialist or a Civil Assistant Surgeon Class I.

<sup>%</sup>3. According to Rule 96 (b) of Rajasthan Service Rules a temporary Government servant is entitled to extraordinary leave for 3 months

<sup>\*</sup> Deleted the words "or quasi-permanent employ" Vide F.D. Notification No. F. 1 (53) F. D. (Exp-Rules) 61, dated 1-1-1965.

<sup>%</sup> Substituted for the words "he shall be deemed to have resigned his appointment" by F. D. order No. 1972/57/F. 9(5) R/55, dated 29-4-1957.

<sup>@</sup> Substituted vide F.D. Notification No. F. 1 (65) FD (Exp. Rules)/ 66, dated 25-1-1972 for "be deemed to resigned his appointment and shall accordingly ceases to be in Government employ".

<sup>£</sup> Inserted by F.D. Order No. 1415/F. 7A (9) FD-A/53, dated 24-4-1958.

only. As extraordinary leave beyond 3 months can only be granted in relaxation of rules with the concurrence of Finance Department. It is essential that prior sanction of the competent authority (Finance Department) to sanction leave is obtained. Similarly in the case of a permanent Government servant he can be granted leave (including study leave) for a period upto 24 months only for the purpose of prosecuting of higher studies vide Rule 112 of Rajasthan Service Rules. Leave beyond 24 months in such cases also can be sanctioned with the prior concurrence of Finance Department.

Cases have come to the notice of the Finance Department in which the Administrative Department/Heads of Departments have acted in disregard to the provisions contained in the Rajasthan Service Rules and permitted Temporary/Permanent Government Servants to proceed on leave without obtaining prior sanction of Finance Department in relaxation of rules. It is brought to the notice of all concerned that henceforth Finance Department will not accept any proposal in which *ex post facto* sanction of the Finance Department is desired to regularise such cases except in cases of prolonged illness of Government servants.

\* 4. A Case has come to the notice of the Finance Department in which the services of certain Medical Doctors were required to participate in the small pox Surveillance Drive organised by World Health Organisation in another State. According to the practice followed by such International Organisations they do not pay salaries and allowances to such officers but instead they pay travelling cost and per diem allowance.

A question has been raised as to what treatment should be accorded to State Government Officers who participate in such drives.

The matter has been considered and it has been decided that the officers who participate in such drives organised by International Agencies may be granted Extraordinary leave for the period they remain with the Organisation and the period of extraordinary leave should be counted for purposes of increment, pension etc.

@5. The undersigned is directed to say that temporary female Government servants who are wives of the Defence Services personnel have to face hardship in remaining with their husbands when posted to family stations because they are entitled to extraordinary leave up to three months only. The families of such Defence Services Personnel have to undergo a lot of extra expenses on account of running two establishments and suffer considerably long periods of separation.

In order to alleviate hardship in such cases it has been decided that the temporary female Government servants who are wives of the Defence Personnel may be granted extraordinary leave upto six months in relaxation of Rule 96 of Rajasthan Service Rules during the periods their husbands remain

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% Inserted by F.D. Circular No. F. 1 (46) F.D. (Rules)/72, dated 9-10-1972.

\* Inserted vide F.D. No. F. 1 (23) FD (Gr. 2)/74 dated 24-6-1974.

@ Inserted vide F.D. Memo. No. F. 1 (23) FD (Gr. 2)/79 dated 26-5-1979.

posted at family stations and thereafter rejoining their post when their husbands are posted out to non-family stations/operation areas.

6. It has come to the notice of the Government that some Government servants have applied for grant of extra ordinary leave for a few days say two or three days though other kind of leave are admissible to them with the explicit intention of getting the date of increment changed so that they may get increment after fixation of pay in the selection grade. On some stages of pay, fixation in the Selection Grade comes to the same stage with or without adding annual increment and hence in such situation employees have availed extra-ordinary leave to get the date of increment change so that they may be able to get annual increment after fixation of pay in the selection grade.

2. Provisions of Rule 96(a) of Rajasthan Service Rules which regulate grant of extraordinary leave are as follows: —

"96(a) Extraordinary leave may be granted to a Government servant in special circumstances: —

- (i) when no other leave is by rule admissible, or
- (ii) when other leave is admissible, but the Government servant concerned applied in writing for the grant of Extraordinary leave.

3. Where other leave is admissible to the Government servant but the Government servant concerned has applied in writing for the grant of extraordinary leave in such cases the competent authorities can grant extra-ordinary leave under Rule 96(a) of Rajasthan Service Rules if he is satisfied with the special circumstances indicated by the Government servant for grant of extra-ordinary leave and not otherwise.

4. It is therefore enjoined upon the authorities competent to sanction extra ordinary leave that in cases where extra-ordinary leave has been granted on or after 25-1-1992 may be reviewed and it may be ascertained whether the extraordinary leave already granted have not been taken by the Government servant with a view to getting the date of increment changed so that he may get annual increment after fixation of pay in the selection grade. In, cases where it is found that extra ordinary leave has been taken only with the above intention, the same may be refused and he may be asked to apply the leave which is admissible to him under rules.

5. In future such type of cases may also be decided accordingly.

[Order No. F. 20(1)FD(Gr. 2)/92, dt. Pt. IV dated 16-2-95.]

#7. राज्य सरकार ने राज्य कर्मचारियों को सेवा का परित्याग किए बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से नियमित

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# Inserted vide FD order No.F.1(8)FD/Rules/2002 dated22-05-2003

कर्मचारियों के लिये विशेष अवकाश (अवैतनिक) योजना तुरन्त प्रभाव से लागू करने का निर्णय लिया है।

यह योजना चिकित्सा विभाग के तकनीकी कर्मचारी एवं चिकित्सक, शिक्षक चिकित्सा महाविद्यालय, शिक्षक (स्कूल एवं महाविद्यालय), पुलिस विभाग के अधिकारी व अलिपिकीय वर्ग के कर्मचारियों को छोड़कर समस्त नियमित राज्य कर्मचारियों पर लागू होगी, जो राज्य के कार्यकलापों के संबंध में लोक सेवा के पदों पर नियुक्त हैं और जिन्हें पेंशन के लिए अयोग्य घोषित नहीं किया गया है।

### **राज्य कर्मचारियों को यह विशेष अवकाश निम्न शर्तों के अनुसार देय होगा :—**

- (i) एक राज्य कर्मचारी को आवेदन करने पर न्यूनतम दो वर्ष एवं अधिकतम पांच वर्ष तक के लिए यह विशेष अवकाश (अवैतनिक) स्वीकृत किया जा सकेगा, लेकिन कर्मचारी के अवकाश पर प्रस्थान के पश्चात् दो वर्ष की अवधि से पूर्व उसे सेवा में नहीं लिया जावेगा। ऐसा अवकाश कर्मचारी के पूरे सेवाकाल में मात्र एक बार ही देय होगा।

- (ii) विशेष अवकाश के प्रकरण पर निर्णय हेतु निम्नांकित प्राधिकृत होंगे :—

#### **क्र.सं. केडर**

#### **प्राधिकारी**

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|--|---|
| 1. अखिल भारतीय सेवा के अधिकारी/<br>विभागाध्यक्ष        | कार्मिक विभाग (संबंधित विभाग के<br>मंत्री एवं मुख्यमंत्री के अनुमोदन पर); |
| 2. राज्य सेवा  | प्रशासनिक विभाग;  |
| 3. अधीनस्थ सेवा/मंत्रालयिक सेवा/<br>चतुर्थ श्रेणी सेवा | विभागाध्यक्ष।   |

- (iii) राज्य कर्मचारी इस अवकाश अवधि में भारत अथवा भारत के बाहर स्वरोजगार करने अथवा अन्य रोजगार प्राप्त करने के लिए स्वतंत्र रहेगा, लेकिन वह राजस्थान सरकार के अन्य विभाग अथवा राज्य सरकार के नियंत्रणाधीन कम्पनी, निगम, स्वशासी निकाय, स्थानीय निकाय संस्थाओं, सहकारी संस्थाओं और राज्य सरकार द्वारा अनुदानित संस्थाओं में कार्य नहीं कर सकेगा। इस अवधि में कर्मचारी राजनीतिक गतिविधियों में भाग नहीं ले सकेगा। कर्मचारी को सम्पर्क हेतु अपना स्थानीय (भारत में) पता, अवकाश आवेदन पत्र में अंकित करना होगा।

- (iv) विशेष अवकाश अवधि में स्वरोजगार अथवा अन्य संस्थान में नियोजन प्राप्त करने को राजस्थान सिविल सेवा (आचरण) नियम 1958 के तहत दुराचरण नहीं माना जावेगा।

- (v) राज्य कर्मचारी की उक्त अवकाश अवधि अवैतनिक होगी। यह अवधि अवकाश अर्जित करने एवं पेंशन के लिए सेवाकाल नहीं मानी जावेगी। कर्मचारी द्वारा नियमानुसार पेंशन

अंशदान जमा कराए जाने पर उक्त विशेष अवकाश अवधि पेंशन योग्य सेवा मानी जा सकेगी। इस अवधि के दौरान राज्य कर्मचारी का पद भरा हुआ ही माना जावेगा एवं उस पद पर भर्ती/पदोन्नति नहीं दी जा सकेगी।

- (vi) ऐसी अवधि में राज्य कर्मचारी उनको आवंटित राजकीय आवास को रख सकेगा, परन्तु उसका किराया नियमानुसार वसूली योग्य होगा जो संबंधित कर्मचारी स्वयं जमा कराएगा।
- (vii) स्वीकृत ऋण/अग्रिम की किश्तें स्वयं कर्मचारी द्वारा सम्बन्धित मद में चालान से जमा की जावेगी।
- (viii) राज्य कर्मचारी इस अवधि में राज्य बीमा पालिसी को जारी रख सकेगा। इस अवधि में अवकाश पर प्रस्थान करने के समय के मूल वेतन के अनुसार मासिक प्रीमियम की राशि चालान से संबंधित मद में जमा कराने की जिम्मेदारी कर्मचारी की स्वयं की होगी।
- (ix) राज्य कर्मचारी अवकाश अवधि में निम्न सुविधाओं के पात्र नहीं होंगे :—
  1. चिकित्सा पुनर्भरण सुविधा,
  2. राजकीय टेलीफोन/वाहन की सुविधा,
- (x) उपरोक्त विशेष अवकाश अवधि के दौरान राज्य कर्मचारी की मृत्यु होने पर उसके आश्रित को राज्य सरकार के अनुकम्पात्मक नियुक्ति नियमों के अनुसार पात्र होने पर नियुक्ति दी जा सकेगी।
- (xi) विशेष अवकाश अवधि में कर्मचारी की विभाग में वरिष्ठता प्रभावित नहीं होगी। यदि उक्त अवधि में कर्मचारी को पदोन्नति का अवसर बनता है तो विशेष अवकाश अवधि में विभागीय पदोन्नति समिति द्वारा पदोन्नति हेतु विचार करते समय ऐसे अवकाश काल का वास्तविक वार्षिक कार्य मूल्यांकन प्रतिवेदन नहीं होने से ऐसी अवधि का मूल्यांकन “अच्छा” माना जावेगा। पदोन्नति हेतु योग्य कर्मचारी को Proforma पदोन्नति देय होगी। कर्मचारी के अवकाश से लौटने पर पदोन्नति का काल्पनिक लाभ पदोन्नति की दिनांक से दिया जावेगा।
- (xii) (a) अवकाश अवधि में या अवकाश की समाप्ति पर यदि राज्य कर्मचारी की पेंशन योग्य सेवा 15 वर्ष से कम है तो वह राज्य सेवा से इस्तीफा दे सकेगा और इसके लिए नोटिस अवधि की आवश्यकता नहीं होगी। यदि ऐसा कर्मचारी अवकाश समाप्ति पर कार्य ग्रहण नहीं करता है तो संबंधित नियुक्ति अधिकारी कर्मचारी को ‘कारण बताओ नोटिस’ जारी कर अथवा बिन्दु-3 के अनुसार निवास के पते के अनुरूप वहां के स्थानीय समाचार पत्र में नोटिस प्रकाशित कराकर सूचित करेगा कि उसकी अनुपस्थिति को क्यों नहीं राज्य सेवा से उसका त्याग

(Resignation) समझा जावे। जवाब प्राप्त होने पर उसका परीक्षण कर एवं जवाब प्राप्त नहीं होने पर सेवा से पृथक् करने के आदेश जारी करेगा।

- (b) जिन कर्मचारियों की सेवा अवधि स्वैच्छिक सेवानिवृत्ति हेतु पूरी हो, ऐसे कर्मचारी अवकाश अवधि में अथवा अवकाश समाप्ति पर स्वैच्छिक सेवा निवृत्ति हेतु आवेदन कर सकेंगे और उन्हें भी स्वैच्छिक सेवानिवृत्ति हेतु नोटिस अवधि के लिये बाध्य नहीं किया जावेगा। नोटिस देने पर भी सेवा पर नहीं लौटने पर अवकाश समाप्ति की तिथि से स्वैच्छिक सेवा निवृत्त मान लिया जावेगा।

8. <sup>1</sup>राज्य सरकार के समसंख्यक आदेश दिनांक 22.5.2003 के द्वारा राज्य कर्मचारियों को सेवा का परित्याग किए बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से नियमित कर्मचारियों के लिये विशेष अवकाश (अवैतनिक) लागू की गई थी।

इस योजना की समीक्षोपरान्त उक्त आदेश दिनांक 22.5.2003 एतद् द्वारा तुरन्त प्रभाव से वापस लिया जाता है। ऐसे कर्मचारी जो इस योजना के तहत विशेष अवकाश (अवैतनिक) का उपभोग कर रहे हैं, वे स्वीकृत अवकाश अवधि का यथावत उपभोग कर सकेंगे।

9. <sup>@</sup>राज्य सरकार ने समसंख्यक आदेश दिनांक 22.5.2003 के द्वारा राज्य कर्मचारियों को सेवा का परित्याग किये बिना अपना स्वयं का व्यवसाय करने अथवा अन्यत्र नौकरी करने की सुविधा प्रदान करने की दृष्टि से कतिपय संवर्ग के कर्मचारियों को छोड़कर नियमित कर्मचारियों के लिए विशेष अवकाश (अवैतनिक) योजना लागू की गई थी। यह योजना समसंख्यक आदेश दिनांक 1.2.2006 के द्वारा वापस ले ली गई है।

इस योजना के अन्तर्गत उपभोग की गई अवकाश अवधि को वेतन वृद्धि हेतु योग्य सेवा मानने के संबंध में प्रकरण वित्त विभाग को संदर्भित किये जा रहे हैं। प्रकरण पर विचार करने के पश्चात् राज्य सरकार ने निर्णय लिया है कि राज्य कर्मचारियों द्वारा समसंख्यक आदेश दिनांक 22.5.2003 के क्रम में लिये गये विशेष अवकाश (अवैतनिक) की अवधि वाषिक वेतन वृद्धि के लिये काल्पनिक (Notional) रूप में सेवा (Service) मान्य होगी।

**^97. Amount of leave salary admissible in respect of leave of each kind. —**

<sup>1</sup>Inserted by F.D. order No. F. 1 (8) F.D. (Rules)/2002, dated 01-02-2006.

<sup>@</sup> Inserted by F.D. order No. F. 1 (8) F.D. (Rules)/2002, dated 01.08.2006.

<sup>^</sup> Substituted vide F O Noti. No F. 1 (27)/F-D. (Gr. 2)/76 dated 4-6-1976 w.e.f. 1-6-1976 for—

<sup>@</sup> 97. *Amount of leave salary admissible in respect of leave of each kind. —(1) (i) A Gazetted Government servant on privilege leave is entitled to leave salary equal to (a) or (b) whichever is higher:-*

- (a) the average monthly pay earned during the ten completed months immediately preceding the month in which the leave commences, and
- (b) the substantive pay which the officer is entitled to immediately before the commencement of the leave.
- (ii) A Non-Gazetted Government servant other than a Class IV servant on privilege leave is entitled to leave salary: —

- (a) equal to the pay to which he is entitled to on the day before the leave commences.

Provided if on that day he was in receipt of a special pay granted in consideration of additional work or was in receipt of additional pay on account of holding a post in addition to his own post under rule 50, such special pay and additional pay shall not be taken in to account for computing leave salary;

**Or**

- (b) as in (i) (a) above whichever is greater.

- (1) A Government servant on privilege leave is entitled to leave salary: —  
 (a) equal to the pay to which he is entitled to on the day before the leave commences :

Provided that, if on that day he was in receipt of a special pay granted in consideration of additional work or was in receipt of additional pay on account of holding a post in addition to his own posts under rule 50, such special pay and additional pay shall not be taken into account for computing leave salary.

- (2) An officer on half pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (1) above subject to a maximum of <sup>§</sup>Rs.9500;  
 Provided that this limit shall not apply if the leave is taken on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.
- (3) An officer on commuted leave will be entitled to leave salary as admissible during the privilege leave.
- (4) A Government servant on extraordinary leave is not entitled to any leave salary.

### ***Government of Rajasthan's Decisions.***

\* 1. —It has been decided that persons temporarily appointed on teaching side in Schools and Colleges on or before 31st December against

\*(2) An officer on half pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (1) above subject to a maximum of Rs.750/: —  
 Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(3) An officer on commuted leave will be entitled to leave salary as admissible during the privilege leave.

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

(5) A class IV servant on privilege leave or commuted leave or half pay leave is entitled to leave salary equal to his pay including special pay or half of such pay as the case may be on the day before the leave commences.

\* Substituted vide F.D. Order No. F. 16(12) FD-A (Rules) 58/I and II dated 30-5-1961:— (\*Existing provisions may be seen at the end of this chapter)

<sup>§</sup> The existing word & figure ^"Rs. 3000/- " substituted vide FD Noti.No.F.1(5)FD(Rules)96 dated 2-4-1998 w.e.f. 1-1-1998

^Substituted vide F.D. Notification No. F. 1 (68) FD (Gr. 2/) 86 dated 23-9-1989 w.e.f. 1-9-1988 for the words & figures ££ Rs. 2600/-

££Substituted vide F.D. Notification No. F. 1 (68) FD (Gr. 2)/ 86 dated 2-2-1987 w.e.f. 1-9-1986 for the words & figures % Rs. 1550/-

%Substituted vide F.D. Notification No. F. 1 (54) FD (Gr. 2)/ 82 dated 17-2-1983 w.e.f. 1-9-1981 for the words & figures Rs. %%1200/-

%%Substituted vide F.D. Notification No. F. 1 (9) FD (Gr.2)/ 77 dated 26-5-1978 w.e.f. 1-9-1976 for the words & figures Rs. 750/-

\* Substituted vide F.D. Notification No. F.1(50) FD (Exp. Rules)/66, dated 22-8-1970. Effective from 1-1-1967, for—

clear vacancies under orders of the competent authority may be allowed vacation salary, provided no other Government servant draws vacation pay against the same post and provided further that such Government servants join their duty within a period of one month from the date of opening of the session @ [and remains in service upto 31st December of that Session]

The service of all such temporary teachers who are appointed before 1st January in leave vacancies or by authorities incompetent to make such appointment and of all temporary teachers who are appointed after 31st December, shall be terminated on the last working Day of the session.

%2. Omitted.

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**"Government of Rajasthan Decision No. 1—**It has been decided that temporary teachers who are appointed on or before 31st December against clear vacancies under orders of the competent authority may be allowed vacation salary, provided no other Government servant draws vacation pay against the same post and provided further that such teachers continue in service after vacation.

The services of all temporary teachers who are appointed before 1st January in leave vacancies or by authorities incompetent to make such appointment, and of all temporary teachers who are appointed after 31st December, shall be terminated on the last working day of the session,"

[F.D. Notification No. F. 1(50) FD (Exp. Rules) 66, dated 23-9-1966. Effective from 1-7-1965].

@ Added vide Notification No. F. 1(22) FD (Gr. 2)/75 dated 9-6-1975.

% Omitted vide F.D. Order No. 16 (12) F.D.A (Rules) 58-I dated 30-5-1961.

"2. The leave salary under Rule 97 of Rajasthan Service Rules in the case of a 'probationer' and person appointed 'on probation' should be regulated as follows: —

(1) In the case of a 'probationer' as defined in Audit Instructions below Rule 7 (30) of Rajasthan Service Rules whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of Rule 97 of Rajasthan Service Rules.

(2) In the case of a person who is only appointed to a post 'on probation' as distinct from appointment as a 'Probationer' as defined in Audit instruction below Rule 7 (30) of Rajasthan Service Rules.

(a) if he was already holding a permanent post in a substantive capacity before being appointed 'on probation' to another post, his substantive pay in respect of the permanent post on which he holds a lien or on which he would have held a lien had such lien not been suspended will be the substantive pay for the purpose of calculation of leave salary under Rule 97 of Rajasthan Service Rules.

(b) if he was only in a temporary employ of Government or if he is a direct recruit appointed to the post on probation, the leave salary will be regulated under Rule 97(ii).

**Note.** 1—Any period of joining time taken either under Clause (b) of Rule 127 during the preceding 12/36 months should be ignored in calculating average monthly pay as no 'pay' is drawn in respect of such joining time.

**Example:** —Gazetted Government servant who was on leave from 14th April 1956 to 9th December, 1956 inclusive is granted leave from 12th March, 57. In order to arrive at his average monthly pay, the total pay earned for the periods of duty, viz, from 1st March, 56 to 13th April, 56 and from 10th December, 1956 to 28th February, 1957, should be divided by  $3 + \frac{13}{30} + \frac{22}{31} = \frac{3853}{930}$  months, the fractions  $\frac{13}{30}$  and  $\frac{22}{31}$  representing period of duty, in terms of months, in April and December 1956 respectively. Where 'A' is the total pay earned by duty from 1st March, 1956 to 13th April, 56 from 10th December, 1956, to 28th February, 1957, the average monthly pay is equal to  $930XA/3853$ .

3. In the case of a Government servant of a Vacation Department the vacations falling in the periods of 12/36 complete months immediately preceding the month in which leave is taken should be treated as duty under Rule 94 (A) and the pay drawn by the Government servant during the vacation should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

<sup>^</sup>3. (1) Doubts have been raised about the correct entitlement of a retired and re-employed officer to leave salary or pension in respect of privilege leave, half pay leave, commuted leave and extraordinary leave taken by such an officer during the period of his reemployment. The position is as follows: —

(2) During re-employment after retirement from pensionable service, an officer's pension is either held in abeyance or is allowed to be drawn separately, a suitable reduction being made in the re-employed pay wherever. An officer whose pension is drawn separately during re-employment and who proceeds on privilege leave or half pay leave or commuted leave, will be entitled to leave salary based on the net re-employed pay i.e. exclusive of the pension and or pension (equivalent of gratuity) and will continue to draw the pension separately in addition. An officer whose pension has been held in abeyance will draw the leave salary based on the net re-employed pay (i.e. pay minus the amount of the uncommuted pension and/or pension equivalent of gratuity) and in addition an amount equivalent to the pension which was held in abeyance. In either case the leave salary (exclusive of the pension or the amount equivalent to pension which was held in abeyance, and/or pension equivalent of gratuity admissible during leave or commuted leave will be subject to the monthly maximum of +Rs.2600/- and +Rs.3350/— respectively.

(3) During the period of extraordinary leave, an officer whose pension has been held in abeyance will be allowed to draw only an amount equivalent to the pension which was held in abeyance. Where the pension is drawn separately it will continue to be so drawn during the period of extraordinary leave.

(4) The leave salary in respect of privilege leave, half pay leave and commuted leave of officers who were governed by the Contributory Provident Fund system prior to retirement, will be based on their net re-employed pay. They will not draw any leave salary during the period of extraordinary leave.

(5) Cases dealt with differently in the past need not be re-opened.

<sup>@</sup>4. Omitted.

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4. In the case of a Government servant of a Vacation Department both pre fixing and affixing leave to vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve/thirty-six complete month preceding the commencement of his leave.

5. The term 'month' in this rule means 'calendar months' as in Rule 7 (20).

<sup>^</sup> Inserted vide F.D- Order NO. 5689/59 F. 7 A (II) F.D./A Rules 58 dated 19-12-1959,

<sup>+</sup> Substituted for the words & Figures \$ Rs. 1550/- & Rs. 2250/- vide F.D. Notification No. F.1(68)FD(Gr.2)/86 dated 2.2.87 w.e.f. 1.6.86.

\$ Substituted for the words & Figures % Rs. 1200/- & % Rs. 1900/- vide FD Notification No.F.1(54)FD(Gr.2)/82 dated 17.2.1983 w.e.f. 1.9.81.

%Substituted for the words & figures Rs. 750/- and Rs. 1500/- vide FD Notification No. F.1(9)FD(Gr.2)77 dated 26.5.1978 w.e.f. 1.9.76.

<sup>@</sup> Vide F.D. Order No. F-19 (12) FDA (Rules) 58.II dated 30-5-1961

4. According to the further proviso to Rule 97 inserted vide finance Department Memo No. D. 5792/59 F. 7a (23) FE-Rules 59, dated 20-10-1959 the limit of three years referred to therein will

**#Note—** In respect of any period spent on deputation or foreign service out of India, the pay which the officer would have drawn if on duty in India shall be substituted for the pay actually drawn while calculating average pay.

**%Explanation. —** 1 & 2. Deleted.

include all periods of leave during which a Government Servant in permanent or quasi permanent employ would have officiated in the Post but for proceeding on such leave and all periods of officiating service rendered in an equivalent or a still higher post for appointment to which he would have officiated in that post. The periods of half pay leave, extra-ordinary leave, maternity leave etc. will also, therefore, be included for-calculating the limit of three years.

In order to allow the benefit of treating the pay drawn in the post in which he was officiating before proceeding on leave or in which he would have so officiated but for his officiating appointment in an equivalent or still higher post, as substantive pay, for the purpose of Rule 97, it will be necessary to obtain a suitable certificate from the competent authority concerned that during all the periods of leave or officiating service in an equivalent or still higher post, the Government servant concerned would have continued to officiate in the post concerned but for proceeding on leave or officiating service in an equivalent or still higher post.

It has now been decided that in all cases in which it is proposed to allow the benefit of the above-mentioned second proviso to the Explanation below Rule 97. The authority which is competent to fill the specified post in respect of which the benefit is proposed to be granted should furnish a certificate in the form (Annexure "A") appended below to enable audit to admit the claim.

**ANNEXURE "A"**

Certified that on\*.....Shri/Shrimati/Kumari..... has been continuously officiating in the post\*\*..... for more than three years inclusive of the following periods during which he/she/would have officiated in that post but for the following events:—

From To

- (1) Periods of officiation in the specified post.
- (2) Periods of officiation in equivalent or higher post in the same department.
- (3) Periods of deputation.
- (4) Foreign Service.
- (5) Periods of Leave.

Signature.....

Designation.....

\*The date preceding the date of commencement of leave to be specified here.

\*\*Designation of the post to be specified here,

# Inserted vide F.D. Order No. F.1 (52) F.D.-A(R)/61 dated 30-12-1961

% Deleted vide FD Notification No FI(27)FD(Gr. 2)/76, dated 4-9-1976 w.e.f. 1-9 1976 the following—

**"Explanation 1.** —For purposes of this rule, substantive pay means the substantive pay of the permanent post which the officer holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended provided that the leave salary of a Government servant who is in permanent employ and who had been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three years limit shall include: —

(a) all periods of leave during which the Government servant would have officiated in the post but for proceeding on such leave, and

(b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

**Explanation 2:** —The leave salary of an officer who is already on leave on the date of issue of this order shall from the commencement of such leave be re-calculated in accordance with the provision of above amendments.

**%98 Deleted.**

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"Sanction is accorded for the payment of vacation salary to temporary teachers who are appointed during the period from the commencement of the session in July to 31st August in clear vacancies and work till last working day of the session provided no other Government servant draws his vacation pay against the same post. Those temporary teachers who are appointed after 31st August, will not be entitled to pay for the summer vacation. The temporary teachers appointed on or before August 31st, who are entitled to pay for the summer vacations in accordance with the above instructions should be given a notice on the last working day of the session that their services will not be required from the beginning of the next session. The services of all other temporary teachers whether appointed before or after August 31st who are not entitled to pay for the summer vacation should be terminated on the last working day of the session.

(For procedure in regard to drawal of leave salary by Gazetted and Non-Gazetted Government Servants from a Treasury or office of disbursement refer to Rule 171 of the General Financial and Account Rules).

" (Inserted vide Edu. Deptt. Order No. F. 17 (82) Edu. 1/52, dated 18-12-1954).

% Deleted vide FD Order No. F.16(12)FD(A)Rules/58-I dated 30.5.1961.

"98. Leave to quasi-permanent Govt. Servant if not confirmed after 3 years continuous service. —Quasi-permanent Government servant if not confirmed after completion of 3 years continuous service shall be entitled to leave as for a permanent Government servant his leave salary being calculated in accordance with sub-rule (1) of Rule 97.

#### **NOTES**

1. If a quasi-permanent Government servant is holding a temporary post substantively or has acquired superior quasi lien on such a post while officiating in a higher one such temporary post shall for the purposes of this rule be treated as his substantive post and the pay admissible in that post shall be deemed to be as the substantive pay for calculation of his leave salary.

2. The term "quasi lien" refers to the title of a Government servant in quasi-permanent employ to be employed in the temporary or officiating vacancy the permanent of which has been assured to him in writing. The Government servant having superior "quasi lien" only retains his title to treat the temporary post as his substantive post for the purpose of the calculation of his leave salary,"

## SECTION III

### ***Special Disability Leave.***

99. **Special disability leave when admissible.** —Subject to the conditions specified in this section Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official duties or in consequence of his official position.

(ii) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Government, if it is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(iii) The period of leave granted shall be such as is certified by a Medical Board to be necessary.

### ***Government of Rajasthan's Decisions.***

@Clause (iii) of Rule 99 of Rajasthan Service Rules provides that the period of Special disability leave granted shall be such as is certified by a Medical Board.

It has been decided that in the case of R.A.C. Battalions posted within Rajasthan the Medical Board for the purpose of aforesaid clause shall consist of the following: —

- |   |   |
|---|---|
| (a) For Company Commandant & others above the rank. | <ul style="list-style-type: none"> <li>(i) Officer-in-charge of hospital where treatment is being accorded, and</li> <li>(ii) P. M.H.O./ D. M.H.O. of the district and where he is also the incharge of the hospital as in (i) then an officer named by P.M. H.O./ D.M. H.O., and</li> <li>(iii) Medical Officer of the Battalions</li> </ul> |
| (b) For others                                      | <ul style="list-style-type: none"> <li>(i) One Medical Officer of the hospital where treatment is being accorded to be named by Officer-in-charge of the hospital, and</li> <li>(ii) Medical Officer of the Battalion.</li> </ul>   |

In the case of R.A.C. Battalions posted outside Rajasthan, the Medical Board shall consist of the following: —

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@ Inserted by F.D- Memo. NO.F.1(57)FD(Exp. Rules)65-II, dated 2-11-1966, Effective from 5-9-1965.

- (a) Platoon Commander & other below that ranks requiring special disability leave not exceeding 2 months.
- (b) For all officers of the Battalion not covered by (a) above.
  - (i) Medical Officer of the Battalion to be single Member of the Board.
  - (ii) Officer-in-charge of hospital where treatment is accorded, and
  - (iii) Medical Officers of the Battalion.

(iv) **Period of disability leave.** —It shall not be extended except on the certificate of a Medical Board, and shall in no case exceed 24 months. Such leave may be combined with leave of any other kind.

(v) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a latter date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(vi) **Disability leave counts as duty for pension.** —Such leave shall be counted as duty in calculating service for pension.

(vii) **Leave salary during disability leave.** —Leave salary during such leave shall be equal—

- (a) for the first 120 days, <sup>x</sup>[ ] of any such leave including a period of such leave granted X [to Government servants in Superior service] under clause (v) of this rule, to leave salary in accordance with clause (1) to Rule 97, and

(b) for the remaining period of any such leave X[to Government servants in Superior service] to half pay <sup>%</sup>[in accordance with proviso to clause (2) of Rule 97] or at the Government servant's option, for a period of not exceeding the period of privilege leave which would otherwise be admissible to him, to average pay. <sup>@</sup>[In the latter case half the period of such leave shall be debited to his privilege leave account].

**\*Exception:** —In case of a member of Police Force who remains in Government Hospital for the treatment of injury received in encounter with dacoits, leave salary during such leave shall, notwithstanding the provisions of paras (a) and (b), be equal to the pay he would have drawn had he remained on duty. For the remaining period of such leave, leave salary shall be regulated in accordance with paras (a) and (b) of this clause.

<sup>x</sup> Inserted by F.D. NO. F.1 (97) R/56, dated 11-9-1956 by deleting the words or "60 days according as the service is superior or class IV Service" after the words "120 days".

<sup>%</sup> Substituted for the words "in accordance with clause (2) of Rule 97" vide F.D. Order No. F.16 (12) F.D.A. (Rules) 58-1 dated 30-5-1961

<sup>@</sup> Added vide F.D. No. 3009/60 F.7a (55) F. D.A. (Rules)/59 dated 1-7-1960

\* Added vide F.D Notification No. F.1 (11) F.D.A. (Rules)/62 dated 4-4-1962.

<sup>+</sup> (viii) The leave salary to Class IV Government Servants shall be equal to—

- (a) for the first sixty days of any such leave including a period of such leave granted under clause V of this Rule, to leave salary equal to his pay on the day before the leave commences, and
- (b) for the remaining period of such leave to half pay or at the Government Servant's option, for a period not exceeding the period of privilege leave which would otherwise be admissible to him, to pay equal to pay on the day before the commencement of leave. In the latter case half of such leave shall be debited to his privilege leave account.

***\*Exception.***

Police personnel and Class IV servants <sup>@</sup>[and Medical Veterinary and Wireless Staff and other departmental Staff] attached to the Police Force (including the R.A.C. and S.A.F. Battalion) who have been wounded or injured as a result of aggression by an alien power may be granted leave under this rule and notwithstanding the provisions contained in paras (a) & (b) of Clause VII and Clause VIII may be permitted to draw leave salary during such leave, equal to the pay they would have drawn had they remained on duty.

The period of such leave shall be counted towards pension, increments and other benefits admissible under Rajasthan Service Rules.

**100. Reduction in leave salary when compensation granted for disability.** —In the case of a person who is entitled under any law for the time being in force to compensation for disability in respect of which provision is made in this chapter the amount of leave salary payable under Rule 99 will be reduced by the amount of compensation payable to him under such law.

**101. Application of special disability leave rules to Civil Servants.** —The provisions of this section apply to a Civil servant disabled in consequence of service with military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

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<sup>+</sup> Substituted vide F.D. No. 3009/60 F.7a (55) F. D.A. (Rules)/59 dated 1-7-1960

"(viii) Leave salary to Government Servants of class IV service shall be in accordance with clause V of Rule. 97."

<sup>\*</sup> Inserted vide F.D. Notification no. F.1 (57) F.D. (E-R)/65 dated 3-11-1965.

<sup>@</sup> Added vide F.D, Notification No. F.1 (57) FD (Exp. Rules) /65-1, dated 2-11-1966.

102. Government may extend the application of the provisions of this section to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions: —

- (i) that the disability, if due to disease, must be certified by a Medical Board to be directly due to the performance of the particular duty; and
  - (ii) that, if the Government servant has contracted such disability during service, otherwise than with a military force, it must be, in the opinion of the Government so exceptional in character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and
  - (iii) that the period of absence recommended by the Medical Board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than 120 or 60 days according as the service is Superior or Class IV.
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## SECTION IV

### **Maternity leave.**

**103. §Maternity Leave** – Maternity leave may be granted to a female Government Servant with less than two surviving children upto a period of 135 days from the date of its commencement. However, if there is no surviving child even after availing it twice Maternity Leave may be granted on one more occasion.

During such period she will be entitled to leave salary equal to pay drawn immediately before proceeding on leave. Such leave shall not be debited to the leave account but such entry should be made in the service book separately.

### **NOTE.**

**\*Note :** Maternity leave may also be granted to a female Government servant with less than two surviving children, in case of miscarriage including abortion

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§ The existing rule except Note and clarification substituted vide FD Notification No. F.1(43)FD/Rules/83 dated 6.12.2004

&**Maternity Leave** – A competent authority may grant maternity leave to a female Government servant twice during the entire period of her service. However, if there is no surviving child even after availing of it twice, maternity leave may be granted on one more occasion.

The maternity leave may be allowed on full pay for a period which may extend upto the period of 120 days from the date of its commencement.

& The existing rule excluding Note and GRD and clarification substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

@ **[103. Maternity leave.** —A competent authority may grant "Maternity Leave" to a female Government servant thrice during the entire period of her service. However, if there is no surviving child even after availing of it thrice, Maternity Leave may be granted on one more occasion.

£The maternity leave may be allowed on full pay for a period which may extend upto the period of 90 days from the date of its commencement.

@ Substituted vide F.D. Notification No. F. 1(43) FD (Gr.2)/83, dated 2-2-1984 for: —

+ "[A competent authority may grant "Maternity leave" to a woman Government servant thrice during the entire period of her service on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever be earlier.

A woman Government servant who has already been granted maternity leave three times or more prior to the-issue of these orders shall not be entitled to maternity leave in future.]"

+Substituted vide FD Notification No. F.1(88)FD(R)71 dt. 17.12.1971 for-

"103. A competent authority may grant to a woman Government servant "Maternity leave" on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever be earlier."

£ Substituted vide FD Notification No. F.1(43)FD(Gr.2)/83 dated 25.5.1985 for-

[The Maternity Leave may be allowed on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever is earlier.]

\* Substituted vide FD Notification No.F.1(43)FD/(Gr.2)/83 dated 14.7.2006

@Maternity leave under this rule may also be granted in cases of Miscarriage, including abortion, subject to the conditions that: —

(i)the leave does not exceed six weeks, and

(ii)the application for the leave is supported by a certificate from the Authorised Medical attendant.

@Substituted vide FD Order No. 12(1)F.11/54 dt. 17.10.1955.

"Note: —Maternity leave under this rule may also be granted in cases of miscarriage, including abortion, subject to the following conditions: —

either once or twice subject to total of six weeks during the entire service provided that the application for leave is supported by a certificate from the authorised medical attendant.

### ***Government of Rajasthan's Decision.***

<sup>^</sup>1. Maternity leave is also admissible to temporary female Government servants under this Rule.

<sup>^</sup>2. Maternity leave is not admissible in case of incomplete abortion.

### **"Clarification"**

<sup>\$</sup>'Abortion' does not include 'threatened abortion' and maternity leave cannot be granted in the case of threatened abortion.

<sup>&</sup>**103A. Paternity Leave :** A male Government servant with less than two surviving children may be granted paternity leave (maximum two times) for a period of 15 days during confinement of his wife i.e. 15 days before to three months after childbirth and if such leave is not availed of within this period it shall be treated as lapsed.

During the period of such leave, the Government servant shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account but such entry should be made in the service book separately and may be combined with any other kind of leave (as in the case of maternity leave).

Such leave shall not be allowed in case of miscarriage including abortion of the Government servants wife.

<sup>+</sup> **"104. Combination of other leave with maternity leave –** Maternity leave may be combined with any other kind of leave".

(i)that the woman Government servant, if temporary, has been in continuous service for not less than one year before the commencement of the leave, and

(ii)that the leave does not exceed six weeks and the application of leave is supported by a certificate from the Authorised Medical Attendant."

<sup>^</sup> Inserted by F.D. 'Order No. F.12 (1) F. 11/54, dated 25-2-1955.

<sup>^^</sup> Inserted vide F. D. Memo No. D6603/59F. 7A (17) F.D.A., (Rules) 57 dated 13-1-1960.

<sup>\$</sup> Inserted vide F.D. Notification No. F.I (43) FD (Gr.-2)/83 dated 25-5-1985.

<sup>&</sup> Inserted vide FD Notification No.F.1(43)FD/(Gr.2)/83 dated 6.12.2004

<sup>+</sup> Substituted vide FD Notification No.F.1(5)FD/Rules/96 dated : 26.2.2002

<sup>%</sup>**104. Combination of other leave with maternity leave, —**Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of the former may be granted only if the request be supported by a Medical Certificate.

<sup>%</sup> Substituted for "Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a Medical Certificate" by F.D. Order No. F.12 (1) F.I 1/54 dated 31-8-1955.

<sup>^</sup> NOTE

<sup>@</sup> **Clarification.**

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<sup>^</sup> Deleted vide FD Notification No. F.1(5)FD(Rules)96 dt. 26.2.2002-  
Privilege leave to the extent admissible under Rule 91 may be granted in continuation of maternity leave if the request for such leave is supported by a Medical Certificate.

<sup>@</sup> Deleted vide FD Notification No.F.1(5)FD/Rules dated : 26.2.2002

<sup>#</sup>The female Gazetted Government servants applying for grant of 'leave under Rule (104 of R.S.R.) should, like all Gazetted Government servants applying for leave on medical certificate, produce the required certificate from a medical committee in accordance with Rules 71-72 of Rajasthan Service Rules, unless this requirement is relaxed under Rule 74 by the authority competent to grant leave.

<sup>#</sup> Inserted by F.D. Order No. 4785/F. 7A (17) F.D.A./Rules/57, dated 31 -7-1957".

## SECTION V

### *Hospital Leave*

#### NOTES

1.—In the case of a person to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under these rules shall be reduced by the amount of compensation payable under the said law.

\*2.—In the case of a person to whom the provisions of Employees' State Insurance Act, 1948 apply, leave salary payable under these rules shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

@105. **Extent of admissibility of Hospital Leave.**—A competent authority may grant hospital leave to a Class IV Government servant and to such Ministerial and Subordinate Government servants whose pay at the time of admission to hospital is less than <sup>1</sup>[Rs.5000/-] and whose duties involve handling of dangerous machinery, explosive materials, poisonous drugs etc. or the performance of hazardous tasks, while under

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\* Inserted vide F.D. Notification No. F. 1 (52) F D (Exp. Rules)/ 67, dated 12-6-1968.

@ Substituted vide F. D. Order No. F. 1, (51) F. D-A, (Rules)/61, dated 18-12-1961 effective from 1-9-1961-

"105. A competent authority may grant Hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:—

- (a) Police officers of rank not higher than that of a Head Constable.
- (b) Forest subordinates other than clerks in receipt of a pay not exceeding Rs. 40/-p.m.
- (c) Head Warders or Warders or Jails or Mental Hospital and Matrons of Jail Department.
- (d) Government servant employed in Government Presses whether on fixed pay or at piece rates other than those in permanent superior service, who are subject to the special leave rules applicable to Press employees.
- (e) Subordinates employed in Government Laboratories.
- (f) Subordinates of the Engineering Department drawing a pay not exceeding Rs. 120/-p.m. if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installation, for charging plant or to lines at power crossings.
- (g) Subordinates of other department employed on the working of Government machinery.
- (h) Members of Class IV service in permanent employ,
- (i) Subordinate Customs staff of rank not higher than that of a Jamadar."

<sup>1</sup> The existing word and figure \*"Rs.1640/-" substituted vide FD Notification No.F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998.

\* Substituted for the words & figures +"Rs. 1520/- vide F.D. Notification No. F 1 (68) F.D. (Gr.2)/86 dt. 23-9-89.

+ Substituted vide F.D. Notification F.1 (68) FD (Gr.2)/86 dated 2-2-87 w.e.f. 1-9-86 for the words & figurs. ^"Rs.840/-.

^ Substituted vide Notification No. F. 1 (54) F.D./Gr.2/82, dated 14-12-1983 for @ [Rs.540/-

@ Substituted vide F.D. Notification No. F. 1 (54) F. D./Gr.2/82, dated 17-2-1983 effective from 1-9-1981 for the existing words & figures \$[Rs. 400/-]

\$ Substituted vide F.D. Notification No. F. 1(9) F.D. /Gr. 2/77, dated 26-5-1978 effective from 1-9-1976 for words and figures. "Rs. 100/-".

medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

<sup>x</sup>[ ]

%106. **Leave salary during Hospital Leave:**—Hospital leave may be granted on leave salary <sup>\$</sup>[either under Rule 97 (1) or 97 (2)] and for such period as the authority granting it may consider necessary.

%107. Deleted.

108. **Combination of other leave with Hospital Leave:**—Hospital Leave in addition to other forms of leave that may be admissible to a Government servant under these rules.

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<sup>x</sup> Deleted vide F.D. Notification No. F. 1 (9) F.D./Gr.2/77, dated 26-5-1978 effective from 1-9-1976, the following:—

"Provided that in the case of Constables, Head Constables and persons of equivalent rank employed in Rajasthan Armed Constabulary and posted in border area as defined in General Administration Department Order No. F. 1 (21) GA/A/Gr. 11/64 dated the 8th May, 1964 the limit of pay referred to in the rule shall be Rs. 105/- at the time of admissible to hospital."

(Inserted vide F.D. Notification No. F.1 (43) F D (ER) 64, dated 17-11-1964.)

% substituted for Rule 106 and deleted Rule 107 vide F.D. Notification No. F. 1 (52) F.D. (Exp. Rules)/67, dated 12-6-1968.

106. Hospital leave may be granted on leave salary equal to either average or half average pay as the authority granting it may consider necessary.

107. The amount of Hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital Leave on half average pay counts for the purpose of this limit as half the amount of leave on half average pay.

<sup>\$</sup> Substituted vide F.D. Notification No. F.1 (9) F.D./Gr.2/77, dated 26-5-1978 effective from 1-9-1976, for words "equal to either average or half average."

## SECTION VI

### *Study Leave*

109. **Applicability.**—The following rules relate to Study leave only. They are not intended to meet the cases of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will be dealt with on their merits under the provisions of Rule 51.

\* **110. Admissibility of study Leave.**— (1) Study leave will be admissible to a permanent Government servant to pursue course of study or investigation of a scientific or technical nature which in the opinion of the sanctioning authority is considered necessary in the public interest for the working of the department in which he is employed. It will ordinarily be not granted to a Government servant who has completed 20 years of service or more.

(2) Notwithstanding the provisions contained in sub-rule (1) study leave will also be admissible to a temporary Government servant who has

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\* Substituted vide FD No.F.1(44)FD/Gr.2/79 dt. 24.12.1979

@ "**110. Admissibility of study leave.** — Study leave will be admissible to a permanent Government servant to pursue a course of study which is necessary in public interest for the working of the department in which he is employed.

#### *Exceptions.*

£ 1. Teachers of Education Department whether temporary/ permanent/Officiating who undergo professional training on or after 1-7-1965 shall be entitled to study leave under this rule provided they had been appointed before 31-3-1963.

£ Inserted vide FD Noti. No.F1(56)FD(E-R)/66 dated 6-09-1966 w.e.f. 1-7-1965.

\*2. Temporary Government servants who are members of Scheduled Castes / Tribes and have completed 3 years continuous service shall be entitled to study leave under this rule provided that the initial appointment was made on the advice of R.P.S.C. in case the post was within the purview of the R.P.S.C., while in other cases appointment should have been made in accordance with rules for regular direct recruitment under the service rules concerned."

\* Inserted vide FD Noti.No.F.1(56)FD(Gr.2)76 dated 13-5-1976.

#### *Government of Rajasthan's Decision.*

^Under Rule 110 of the Rajasthan Service Rules, it has been decided to extend the study Leave Rules contained in section VI, Chapter XI of Rajasthan Service Rules to the Government employees belonging to Scheduled Castes and Scheduled Tribes for the purpose of prosecuting, higher studies."

^ Inserted vide FD No.I.D.4494/F.7A(21)FDA/Rules/59 dated 17-08-1959.

@ Substituted vide F D Notification No. F. 1 (53) FD (E-R)/65, dated 18-10-1965 for—

110. Study Leave, will be ordinarily admissible to Government servants serving in the Public Health, Medical and Medical Research Departments, the Civil Veterinary Department, the Factory Department, the Agriculture Department, the Education Department, the Public Works Department and the Forest Department.

The rules may be extended by Government to any Government servant not belonging to any of the departments mentioned above, in whose case Government is satisfied that leave should be granted, in the public interests, to pursue a special course of study or investigation of a scientific or technical nature.

completed three years continuous service provided that the initial appointment has been made on the advice of the Rajasthan Public Service Commission in case the post falls within the purview of the Rajasthan Public Service Commission or the appointment has been made by the competent authority in accordance with the rules regulating recruitment and conditions of service framed under proviso to Article 309 of the Constitution or where such rules have not been framed the appointment has been made by the competent authority in accordance with the orders issued by the Government prescribing academic qualification, experience etc.

(3) In case of a temporary Government servant who has completed three years continuous service and is not covered by provisions of sub-rule (2) above extra ordinary leave may be granted for a period of two years for purpose of prosecuting higher studies certified to be in the public interest in relaxation of provision contained in rule 96 (b) of Rajasthan Service Rules.

**Note.—1.** Diploma holders in any branch of engineering who are entitled to study leave under sub-rule (1) & (2) above may be granted study leave for a period of 24 months and in addition any kind of leave due and admissible to them upto a period of one year to enable them to obtain a degree in engineering. In case any other kind of leave is not due and admissible he may be granted extra ordinary leave not exceeding one year in addition to study leave admissible to him under this rule.

3. Temporary diploma holders in any branch of engineering who have completed continuous three years service and are not covered by the provisions contained in note 1 above may be granted extra ordinary leave for a period not exceeding three years for the purpose of obtaining a degree in Engineering from any University in relaxation of the provisions contained in rule 96 (b) of Rajasthan Service Rules.

### Government of Rajasthan's Decision

@1. राज्य कर्मचारियों को वैज्ञानिक शोध एवं तकनीकी प्रकृति के पाठ्यक्रम आदि, जो राजकीय कार्य में उपयोगी हो, के लिए उच्च अध्ययन हेतु अवकाश अनुमत करने के संबंध में राजस्थान सेवा नियम, 1951 के अध्याय -XI सेक्शन -VI में प्रावधान हैं। उच्च अध्ययन हेतु अध्ययन अवकाश अवकाश अथवा/और असाधारण अवकाश स्वीकृत करने के संबंध में राजस्थान सेवा नियम, 1951 के अध्याय -XI सेक्शन -VI में निम्नानुसार मानदण्ड (Parametre) निर्धारित किये हुए हैं:-

(I) अध्ययन अवकाश स्थाई राज्य कर्मचारी को अनुक्षेय होगा।

(II) अध्ययन अवकाश उन अस्थायी राज्य कर्मचारियों को भी अनुक्षेय होगा जिन्होंने तीन वर्ष की निरन्तर सेवा पूर्ण करली है तथा जो राजस्थान लोक सेवा आयोग की अभिशंषा पर नियुक्त किये गये हैं। यदि कोई पद राजस्थान लोक सेवा आयोग की परिधि में नहीं आता है तो संविधान के अनुच्छेद 309 के परन्तुक के अन्तर्गत बने भर्ती नियमों के तहत नियुक्त अस्थायी राज्य कर्मचारियों को तीन वर्ष की निरन्तर सेवा के पश्चात् अध्ययन अवकाश स्वीकृत किया जा सकता है।

(III) उन अस्थाई राज्य कर्मचारियों को, जिन्होंने तीन वर्ष की निरन्तर सेवा तो पूर्ण करली है, किन्तु उपर्युक्त श्रेणी (I) या (II) में नहीं आते हैं, उन्हें उच्च अध्ययन हेतु अधिकतम 2 वर्ष का असाधारण अवकाश नियमों में शिथिलता देकर स्वीकृत किया जा सकता है।

(IV) उच्च अध्ययन हेतु अवकाश सामान्यतया उन कर्मचारियों को स्वीकृत नहीं किया जायेगा, जिन्होंने 20 वर्ष या अधिक की सेवा पूर्ण करली है।

(V) पूर्ण सेवाकाल में अध्ययन अवकाश 2 वर्ष के लिए स्वीकृत किया जा सकता है।

(VI) अपवाद स्वरूप प्रकरणों को छोड़कर एक बार में अध्ययन अवकाश की उपयुक्त (Suitable) अधिकतम अवधि 12 माह होगी।

(VII) अध्ययन अवकाश स्वीकृत करने वाले अधिकारी द्वारा यह सुनिश्चित किया जायेगा कि ऐसे अवकाश से राजकीय कार्य में बाधा तथा केडर प्रबंधन संबंधी अड़चने उत्पन्न नहीं होगी।

अतः समस्त प्रशासनिक विभागों/विभागाध्यक्षों से यह अपेक्षा की जाती है कि राजस्थान सेवा नियमों में विहित मानदण्डों के अनुरूप ही अध्ययन अवकाश/असाधारण अवकाश अनुमत करें।

उच्च अध्ययन के जो प्रकरण राजस्थान सेवा नियमों में निर्धारित मानदण्डों एवं शर्तों की परिधि में नहीं आते हैं, उन प्रकरणों में उच्च अध्ययन हेतु अनुमति न दी जावे।

<sup>2</sup> राजस्थान सेवा नियम 1951 अध्याय 11 के खण्ड IV में राज्य कर्मचारी के लिए उच्च अध्ययन हेतु अध्ययन अवकाश स्वीकृत करने के प्रावधान किये गये हैं। नियम 110 में अध्ययन अवकाश स्वीकृत करने हेतु आधार स्पष्ट किया गया है। इसके अनुसार "राज्य कर्मचारी को अध्ययन अवकाश, अध्ययन के ऐसे पाठ्यक्रम या वैज्ञानिक" या तकनीकी प्रकृति के अनुसंधान कार्य करने, जो स्वीकृतकर्ता प्राधिकारी की सम्मति में विभागीय कार्य, जिसमें वह नियोजित है, के हित में आवश्यक समझा जाता है, अनुज्ञेय है। इस प्रावधान से स्पष्ट है कि राज्य कर्मचारी को अध्ययन के ऐसे पाठ्यक्रम हेतु ही अध्ययन अवकाश स्वीकृत किया जाना चाहिए जोकि उसके (राज्य कर्मचारी के) वर्तमान पद के कर्तव्यों से जुड़ा हुआ हो एवं ऐसे पाठ्यक्रम के अध्ययन से विभागीय कार्य निस्तारण में कर्मचारी को निपुणता प्राप्त होती हो। अन्य किसी स्थिति में अध्ययन अवकाश स्वीकृत नहीं किया जाना चाहिए। अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों से निवेदन है कि राज्य कर्मचारी को अध्ययन अवकाश स्वीकृत करने के लिये निर्धारित प्रावधानों की पालना सुनिश्चित की जावे।

111. \*Deleted.

**@112. Condition for grant of Study leave. — (I) Study leave shall be granted to enable a Government servant: —**

<sup>2</sup> Inserted vide FD Circular No. F.1(3)FD/Rules/2002 dated 20.2.2004

\* Deleted vide F. D. Notification No. F. 1(44) FD (Gr. 2)/79 dated 24-12-1979

**111. Conditions for grant of Study Leave.**—Study Leave will be granted only if the sanctioning authority is of the opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature. It will not be admissible to a Government servant % [ ] who has completed 20 years of service.

#### NOTES.

1. The restriction "regarding grant of Study Leave to officers who have completed 20 years of service may be relaxed provided the Government servant undertakes to serve the Government for a period of five years after his return from leave or to refund the cost of Study Leave to Government in the event of his not being able to serve the Government for a period of five years.

@ 2. Deleted.

% Deleted "of less than 5 years of service or" vide FD Noti.No. F.1(53)FD(E-R)/65 dated 18-10-1965.

@ Deleted vide F.D. Notification No. F. 1(23) FD (Gr. 2)/76 dated 13-5-1976, the following:—

£"2 The restriction regarding minimum service of 5 years for eligibility to study leave shall not be enforced in the case of Government servant belonging to scheduled castes and Scheduled Tribes. They will be eligible to get study leave after service of 3 years,"

£ Inserted vide F.D- Order No. F. 7A (34) F.D- A. (Rules) 60 dated 18-11-1960.

@ Substituted vide F.D. Notification No. F. 1(24) FD (Gr.2)/79, dated 16-6 1979 for—

"112. (1) Study leave, \*(for) the purpose of study may be taken either in India or outside India. It may be combined with such other leave as the Government servant is entitled to. In no case

- (i) to pursue a course of study or investigation of a scientific or technical nature either in India or outside India provided that it is certified by the authority competent to sanction that the grant of study leave will be in the interest of the working of the department or the service to which the Government servant belongs. The authority competent to grant study leave shall ensure that it is not granted to a Government servant with such frequency work or to cause cadre difficulties owing to his as to remove him from contact with his regular absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum and should not be exceeded save for exceptional reasons.
- % (ii) The total period of study leave during the entire period of service of a Government servant shall not be more than 24 months. It may be taken in one spell or more than one spell. Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extra-ordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government servant.

\* (2) Study Leave is extra leave on half pay and leave salary during such leave shall be regulated in accordance with rule 97 (2).

**113. Combination of study leave with other leave.**—A Government servant whose study leave is combined with any other kind of leave should be required to take his period of Study Leave such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty,

**114. Procedure when study period falls short of period of leave:**—When a Government servant has been granted a definite period of Study Leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority to take it as ordinary leave.

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should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 24 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to *his* absence on leave. A period of 12 months at one time should, ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

\*The words "which is extra leave on half average pay or half average substantive pay, whichever may be greater subject in either case to a maximum of Rs. 750" deleted by F. D. Order No. F. 35 (7) F.II/53, dated 2-5-1953.

% Substituted vide F.D. Notification No. F. 1 (24) FD (Gr. 2)/79, Dated 10-9-1984, for: —

"(ii) The total period of study leave during the entire period of service of a Government servant shall not be more than 24 months. It may be taken in one spell or more than one spell and can also be taken in combination with any other kind of leave than extra ordinary leave."

\* Inserted vide F.D. Order No. F. 35 (7) F.II/53, dated 9-5-1953 and FD order No. F. 12 (2) F.D. /53 dated 9-12-1953.

**115. Submission of application for Study Leave.**—Except as provided in Rule 116 all applications for study leave should be submitted with the <sup>+</sup> [Chief Accounts Officer's/Senior Account officer/Account officer as the case may be] certificate to <sup>@</sup> [competent authority] and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. In the case of Study Leave outside India if he wishes to make any changes in the programme which has been approved by the competent authority he should submit particulars of such changes to the sanctioning authority and should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course.

**116. Conversion of leave into Study Leave.** —Government servants on leave in Europe or America who wish to convert part of the leave into Study Leave or to undertake a course of study during leave, should before commencing study and before, incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Government. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence of the particular course.

<sup>\*</sup>**117. Study Allowance.** —Government may prescribe the rate of study allowance for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

**118. Study Allowance for vacation.** —Study Allowance be admissible upto 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government for any period upto fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of Study Leave the study Allowance will be forfeited. The study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of Study Leave mentioned above, which cannot be so converted will be excluded in reckoning service for pension.

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<sup>+</sup> Substituted vide F.D. Notification No. F. 1 (44) F.D. (Gr.2)/79, dated 24-2-1984 for the word "Audit officers."

<sup>@</sup> Substituted for the words "Government through the Head of deptt." by F.D. Order No. F. 6(11) FD (A) Rules/58, dated 28-2-1959.

<sup>\*</sup> Substituted vide F.D. Order No. F.7.A. (50) F.D.A. (Rules) 59-II dated 28-4-1961-

"117. A Study Allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or any definite tour of inspection of any special class of work; as well as for the period covered by any examination at the end of the course of study. The rates will be the same as prescribed by the Government of India for Government servants under their rule making authority."

**119. Fee for Course of Study.** —Government servants who are granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government will be prepared to consider proposals that such fees should be paid by Government.

### **Government of Rajasthan's Decisions**

@ 1. The Government have had under consideration the question whether a Government servant, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from Government or non-Government source.

After careful consideration of the matter it has been decided as follows:--

- (i) A Government servant who is granted study leave to prosecute a course of studies or for receiving specialised training in professional or technical subject, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source.
- (ii) Where a Government servant on study leave is in receipt of a scholarship or stipend (from whatever source granted), the cost of the fees payable for the course of study may not be paid by Government under Rule 119 of the Study Leave Rules.

%2. In continuation of Government of Rajasthan's Decision No. 1 inserted vide Finance Department Memo, dated 13-1-60 it has further been ordered that a Government servant on study leave who is in receipt of a Scholarship or Stipend (from whatever source granted), should ordinarily not be granted any study allowance; but in special cases where the net amount of the Scholarship or Stipend (i.e. the value of the scholarship or Stipend, minus any tuition fee paid) is less than the study allowance that would be admissible but for the Scholarship or Stipend the difference between the value of the net Scholarship or stipend and the usual study allowance may be granted by special sanction of the Government.

**120. Certificate of completion of course.** —On completion of a course of study a certificate on the proper form, together with certificates of examinations passed or of special study shall be forwarded to Government.

**121. Counting of Study leave for promotion and pension.** —Study leave will count as service for promotion and pension, but it will not affect any leave which may already be due to a Government servant. It will count as

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@ Inserted vide F. D. No. D. 3942/69 F.7.A (50) F.D.A. (Rules)/59, dated 13-1-1960.

% Inserted vide F.D. Order No. F.7.A.(50) F.D. (A) Rules/59-I, dated 28-4-1961.

extra leave on @ [half pay] and will not be taken into account in reckoning the leave on half pay towards the maximum period admissible under the rules in Section II.

**\* 121-A. Execution of Bond to serve the State.** —Those who avail of the Study Leave admissible under the R.S.R., for training should execute bond to serve the State after conclusion of the training for a period shown in the following scale—

<b><i>Period of Study Leave</i></b>	<b><i>Period for which bond is to be executed.</i></b>
Three months	One year.
Six months	Two years.
One year	Three years.
Two years	Five years.

The form of the bond to be executed should be as given in the Appendix XVIII.

### ***Government of Rajasthan's Decisions.***

^The question of the amount of penalty to be recovered from Government servants who are granted study leave for the purpose of study and who resign or retire from service without returning to duty after the period of study leave or at any time within the stipulated time after their return to duty has been under consideration. It has been decided that the amount of refund in such cases should be double the amount of leave salary, study allowance and the cost of fees and travelling and other expenses which will be paid to the Government servant during the period of study leave or otherwise incurred on him together with interest thereon. To achieve this purpose the form of bond prescribed in respect of study leave under rule 121-A vide Appendix XVIII of the Rajasthan Service Rules substituted by the forms (Form A & B).

In the case of study leave granted to a temporary Government servant in relaxation of study leave rules, the amount of penalty shall also be the same as in para I above.

There may also be cases where temporary Government servants who are granted extraordinary leave as a special case in relaxation of the rules in continuation of other regular leave for study in India or abroad subject to their giving an undertaking in writing to serve the Government for a specified period after the expiry of their leave it has been decided that in such cases also an undertaking should be obtained from the Government servant concerned in the Form C (in Appendix XVIII) before extra-ordinary leave in relaxation of the rules is granted. The amount of penalty to be filled in the form of the bond in these cases will also be worked out on the basis mentioned in para 1 above.

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@ Substituted vide Notification No. F.1 (9) FD (Gr.2)/77 dated 26-5-1978 w.e.f. 1-9-1976 for "half average Pay or half average substantive pay as the case may be."

\* Inserted by F.D. Order F.10 (10) F.II/53, dated 22-8-1955

^ Inserted by F.D. Office Memorandum No. F.10 (10) F.II/53, dated 28-4-1961.

### **Clarification.**

%1. A doubt has arisen as to how amount of penalty is to be calculated in respect of a Government servant who is granted extra-ordinary leave as a special case in relaxation of rules in continuation of other regular leave for study in India or abroad and who resign or retire from service without returning to duty after the period of leave or at any time within the stipulated time after his return to duty.

It is clarified that the amount of penalty to be filled in the Bond (Form 'C') for temporary Government servants granted extraordinary leave in relaxation of rule 96(b) of the Rajasthan Service Rules for study in India or abroad will be double the amount of the leave salary paid to the temporary Government servant on account of regular leave taken by him (if any) and the amount of expenditure which is likely to be incurred on the substitute appointed to perform duties in the leave vacancy of the incumbent proceeding on extraordinary leave.

\*2. question has been raised whether the bond required to be executed by temporary Government servant granted extraordinary leave for prolonged periods in relaxation of rule 96(b) of the Rajasthan Service Rules in continuation of other regular leave, if any, due and admissible for study in India or abroad in terms of Government Decision below Rule 121 A and clarification made thereunder should be supported by a contract of guarantee by a surety or more than one surety to discharge the liability of the official in the event of any default on this part.

It has been decided that to ensure the fulfilment of the obligations under the bond by the Government servant concerned, it should invariably be supported by sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant who is granted extraordinary leave in relaxation of the rules. A revised form of the bond in supersession of the one prescribed vide this Department Memorandum dated 28-4-1961 referred to in para 1 above is also included in appendix XVIII.

@3. In accordance with provisions of Rule 121 A of the Rajasthan Service Rules, Government servants who are granted study leave or extraordinary leave for purpose of study in India or abroad are required to execute a bond to serve the Government of Rajasthan for a specified period. Similarly those who are deputed for training abroad have to execute a bond. The form of bond are given in Appendix XVIII and XVIII-A of the Rajasthan Service Rules, Volume II.

As a result of transfer of Colleges to Universities in Rajasthan, service of teaching staff who were serving in Colleges were transferred to Universities. Some members of teaching staff were, however, under the Bond

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% Inserted by F.D. Memo. No. F.1/38) F.D. (E. R.) 63, dated 14-11-1963.

\* Inserted vide F.D. Memorandum No. F.1 (38) F. D. (E.R.)/64 dated 22-6-1964.

@ Inserted vide F.D. Memo No. F. 1 (87)F.D.(Rules)/62, dated 21-11-1969.

to serve the Government. The matter has been examined and it has been decided that for the purpose of Bond executed in terms of rules referred to in Paragraph 1 above the service rendered in the Universities of Rajasthan by such Government servants shall be treated as service under Government.

The decision contained in paragraph 2 above shall also apply to Government servants who on their own accord applied for direct recruitment and are appointed on teaching posts in Universities in Rajasthan or Malviya Regional Engineering College Jaipur.

## SECTION VII

***Leave to probationers and Apprentices.***

**122. Leave to probationers.** -Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him, if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer any leave which may be granted to him should not extend beyond date on which the probationary period as already sanctioned or extended expires, or any earlier date on which the services are terminated by the orders of an authority competent to appoint him.

**NOTE.**

%Persons serving in vacation Department will be governed by Government of Rajasthan Decision No. 2 below Rule 92(b) of R.S.R.

=122A (i) Probationer-trainee shall earn no leave during the period of probation.

(ii) Female probationer-trainees shall be granted maternity leave as per Rule 103 and 104".

**123. Leave to Apprentices.** - An apprentice may be granted leave on medical certificate or extraordinary leave on the same terms as those applicable to an official not in permanent employ.

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% Inserted by F.D. Order No. D3507/1 .7a(18) F.IIA/Rues/57 dated 13-7-1957.

= Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dated 13.3.2006

## SECTION VIII

***Leave earned by part-time Service***

**124. Leave to part-time Government servants Lecturers in Educational Institutions and Law Officers.** —\*[Part-time Lecturers in Educational Institutions and Law Officers] holding posts carrying a definite rate of pay but whose whole time is not retained for the service of Government may be granted leave as follows. —

- (a) Leave of full pay during the vacation of <sup>@</sup> [the Institution *in* which or] the Court within whose jurisdiction <sup>%</sup>[such Lecturer or Law Officer] serves; Provided that no extra expense is thereby caused to Government, such leave will be counted as duty.
- (b) Leave on half pay for not more than three months once only in his service after six years of duty.
- (c) On Medical Certificate, leave on half pay upto a maximum of two months at any one time:  
Provided that three years of duty must intervene between any two periods of leave on medical certificate.
- (d) On the conditions prescribed in Rule 95, extraordinary leave.

**125. Combination of leave of various kinds admissible.** —Leave under any one of the clauses of Rule 124, may be combined with leave under any other clause.

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\* Substituted for 'A Law Officer' by F.D. Order No. F.9 (2)/R/55, dated 13-6-1955.

@ Inserted by F.D. Order No. F.9 (2)-R/55 dated 13-6-1955.

% Substituted for "be" by F.D. Order No.F.9 (2) R/55, dated 13-6-55.

## SECTION IX

***Leave earned by service remunerated by honoraria or daily wages,***

**126. Leave in respect of service remunerated by honoraria or daily wages.** —A Government servant remunerated by honoraria or daily wages may be granted leave on the terms laid down in Rules 124 and 125, provided that he makes satisfactory arrangements for the performance of his duties and that no expense is caused to Government, and that during leave of the kind contemplated by clause (b) of Rule 124, the whole of the honoraria or daily wages are paid to the person who officiates in his post.

### **Matter End of the Chapter**

? Rule 91 Substituted vide FD Notification No.F1(58)-A(Rules)62 dated 21-11-1962 Effective from 1-10-1962.

91.The privilege leave admissible to a Government servant in permanent employ is—

- (a) to a Government servant in service other than Class IV service, one eleventh of the period spent on duty.
- (b) to a Government servant in Class IV service—
  - (1) One-twenty second of the period spent on duty during the first ten years of service;
  - (2) One-sixteenth of the period spent on duty during the next ten years of service; and
  - (3) One-eleventh of the period spent on duty thereafter:

Provided that a Government servant will cease to earn such leave when the privilege leave due amounts to—

- (i) 180 days in the case of Government servant in service other than class IV service.
- (ii) In the case of Government servant in Class IV service—
  - (1) 60 days during the first ten years of service,
  - (2) 90 days during the next ten years of service; and
  - (3) 180 days thereafter.

% *Government of Rajasthan's Decision [deleted]*

#### **NOTES.**

1. A Government servant who was in the service of one of the integrating States and eligible, under the rules applicable to him in respect of such service, to accumulate privilege leave in excess of the limits specified in the proviso shall be permitted to carry forward leave accumulated by him in excess of such limits on the date of introduction of these rules.

%2, Deleted.

2. A provisionally permanent Government servant is an official in permanent employ for the purposes of these rules.

%4. Deleted.

%5. Deleted.

% Government of Rajasthan's Decision and Notes 2, 4 and 5 deleted and Note 3 renumbered as Note No. 2 vide F.D. Notification No. F. 1 (58) FD-A (Rules)/62, dated 21-11-1962. Effective from 1-10-1962.

"Extra credit upto a maximum of 60 days privilege leave ex-India may be allowed to be carried forward provided that whenever the leave earned plus the extra credit of leave ex-India or the balance of such extra credit as the case may be exceeds 180 days such excess shall be deducted from the extra credit of leave ex-India or balance of such credit and the net balance of the extra credit after such deduction is availed of by an officer only when having exhausted his normal credit of leave he, spends such leave elsewhere than in India, Burma etc.

Note 2. In calculating the privilege leave the actual number of days of duty performed first be counted and then multiplied by 1/11 or 1/16 or 1/22 as the case may be the product expressed in days (and fraction of a day) and limited to 120 or 90 or 60 days respectively being the privilege leave admissible, under rule 91 of this chapter.

In maintaining the leave accounts of Government servants governed by these rules whenever the rate of earning leave changes the fraction in the earned leave accumulated at the earlier date should be rounded off to the nearest day i.e., fraction below half should be ignored and that of half and more should be rounded as day."

"Note 4. The method of calculation of leave admissible to an official on promotion from Class IV service in higher classes under the leave rules should be as follows.

The privilege leave due to a Government servant should be calculated at 1/22 and or 1/16 and or 1/11 of the period spent on duty in class IV service and at 1/11 of the period spent on duty in service higher than class IV subject to the condition that the maximum is applicable in both the cases separately."

'Note 5, The following treatment may be accorded to the leave earned by a Class IV Government servants on his promotion to post other than Class IV or his reversion to a class IV post:— The leave earned in other than Class IV post will be allowed to be carried forward on reversion to a Class IV post provided that the maximum permissible leave in the later Glass of post is not exceeded. Any balance of leave earned in the post other than Class W which it has thus not been possible to carry forward on reversion to Class IV post will be credited to his leave account if and when the Government servant concerned is again promoted to a post other than Class IV."

(&) For More information regarding Rule 91A.)

\* Inserted vide F. D. Notification No, F.l(49)FD(Gr.2)/82, dated 22-2-1983 w.e.f. 1-1-1983 in place of following Government of Rajasthan's Decision:—

***Government of Rajasthan's Decisions.***

%The State Government have examined the question whether the Government servants who take privilege leave for a period of not less than 30 days should be allowed to surrender an equal period of privilege leave if due and admissible and get leave salary and allowances for the leave so surrendered. After consideration it has been ordered that the concession of encashment of privilege leave may be allowed to the employees under the following conditions;—

2(i) Government servants (both gazetted and non-gazetted) who take Privilege Leave for a period of not less than 15 days will be allowed to surrender the balance of Privilege Leave to their credit on the date of commencement of leave or any portion thereof, at their option Subject to a maximum of thirty days and will be sanctioned leave salary and allowances for the leave so surrendered.

(ii) The concession of encashment of privilege leave surrendered shall be allowed once in a block of two years, first block commencing from 1-4-1974.

(iii) The total of the privilege leave actually availed of and the privilege leave surrendered shall not exceed 120 days.

(iv) The amount of leave salary for the period for which leave is surrendered shall be calculated in accordance with the provisions of rule 97 and in addition dearness allowances the rates in force from time to time shall be admissible. The leave salary and allowances admissible for leave surrendered shall be computed on the basis of rate of pay which a Government servant is drawing immediately before the date of sanction of leave. A month for the purposes of calculation of leave salary and allowances shall mean +15 days. The number of days of privilege leave surrendered under these orders need not be referred to any particular period but may be reckoned as surrendered on the date of commencement of the actual leave taken and debited against the leave account of the Government servant.

(v) The authorities who are empowered to sanction privilege leave will be competent to accept surrenders of privilege leave. The number of Government servants in an office or Department to whom privilege leave is sanctioned at a time for the purpose of enabling surrendered leave should not exceed 4% of the total number of employees in a month, so that conduct of work in an office is not effected. This restriction shall not apply to offices having strength of less than 25. In deciding the priority of claims to privilege leave under this order, the considerations laid down in rule 80 of Rajasthan Service Rules shall invariably be taken into account while permitting surrender of leave for encashment.

(vi) In the case of Government servants who are on the verge of retirement the period of leave surrendered should not exceed the period of duty between the date of expiry of the privilege leave actually availed of and the date of compulsory retirement.

(vii) (a) the amount of leave salary for the period for which leave s surrendered will be calculated in accordance with provisions contained Rajasthan Service Rules and in addition, dearness allowance, *ad-hoc* relief in rule 91 and additional dearness allowance shall be admissible.

@(b) The leave salary and allowances admissible for the leave surrendered will be computed on the basis of the monthly rate of pay which a Government servant is drawing immediately before the date of the commencement of leave. A month for the purpose of calculation of leave salary and allowances

shall mean 30 days. The leave salary and allowances for the surrendered leave shall be worked out as per the illustrations given in the Appendix to this order.

(viii) The leave salary and allowances for the period of surrendered leave will be paid along with the leave salary and allowances for the privilege leave of not less than thirty days actually availed of by the Government servant. If the leave salary for the first \*[15 days] of the actual leave availed of is drawn in two instalments, consequent of the leaves falling partly in two months, the leave salary for the surrendered leave will be drawn along with the second spell of such leave salary. This leave salary is not liable to deductions on account of State Life Insurance premium, Provident Fund subscription, repayment of advances etc. to government, house rent and repayment of any dues to Co-operative Societies etc. Income tax should be deducted on this additional income.

(ix) The concession shall apply to Government servants who are on Foreign Service or on deputation to the Government of India or other State Governments or any non-Government body or institution or have been sent on training within the country or abroad.

(x) The benefit of surrender of privilege leave will not be allowed in the cases of leave preparatory to retirement or, refused leave granted under the leave rules in Rajasthan Service Rules; this concession will also *not* be available to re-employed persons or those under extension of service.

(xi) If a Government servant, not on the verge of retirement applies for privilege leave for \*[15 days] or more and intimates a desire to encash a portion of his privilege leave and is not permitted to proceed on leave in public interest, permission for encashment should not be given to him. It is however, desired that unless it is absolutely necessary to refuse leave, in public interest, in such cases, application for leave and surrender of leave should be considered liberally.

(xii) If a Government servant who is permitted to surrender leave, voluntarily returns to duty before the expiry of \*[15 days] leave, he should not ordinarily be permitted to rejoin duty. If, however such an officer is permitted to rejoin duty, the orders regarding surrender of leave should be cancelled.

(xiii) If a Government servant has proceeded on privilege leave for not less than \*[15 days] and has intimated a desire to encash a portion of his privilege leave then encashment should be permitted even if he is recalled from leave, before he actually remained on leave for \*[15 days].

(xiv) In cases of compulsory recall to duty the Government servant may be allowed to enjoy the balance of his leave as soon as he is spared.

(xv) The term "leave" used in this order for the purpose of surrender of leave means "privilege leave," only and not any other kind of leave.

(xvi) The concession shall apply to Government servants who avail themselves of leave after 15-9-1974.

@Persons who are on privilege leave on 15-9-1974 will also be entitled to the concession provided they have availed of a minimum of 30 days privilege leave beyond 15-9-1974.

(xvii) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered, in the case of non-Gazetted Government servants and such Gazetted Government servants whose pay is drawn on Establishment bills, the details of the surrendered leave and the Block year to which such leave pertains should be noted in the body of the Service Book in the leave account in red Ink. when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the Service Book and the leave account should be furnished by the Drawing Officer in the bill in which the leave salary for the surrendered leave is drawn.

(xviii) Payment on account of surrender of leave shall be drawn on a separate bill. A statement, of leave availed of and encashed shall be attached to the bill.]

#### **\*Appendix**

*Illustration No. 1*—Period of privilege leave actually taken from 1st March to 15th March 1980 (15 days)

Rate of Leave Salary—Rs. 450/- per-month.

Leave salary for the surrender of 30 days of Privilege Leave—Rs.450

Leave salary for the surrender of 20 days of Privilege—Rs. 300/

*Illustration No. II*-Period of Privilege Leave actually taken from 1st February to 15th February, 1980 (15 days).

Rate of Leave Salary-Rs. 450/- per mensem.

Leave salary for the surrender of 30 days of Privilege Leave-Rs.450/-Leave salary for the surrender of 20 days of Privilege Leave-Rs.300/-

*Illustration No. ///*-Period of Privilege Leave actually taken from 20th June to 4th July, 1980 (15 days).

Rate of leave salary-Rs. 450/-per mensem.

Leave salary for surrender of 30 days of Privilege leave. Rs. 450/-

Leave salary for the surrender of 20 days of Privilege Leave Rs, 300/-

*Illustration No. IV*-Period of Privilege Leave actually taken from 5th September to 19th September 1980 (15 days).

Rate of leave salary— Rs.450/- per mensem.

Leave salary for the surrender of 30 days of Privilege Leave— Rs. 450/- leave salary for the surrender of 20 days of Privilege Leave— Rs. 300/-

Allowances admissible along with leave salary should also be worked out as above.

% Inserted vide FD Order No. F.1(38)FD(ER)/65/II dated 12.9.1974.

@ Substituted vide FD order No. F.1(38)FD(Gr.2)65-II dated 25.10.1979 for the following-

"(i) Government servants (both gazetted and non-gazetted) who take privilege leave for a period of not less than 30 days will be allowed to surrender the balance of privilege leave to their credit on the date of commencement of leave or any portion thereof, at their option subject to maximum of thirty days and will be sanctioned leave salary and allowances for the leave so surrendered".

@ Substituted vide FD order no. F.1(38)FD(Gr.2)/65-II dated 25.10.1979 for the following –

"(b) The leave salary and allowances admissible for the leave surrendered will be equivalent to the leave salary and allowances for the first thirty days of the leave enjoyed. The leave salary and allowances for the surrendered leave shall be worked out as per the illustrations given in the Appendix to this order."

\* Substituted for the words & figures "30 days" vide F.D. Order No. F.1(38)FD(Gr.2)/65, dated 25.10.1979.

@ Added vide F.D. Order No. F.1(38)FD/ER/65\_II dated 4.6.1975.

@ Substituted vide FD order No. F.1(38)FD(Gr.2)65-II dated 25.10.1979 for the following-

### *Appendix*

*Illustration No. I*—Period of privilege leave actually taken from 1st March, 1974 to 30th March, 1974 (30 days).

Rate of leave salary Rs. 360 per mensem.

Leave salary for the surrender for 30 days of privilege leave Rs. 348.50 (30/31 days).

*Illustration No. II*—Period of privilege leave actually taken from 1st February, 1974 to 2nd March 1974 (30 days).

Rate of leave salary—Rs. 360 per mensem.

Leave salary for the surrender of 30 days of privilege leave. Rs. 360- Rs. 23.22 (1+2/31 month) Rs. 383.20 (rounded).

*Illustration No. III*—Period of privilege leave actually taken from 15th June, 1974 to 14th July, 1974 (30 days).

Rate of leave salary Rs. 360 per mensem.

Leave salary for the surrender of 30 days privilege leave Rs. 192.00+ Rs. 162.58 (16/30+14/31 months) Rs. 354.60 (rounded).

*Illustration No. IV*—Period of privilege leave actually taken from 15th February 1974 to 16th March 1974.

Rate of leave salary Rs. 360 per mensem. Leave salary for the surrender of 30 days of privilege leave Rs. 180.00+Rs. 185.81 (14/28+15/31 months) Rs. 365.80 (rounded).

Allowances admissible along with leave salary should also be worked out as above.

\*2. According to Para 2(ii) of the F. D. Order No. F, 1(38) FD (E. R.)65 II, dated 12-9-1974 on the above cited subject the concession of encashment of privilege leave surrendered can be availed of in the first Block upto 31-3-1976. In pursuance of Government orders, officers of the Rajasthan Administrative Service and Rajasthan Tehsildar Service who were engaged in the work of finalization of ceiling cases and entrusted with the time bound 20—point Economic Programme were not allowed to avail of the concession within the block period ending on 31-3-1976.

The Governor is pleased to order that, in respect of the officers of the Rajasthan Administrative Service and of the Rajasthan Tehsildar Service who could not thus utilize the concession within the current block ending on the 31-3-1976, due to refusal of privilege leave alongwith encashment of surrendered leave applied for by them, in public interest, the first block is extended up to 30-6-1976.

@3. By Finance Department Order of even number dated 18th February, 1976 the period of first block which expired on 31st March, 1976, was extended upto 30-6-1976 in respect of the officers of the Rajasthan Administrative Service and Rajasthan Tehsildar Service who were refused the benefit of privilege leave along with encashment of surrendered leave applied for by them due to their being engaged in the work of finalization of ceiling cases and entrusted with the time-bound 20-point Economic Programme.

The Governor is pleased to order, that the period of first block which was extended upto 30th June, 1976 be further extended up to 30-9-1975, in respect of Sub-Divisional Officers and Assistant Collectors engaged in the above said work.

\*4. In accordance with Para 2 (ii) of Finance Department Order of even number dated 12-9-1974, the concession of encashment of surrendered privilege leave has been allowed once in a block of two years to Government servants, the first block period being from dated 1-4-1974 to 31-3-1976.

It has been brought to the notice of the Government that due to compelling exigencies of public service like Lok Sabha Elections, 1980, draught conditions, Budget session etc. during the current financial year, it may not be possible for quite a good many Government Servants to avail leave encashment concession pertaining to block 1978-80 including the leave encashment concession pertaining to block 1976-78 carried forward to the current block 1978-80.

The matter has been considered and it has been decided to extend the term of current block i.e. 1978-80 up to 31-12-1980. Government servants who could not avail of the concession of encashment of privilege leave pertaining to the current block i.e. 1-4-1978 to 31-3-1980 by the end of the current block may avail the encashment benefit of privilege leave up to 31-12-1980.

This facility of extension is also available in respect of carried forward leave encashment benefit pertaining to the previous block i.e. 1976-78.

%5. The undersigned is directed to refer to the Finance Department Order of even number dated 12-9-74 as amended from time to time on the subject noted above. According to these orders a Government servant is required to proceed on Privilege leave for a period of not less than 15 days in order to become eligible for leave encashment benefit by surrendering the balance of privilege leave to his credit on the date of commencement of leave or any portion thereof at his option subject to a maximum of 30 days, and he becomes entitled to leave salary and allowances for the leave so surrendered.

2, With a view to obviate difficulties that arose from time to time in the actual operation of the above orders, the Governor has been pleased to order that it will now be not obligatory on the part of a Government servant to proceed on privilege leave for a period of 15 days in order to get the benefit of leave encashment under the aforesaid orders once in a block of two years. Accordingly Government servants who have not already availed of the leave encashment benefit during the current block 1980-82 may be allowed leave encashment benefit on surrender of privilege leave of 30 days from the date of their application under the aforesaid orders. The leave salary and allowances for leave surrendered will be calculated on the basis of monthly rate of pay which a Government servant is drawing immediately before the date of his application for leave encashment benefit on surrendering of 30 days privilege

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\* Added vide F.D. Order No.F. 1(38) FD (E-R) 65-II, dated 18-2-1976.

@ Inserted vide F, D. Order No. F, 1(38) FD(E-R)65-II, dated 14-5-1976,

\* Inserted vide FD Order No. F, 1(38) FD (E-R) 65-11, dated 7-2-1980.

% Inserted vide FD Order No. F. 1(38) FD (E-R) 65-II, dated 29-12-1980.

leave. A month for the purpose of calculation of leave salary and allowances shall mean 30 days as at present.

3. It has also been decided that Government servants who could not avail of the concession of leave encashment during the extended period up to 31-12-1980 as envisaged in Finance Department Order No. F, 1 (38) FD (E-R)/65-II dated 7-2-1980 will also be eligible for the liberalized concession of leave encashment referred to in Para 2 above.

4, The Finance Department order of even number dated 12-9-1974 as amended from time to time shall be deemed to have been modified to the extent indicated in Para 2 & 3 above,

\* 6. In accordance with Para 2(ii) of Finance Department order of even number dated 12-9-1974 the concession of encashment of privilege leave surrendered has been allowed once in a block of two years to Government servants, the first block commencing from the years 1974-75 & 1975-76. It has been brought to the notice of the Government that some of the Government servants who apply for grant of privilege leave to avail themselves of the leave encashment concession as refused leave in the public interest by the competent authority. Consequently such Govt. Servants who are not able to get leave encashment benefit on account of refusal of leave are put to hardship.

(2) The matter has been considered and It has been decided that a Government servant who applies for grant of privilege leave of 30 days with request for leave encashment benefit under Para 2(ii) of the aforesaid order and he is refused leave In public interest in block of 2 years may be permitted to carry forward subject to the following conditions:—

- (i) The leave applied for has been refused In public interest by the authority competent to grant leave and an order to this effect has been issued by him.
- (ii) It Is certified by the competent authority that amount of privilege leave due on the date of his application is not less than 60 days.
- (iii) 50% of the amount of leave encashment benefit is invested in any one of approved securities given in the annexure.

**NOTE:**—if 50% of the leave encashment benefit work out to be more than multiple of 10/-the investment will be restricted to multiple of Rs. 10/-and in case of time deposit security In multiple of Rs. 50/-.

(3) The carry forward of encashment of privilege leave surrendered shall be permitted to the next block of two years only. Carry forward of the concession of leave encashment benefits mentioned in Para 2 above shall be admissible only from the current block of two years commencing from 1-4-1976 and ending on 31-3-1978. No. carry forward of benefit of encashment of privilege leave shall be admissible in respect of previous block of two years i.e. 1974-75 & 1975-76 during the current block 1976-77 & 1977-78.

(4) A Government servant who avails himself of carry forward of leave encashment benefit in the next block of two years shall indicate his preference for investment of 50% of amount of leave encashment benefit in respect of leave surrendered in one of the approved Small Savings Scheme in his application form itself. The 50% of the amount of leave salary in respect of surrendered leave shall be invested by the Head of Office/Head of Department and the remaining 50% of the amount of carry forward leave shall be paid in' cash alongwith the amount of full leave salary of 30 days of leave actually taken, necessary entry in respect of encashment benefit and 50% of The amount invested in the Small Saving Schemes shall be made in the Service Book, the pass book or the certificates should be delivered to the employee and his acknowledgement obtained,

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\* Inserted vide RD. Order No. F. 1 (38) FD/OE-R) 65-II, dated 26-11-1977,

## ANNEXURE

*National Savings Securities*

S.No.	Securities	Interest per annum	Remarks,
1.	7-Years National Savings Certificates II & III issue	5%.	Interest tax free.
2.	7-Years National Savings Certificates IV issue.	10-1/4%	Interest payable annually
3.	7-Years National Savings Certificates V issue.	10-1/4%	1. Interest payable annually. 2. Rs. 100/- become Rs. 200/- after 7 years.
4.	<i>Post Office Time Deposit:—</i> 2—Years Account. 3—Years Account. 4—Years Account.	8-1/2% 9% 10%	Interest payable annually
5.	<i>New 5- Years Post Office Recurring Deposit Accounts: Monthly Deposits.</i> Rs. 5/- 10/- 20/- 50/- 100/-	<i>Maturity value 9-1/4% after 5-years.</i>  Rs. 380/- 760/- 1520/- 3800/- 7600/-	1. Concession of pro-tested savings Scheme is available in the account up to Rs. 20/- denomination. 2 Maturity amount can be kept for 5 years after maturity with interest @ 9-1/4 per annum. 3.An account can also be extended for 5 years more with interest @9-1/4% p.a,
6.	<i>New 10-years Post Office Cumulative Time Deposit Accounts;—</i>	6-1/4%	Rebate of Income-tax is available,

Note—if an employee has already got Cumulative Time Deposit/ Recurring Deposit Accounts, he will not deposit this amount in these existing accounts. For this purpose, he will be required to open a new C.T.D./R.D.Account afresh and make advance deposits in the account.

7.	5-years National Development Bond	13% i.e. Rs. 100/- will become 165/- In 5 years.	
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\*8. Public Provident Fund.

\*9. (i) Interest upto 3000/- p. a. along with interest on other specified scheme is tax free on 7 years National Savings Certificates IV & V issue. Post Office Time Deposit, 5 years Post Office Recurring Deposit Accounts & National Savings Account Certificates & National Development Bonds.

(ii) The Head of Department/Office and disbursing officer may obtain the services of District Saving Officers for investing the 50 %amount of carry forward leave encashment benefit in the aforesaid Small Savings Securities.

(iii) The leave sanctioning authority will endorse the copy of the order sanctioning carry forward leave encashment benefit to the Collector and District Savings Officer for needful.

#### *Clarifications.*

@1. Attention is invited to Para 2(ix) of Finance Department order No.F.1 (38) FD/ (E-Rules) 65-II, dated 12-9-1974 under which concession of encashment of privilege leave has also been allowed to government servants who are on foreign service or on deputation. A question has been raised as to who will pay the compensatory allowances for the period of leave surrendered in respect of a deputationist.

The matter has been examined, under the existing instructions as contained in government of Rajasthan's decision no.2 below rule 146 Of Rajasthan Service Rules leave salary is paid by the parent department and in lieu there of leave salary contribution is received from the foreign employer. However, compensatory allowances in such cases for the period of leave are paid by the foreign employer.

Since the concession of encashment of leave has been allowed by the government to deputationist also the government accepts the charge for compensatory allowances also and accordingly it has been decided that for the period of leave surrendered, compensatory allowances payable shall be paid by the parent department in addition to leave salary.

@2 cases have come to the notice of the government in which a government servant has been compulsorily recalled from privilege leave before he actually remained on leave for 30 days and was allowed the benefit of encashment of surrendered leave. According to provisions contained in Para XIV of Finance Department order no. 1(38) FD (E-R) 65-II, dated 12 -9-1974, a government servant compulsorily recalled to duty should be permitted to enjoy the balance of his leave as soon as he spared. From this it follows that the benefit of encashment of surrender of privilege leave would be admissible to him only after he enjoys the balance of privilege leave in terms of Para XIV.

To remove doubts in the matter it is clarified that no benefit of encashment of surrender of privilege leave may be allowed in cases where a government servant is compulsorily recalled from leave before he actually remained on privilege leave for 30 days. In such a case the benefit of encashment should be permitted only after he has enjoyed the balance of privilege under para XIV.

Past claims already settled otherwise in which the benefit of encashment of leave has been permitted need not be reopened but pending claims be regulated under these orders.

\*3. It is clarified that compensatory allowances for the purpose of surrender and encashment of privilege leave shall mean dearness allowance, adhoc relief and additional dearness allowance only.

£4. According to Para 2 (i) of Finance Department Order No. F.1(38)FD/(E-R)65-II dated 12-9-1974 a Government servant who takes privilege leave for a period of not less than 30 days will be allowed to surrender the balance of privilege leave subject to maximum of 30 days. The authority that is empowered to sanction privilege leave is also being competent authority to accept surrender of privilege leave.

With reference to above it is clarified that since the total period of privilege leave including surrendered leave is debited to the account of the Government servant concerned, the powers to sanction leave by the competent authority should be exercised with reference to .total leave actually availed of for exemple 'X' is empowered to sanction privilege leave upto 60 days. If an employee takes

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\* Added vide or. No.FI (38) FD (E-R) 65, dt 1-7-1980& existing item No. 8 renumbered as item No.9.

@ Inserted vide F.D. Clarification No.F.I(38)FD/(Rules)/65-II, dated 7-1-1975

@ Inserted vide F.D. Memo. No. F.1 (38) (E-R)/ 65-II, Dated 3-5-1975.

\* Inserted vide F. D, Clarification No. F.1 (38) F.D./E.R/65.II dated 23-6-1975.

£ Inserted the clarification vide F.D. Clarification No, F, 1 (38) (E,R.) 65-II dated 22-7-1975

privilege leave for 30 days and surrender 30 days also, he is competent to sanction leave including surrendered leave. But if the employee takes 31 days privilege and surrender 30 days privilege leave than that case 'X' will not be the competent authority to sanction leave and in such a case sanction of the competent authority would be required.

%5. According to clause (xiv) of the Finance Department Order of even number dated 12-9-1974, a Government servant on privilege leave with benefit of encashment when recalled to duty compulsorily is allowed to enjoy the balance of his leave as soon as he is spared and the leave is thus availed of by him in two spells. A question has been raised as to at what rate the leave salary for the second spell of leave is to be paid in such cases where the pay of the Government servant undergoes change due to, grant of annual grade increment/promotion/ reversion as the case may be

The matter has been examined and it is clarified that the rate of leave salary for the second spell of leave in such cases will be the rate at which the leave salary for the first spell of leave was drawn.

Past cases already decided otherwise than in accordance with this clarification will not be reopened but pending cases will be finalized in accordance with these orders.

\*6. The undersigned is directed to refer to Finance Department Order of even number dated 29th December, 1980 on the subject noted above and to say that certain questions have been raised by various departments in regard to actual implementation of the above order. Accordingly, the points raised are hereby clarified as follows:—

<i>Question.</i>	<i>Answer.</i>
(1) Whether the leave encashment benefit in respect of the block 1978-80 which was subsequently extended upto 31-12-1980 vide Finance Department Memo of even number dated 7-2-1980 can be sanctioned after 31-12-1980 under para 3 of Finance Department Order of even number dated 29th December, 1980.	The term of the block 1978-80 has not been extended beyond 31-12-1980 as such Government servant who could not avail of the concession of leave encashment pertaining to block 1978-80 by 31-12-1980 cannot be allowed to avail of the leave encashment benefit under para 3 of Finance Department Order of even number dated 29-12-1980 after 31-12-1980.
(2) Whether the number of Government servants in an office or department who claim leave encashment benefit should be restricted to 4 % of the total number of employees in a month as envisaged in para (V) of Finance Department Order of even number dated 12-9-1974.	The liberalized concession of surrender of privilege leave and encashment there of allowed under Finance Department Order of even number dated 29-12-1980 is subject to the restriction envisaged in para (V) of the Finance Department Order of even number dated 12-9-1974. Thus the leave encashment benefit to Government servants in a particular month should be restricted to 4% of total number of employees in a month. In deciding the priority of claims to concession of leave encashment, the consideration laid down in Rule 80 of Rajasthan Service Rules shall be taken into account while permitting surrender of leave encashment.

% Added the clarification vide F.D. Memo. No. F, 1 (38) FD 65-II dated 1-12-1976.

\* Inserted vide F.D. memo. No. F.1(38)FD(E.R)65 II, dated 27-2-1981i

<p>(3) Whether the payment of leave salary in case of a Government servant surrendering privilege leave in a block of 2 years can be made in the month in which he makes a request or it should be made in the subsequent month after expiry of period of 30 days from the date of application.</p>	<p>A Government servant is not required to proceed on leave in order to claim leave encashment benefit under Finance Department Order of even number dated 29-12-1980. In view of this position, a Government servant may be paid leave salary in lieu of the privilege leave surrendered in the month in which he makes an application after issuing the formal sanction in this regard.</p>
<p>(4) Whether a Government servant whose balance of privilege leave on the date of application for claiming leave encashment benefit is less than 30 days, the leave encashment benefit in respect of the amount of leave falling short of 30 days privilege leave can be claimed subsequently in the same block.</p>	<p>The answer is in negative. The leave encashment benefit shall in such cases be allowed only to the extent of actual balance of privilege leave to his credit or any portion thereof at his option where the amount of leave at his credit is less than 30 days privilege leave.</p>

\*7. Doubts have been raised whether the claims 'pertaining to of block 1980-82 which are leave encashment benefit in respect supported by sanction issued upto 31-3-1982 could be enfaced for payment by the Treasury Officers or not. It is hereby clarified that in cases where formal orders sanctioning leave encashment benefit in respect of block 1980-82 have been issued by the competent authority upto 31-3-1982, the claims presented to the Treasury Officers shall be entertained and encashed for payment It may, however, be added that in cases where formal orders for grant of leave encashment benefit in respect of block 1980-82 have not been issued upto 31-3-1982 by the competent authorities, the sanction for leave encashment benefit in respect of previous block cannot be issued now on the expiry of the block on 31-3-1982.

(^) For More information regarding Rule 91B)

#### **Government of Rajasthan's Decisions.**

#1. The question of grant of cash equivalent for un-utilised privilege leave at the credit of State Government employees was under consideration of the Government for some time past The matter has been considered and the Governor has been pleased to order that State Government servants retiring on superannuation on or after 28-2 1978 will be paid cash equivalent or leave salary in respect of the period of privilege Leave at their credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions: -

(a) The payment of cash equivalent of leave salary shall be limited to a maximum of 120 days privilege leave.

(b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one-time settlement.

\* Inserted vide F.D. Memorandum No. F. 1(38) FD (E-R)/65 II, dated 30-4-1982.

# Inserted vide FD. order No. F.1(a) (26) FD (Gr-2)/77, dated 11-5-78.

(c) Cash payment under this order will, subject to (d) below, be equal to leave salary as admissible for privilege leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No city Compensatory Allowance and/or House Rent Allowance shall be payable.

(d) From the cash amount worked out in accordance with (c) above, deductions of pension and pensionary equivalent of other retirement benefits for the period for which cash equivalent is payable shall be made.

(e) The authority competent to grant leave shall *suo-moto* issue order granting cash equivalent of Privilege Leave at credit of Government servant on the date of retirement.

(3) These orders will not apply to the cases of premature/voluntary retirement under Rule 244 of Rajasthan Service Rules. Persons who are compulsorily retired as a measure of punishment under the Rajasthan Civil Services (Classification, Control & Appeal) Rules will also not be allowed this benefit.

(4) A Government servant already on leave preparatory to retirement and who has been allowed to return to duty in accordance with Rule 85 (ii) of Rajasthan Service Rules shall be entitled to the benefit under this order on the date of retirement.

(5) The benefit of this order shall also be admissible to Government servants who attain the age of superannuation on or after 28-2-1978, and are granted extension of service after that date. In such cases, the benefits shall be granted on the date of final retirement in expiry of extension, to the extent of privilege leave at credit on the date of superannuation plus the privilege leave earned during the period of extension reduced by privilege leave availed of during such period subject to a maximum of 120 days. The above benefit will not, however, be available to those who attained the age of superannuation before 28-2-1976 and were on extension of service thereafter.

(6) Consequent upon issue of this order, refusal of privilege leave as preparatory to retirement, under Rule 89 of Rajasthan Service Rules would no longer be necessary. Government servant who avails of 120 days privilege leave as Leave Preparatory to Retirement shall not be entitled to cash equivalent of leave salary in respect of leave, if any, remaining to his credit on the date of retirement.

@2. The question regarding non-deduction of pension and pensionary equivalent of other retirement benefits from the cash amount worked out under clause (d) of Para 2 of this Department Order of even number dated 11-5-1978 has been under consideration of the Government.

(2) The matter has been considered and Governor has been pleased to order that no deductions on account of pension and pensionary equivalent of other retirement benefits shall be made from the cash payment made in lieu of un-utilized privilege leave in respect of the Government servants retiring on superannuation on or after 28-2-1978. Accordingly, clause (d) of Para 2 of this department order of even number dated 11-5-1978 shall be deemed to have been deleted *ab initio*.

(3) As a result of the decision mentioned in Para 1 above, past cases in which payment have already been made prior to issue of these orders shall be reviewed *suo-moto* and necessary revised orders for cash payment issued.

\*3 The Governor has been pleased to order that payment of cash equivalent of leave salary in respect of period of privilege leave at the credit of a Government servant at the time of retirement on superannuation shall be limited to a maximum of 180 days of privilege leave instead of 120 days privilege leave.

2. The provisions contained in Para 2(a) of Finance Department Order of even number dated 11-5-1978 shall be deemed to be modified to the extent indicated above.

3. These orders shall be applicable to Government servants, who attain the age of superannuation on or after 29th February, 1980.

@ Inserted vide F.D. Order No. F.1 (a) (26) FD/(Gr.2)/77 dated 30-8-1978

\*Inserted vide F.D. Order No. F. 1 (a) (26) F.D. (Gr.2)/77 dated 6-2-1980.

**Clarification**

<sup>£</sup>The undersigned is directed to invite attention to the department order of even number dated 11-5-1978 as modified by this department Order of even number dated 30-8-1978 & 6-2-1980 and to say that the question of simplifying the method of calculation of cash payment as prescribed in Para 2(c) of the order dated 11-5-1978 has been under consideration. After examining the matter, the Governor is pleased to decide, in the interest of simplification, that the cash payment for unutilized privilege leave shall henceforth be made in the manner indicated below : —

Cash payment =	Pay admissible on the date of retirement plus Dearness allowance admissible on that date	Number of unutilized privilege leave at credit on the date of retirement subject to a maximum of 180 days.
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**(&)Previous Rule 92 as stood before 01.01.1985**

Substituted vide FD Notification No.F.1(49)FD(Gr.2)82, dated 29.3.1985 w.e.f. 1.1.1985 for :-

%92. Special rules applicable to Officers in Vacation Departments – (a) Privilege leave is not admissible to an officer \* [whether temporary or permanent] serving in a vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.

+<sup>+</sup>Provided that. — %(/) teaching staff in Government Arts & Science Colleges, and

(ii) Teaching staff in Schools, @ (iii) teaching staff in Government polytechnics,

Shall be entitled to X [15days] privilege leave in a year in addition to privilege leave admissible under clause (b).

^[Provided further that—

(i) Provisions of Rule 91A regarding encashment of surrender of privilege leave while in service shall not be applicable in case of privilege leave allowed under the aforesaid proviso.

(ii) the balance of privilege leave not availed during the year shall not accumulate and will not be carried forward to the next year.]

(b) The Privilege leave admissible to such an officer in respect of any year in which he is prevented from availing himself of the full Vacation is such proportion of<sup>++</sup> [15 days] as the number of days of vacation not taken bears to the full vacation. If in any year the officer does not avail himself of the vacation, privilege leave will be admissible to him in respect of that year in accordance with Rule 91.

**Clarification.**

<sup>£</sup>Inserted vide F.D. Order No. F. 1 (a) (26) F.D. (Gr. 2)/77 dated 11-8-1980,

% substituted vide F. D. Notification No. F. 1(58) F.D. A (Rules)/ 62, dated 21-11-1962. Effective from 1-10-1962. Previous rule may be seen at the end of this footnote.

\* Substituted vide FD Notification No. F.1(49)FD(Gr.2)82 dated 22.2.1983 for the words "in permanent employee" w.e.f. 1.1.1983.

<sup>+</sup> Substituted by F.D. Notification No.F.1(9)FD (Rules)/69,dated 26-2-1969for :—

"Provided that teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above shall be entitled to 3 days privilege leave in a year in addition to privilege leave admissible under clause (b)."

(FD Notification No. F. 1 (87) FD/ER/66, dated, 3-12-1966.)

%substituted vides F.D. Notification No. F. 1 (9) FD (Rules)/69, dated 2-1-1970 for—(i) teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above; and

@ Inserted vide F.D. Notification No. F. 1(9) FD (Rules)/69, dated 15-1-1971.

<sup>++</sup> Substituted for figures and words "30 days" vide F.D. Notification No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985, w.e.f. 1-1-1985.

@@1. According to proviso appearing below Clause (a) of Rule 92 of Rajasthan Service Rules (inserted vide Finance Department Notification No. F. 1 (87) FD (E-R)/66 dated 3-12-1966 as amended from time to time) the teaching staff in Government Arts and science Colleges, Schools and Govt. Polytechnics are entitled to <sup>x</sup>[15 days] privilege leave in a year in addition to privilege leave admissible under clause (b) of the said Rule. A question has been raised whether the credit of privilege leave will be given with reference to duty period, in a calendar year. The matter has been examined and it is clarified that the credit of % [15 days] privilege leave may be given to teaching staff on completion of one year's service from the date of issue of orders applicable in their cases. % [15 days] privilege leave will be earned only on each completed year of service and not by duty. Those who do not complete one year's service will not be entitled to the benefit of % [15 days] privilege leave. These orders will also apply to temporary teaching staff who complete one year's service.

These orders take effect from the date of issue. Past claims already settled will not be re-opened.

\*2. Accordance to the provisions of Rule 92 (b) of Rajasthan Service Rules, Volume I-A Government servants serving in the Vacation Department who are prevented from availing themselves of the full vacation are allowed the credit of privilege leave in respect of that year in proportion of 30 days in accordance with provisions of Rule 91 of Rajasthan Service Rules. A question has been raised as to whether the words "that year" used in the aforesaid Rule refer to academic year or calendar year.

The matter has been considered and it is clarified that the words "that year" used in Rule 92 (b) of Rajasthan Service Rules purports to refer to the calendar year and not academic year.

Substituted vide FD Notification No. F.1(49)FD(Gr.2)/82, dated 22.2.1983 w.e.f. 1.1.1983 for –

- @(c) Notwithstanding anything contained in sub-rules (a) and (b)-
- (i) The privilege leave admissible to an officer of a Civil Court or a member of his staff will be one-thirty of the period spent on duty (excluding vacations) and in addition.
  - (ii) The privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the vacation is such proportion of 20 days as the number of days of vacation not enjoyed bears to the full vacation.

@ Inserted vide FD Notification No.F.1(58)FD-A(Rules)/62, dated 20.7.1963. Effective from 1.10.1962.

Previous Rule 92 as stood before substituted vide FD Notification No.F.1(58)FDA(Rules)/62, dated 21.12.1962, effective from 1.10.1962 :-

- "92, (a) Privilege leave is not admissible to a Government servant in permanent employ serving in a Vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.
- (b) The privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such

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@@ Inserted vide FD Memo No. F.I (a) FD (Rules)/69 dated 11-4-1974.

<sup>x</sup> Substituted for figure & words "3 days" vide F.D. Notification

^No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985 w.e.f. 1-1-1985

+Substituted by F.D. Notification No.F.1(9)FD (Rules)/69,dated 26-2-1969for :—

"Provided that teaching staff in Government Arts and Science Colleges of the rank of Lecturers and above shall be entitled to 3 days privilege leave in a year in addition to privilege leave admissible under clause (b)."

(FD Notification No. F. 1 (87) FD/ER/66, dated, 3-12-1966.)

% Substituted for figure & words "3 days" vide F.D. Notification No. F. 1 (49) FD (Gr. 2)/82 dated 23-1-1985 w.e.f. 1-1-1985

@ Inserted vide F.D. Notification No. F. 1(9) FD (Rules)/69, dated 15-1-1971.

\* Added vide F.D. Notification No. F.1 (49) FD (Gr. 2)/82, dated 23-1-1985, w.e.f. 1-1-1985.

"(v) In case of resignation, termination, discharge, removal and dismissal from service or death while in service or on retirement from service, the privilege leave shall be re-reckoned with effect from 1st January in the year of the occurrence of event and credited to his leave account at the rate of 1 day for each completed calendar month upto the end of month in which he ceases to be in service."

proportion of the following periods as the number of days of vacation not taken bears to the full vacation: —

- (i) to a Government servant in other than in Class IV service-30 days,
- (ii) to a Government servant in Class IV service—
  - (1) 15 days during the first ten years of service,
  - (2) 20 days during the next ten years of service,
  - (3) 30 days thereafter, and

If in any year the Government servant does not avail himself of the vacation, privilege leave will be admissible to him in respect of that year in accordance with the provisions of rule 91.

***Government of Rajasthan's Decision.***

1. The portion of vacations spent by Government servants of the Education Department in attending the pre-commission Training, Refresher Courses, and Annual Training Camps in Military units be treated as on duty and credited to the privilege leave account of the Government servants concerned subject to maximum limits admissible under the rules.

2. The privilege leave earned under this clause during the first year of service will be enjoyed only after the completion of the one year of service.

3. Attention is invited to Rule 92 of the Rajasthan Service Rules which provides that credit is given in the leave account of a Government servant serving in Vacation Department at the rate of 1/11th of the period of duty if the officer does not avail of any vacation during (any) "year". But if he avails of any portion he gets proportionate credit on the basis of 30 days etc. in the year and if he enjoys full vacation, on credit is given in the leave account. In this connection a question was raised regarding the correct position of affording credit in leave account of Government servant serving in Vacation Department, when he proceeds on leave before completing the full year of duty. A question has also been raised whether leave should be taken into account for computing [any] "year" occurring in Rule 92 of the Rajasthan Service Rules.

The matter has been considered in consultation with the Accountant General and the correct position regarding arriving at the credit in the leave account is as follows:—

- (a) (i) No credit in the leave account will be allowed in respect of incomplete years of duty rendered before proceeding on leave where no vacation falls between the date of officers proceeding on leave and the date of completion of the last year of duty.
- (ii) Similarly no credit will be afforded in respect proceeding on leave in case the vacation falls during the portion of the year but it has been enjoyed in full.

In both types of cases the title to privilege leave will be calculated on the credit available in the leave account on the date of completion of the previous year,

- (b) Where the vacation falls between the date of proceedings on leave and the date of completion of the last year of duty and—
  - (i) The vacation has been enjoyed only partly, proportionate credit is to be afforded in accordance with sub-rule (b) of Rule 92 of the Rajasthan Service Rules.
  - (ii) Where the vacation has not been enjoyed at all credit at the rate of 11th of duty shall be afforded in respect of portion of the year upto the date of proceeding on leave, However, in the latter case the leave account will be suitably corrected when the Government servant completes the subsequent portion of the year i.e., additional credit will be given for the period the officer is on duty after the expiry of leave upto end of that year.

The expression "any year" occurring in rule 92 of the Rajasthan Service Rules should be held to be exclusive of leave for computing "any year" occurring in the said rule.

The procedure outlined above take's effect from 16-6-1960.

- (bb) Notwithstanding anything contained in sub-rule (a) and (b)-
- (i) The privilege leave admissible to an officer of a Civil Court or a member of his staff will be one thirty-third of the period spent on duty (excluding vacations) and in addition;
- (ii) the privilege leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the vacation is such proportion of 20 days as the number of days of vacation not enjoyed bears to the full vacation.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these rules provided that the total duration of vacation and privilege leave is taken in conjunction. Whether the privilege leave is taken in combination with or in continuation of other leave or not, shall not exceed the limits laid down in the proviso and exception to Rule 91:

Provided further that the total duration of vacation, privilege leave and commuted leave taken in conjunction shall not exceed 240 days.

### **Rule 93**

<sup>#</sup>93. (a) The half pay leave admissible to a Government servant to permanent employ in respect of each completed year of service is—

- (i) in the case of Government servant in service other than Class IV service 20 days.
- (ii) in the case of a Government servant in Class IV service—
  - (1) 15 days during the first twenty years of service; and
  - (2) 20 days thereafter."

### ***Government of Rajasthan's Decisions.***

<sup>%</sup>(1) Attention is invited to Rules 98 of the Rajasthan Service Rules Since the introduction of this rule involves a change in the basis of half pay leave, it is implied that retrospective calculations will be made in respect of such leave for the entire continuous service of Government servants. The half pay leave to be carried forward on the introduction of the Rajasthan Service Rules, will therefore, be the total half pay leave earned in respect of completed years of service on the 1st April, 1951, reduced by the amount of "leave on private affairs" and "Leave on medical certificate" or any other kind of leave on half pay or half average pay availed of prior to that date.

(2) If this calculation results in a minus as balance, it should be adjusted against the half pay leave earned subsequently (i.e from 1st April, 1951) such minus balance being treated, for the purpose of these Rules, as leave not due under clause (d) of Rule 93.

(3) As the leave carried forward in the manner indicated above will be in respect of completed years of service, any fraction of year's service left over on 1st April, 1951, will be taken into account in calculating half pay leave for another year of service i.e. further leave after the leave carried forward will accrue on completion of another year of service including the fraction left on the 1st April, 1951. To illustrate the point, in the case of a Government servant other than of Class IV, who entered on service 1st September, 1949 and has taken no leave on half pay or half average pay the credit to the half pay leave account on the 1st April, 1951 will be 20 days and he will get a further credit of 20 days on 1st September, 1951.

<sup>#</sup> Substituted vide FD Notification No. F.1(58)FDA(Rules)62 dt. 21.11.1962 effective from 1.10.1962.

<sup>%</sup> Inserted by FD Memo. No. F. 35 (16) R/51, dated 8-8-1953

(4) Where the rules in force before 1st April, 1951 provided for the grant of 'commuted leave', or any kind of leave on full pay or full average pay, on medical grounds etc. in addition to privilege leave (or corresponding leave) such commuted leave, or additional leave, will be taken for double the amount of half pay leave and double the period of such commuted leave, or additional leave availed of by a Government servant shall be debited to the half pay leave account for the purpose of the retrospective calculations contemplated in this memorandum.

(5) Since retrospective effect over long period would be involved, officers responsible for maintaining Leave Accounts should carefully ascertain the leave availed of in the past and certify on the Leave Accounts to be prepared on this basis that no other leave on half pay, half average pay, or additional leave on full pay (other than ordinary privilege or corresponding leave) was availed of, Government servants themselves should be asked to give or accept the statement in writing and it should be understood that if it is later discovered that leave other than as indicated was availed of, the leave account will be liable to be reconstructed (with consequent adjustments of leave salary) in such manner as Government may order.

2. In continuation of Finance Department Memorandum No. F. 35 (16)-R/52, dated 8th August, 1953 (decision No. 1) regarding calculations of half pay leave, it has been decided that the following procedure may be adopted for determining the balance of privilege leave and half pay leave on 1-4-1951 in cases where leave records are not available or have not been maintained properly:—

(i) The privilege leave earned by Government servants during periods of service in respect of which leave accounts are not available or have not been properly maintained should be assumed to be equal to 1/12th of the total of such periods. Half of leave so calculated should be assumed to have been enjoyed by the employees concerned the balance thus arrived at should, however, be limited to the maximum periods prescribed in the first proviso to Rule 91(3) of the Rajasthan, Service Rules.

(ii) The half pay leave due on 1-4-1951 will be calculated in the manner prescribed in Finance Department Memorandum No. F.35 (16)-R/52, dated 8th August, 1953 (Decision No. 1). In respect of the periods for which no leave records are available or leave accounts were not properly maintained, the presumption will be that the Government servant concerned did not avail any half pay leave.

(iii) In respect of Government servants in Vacation Departments the presumption should be that the vacation was fully enjoyed when there is definite evidence to the contrary."

**(&&) Rules 94 in force prior to 12.1.1976 (&&)**

Previous Rules 94 before substituted vide F.D. Order dated 12.1.1976 :-

Previous Rules 94 before substituted vide F.D. Order dated 12-1-1976:—

<sup>1</sup>94. The provisions of Rules 91, 92 and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible to —

(i) such an officer employed in Rajasthan Armed Constabulary and posted on the Border as defined in Government Order No. F.1 (21) GA/A/Gr.II/64, dated 8-5 1964, is one sixteenth of the period spent on duty.

(ii) Government servants not covered by (i) above, is one twenty-second of the period spent on duty.

\*Proviso—Deleted.

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<sup>1</sup> substituted vide F.D. Notification No.F1(76)FD(E-R)/66, dated 31-3-1967.Effective from 1-1-1967

**"94.. Leave to temporary employees—**(a) The provisions of Rules 91, 92, and 93 apply also to an officer not in permanent employ except that in respect of the first year of the service, the privilege leave admissible is one twenty second of the period spent on duty."

@Provided further that in the case of such a Government servant: —

- (a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry \* [except in the case of an officer who has been declared completely and permanently incapacitated for further service by a medical authority]; and
- (b) no leave not due shall be granted.

*Note*

[See Rule 95-A Annexure Para 2 (i) & (ii)]

***Government of Raiasthan's Decision.***

%Terminal leave to the extent of privilege leave due and admissible may be granted at the discretion of the authorities competent to sanction leave, even when it has not been applied for and refused in the public interest, to the following categories of Government servants on the termination of their employment:—

- (a) a temporary Government servant whose services are terminated by Government on account of retrenchment or on the abolition of post before attaining the age of superannuation;
- (b) re-employed pensioners who are treated as 'new entrants' in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
- (c) persons employed for a period exceeding one year on contract basis in terms of Appendix II of the Rajasthan Service Rules,
- (d) unqualified persons who have to vacate their temporary posts to make room for qualified Candidates; and
- (e) persons whose services may have to be dispensed with as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.

The above decision is not applicable to: —

- (i) apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them; or
- (ii) where the Government servant concerned has been dismissed or removed from service; or
- (iii) where the services of the Government servant have been terminated for taking part in any anti-national movement.

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\* Proviso deleted vide F. D. Notification No. F. 1 (32) F.D.(E- R.)/65, dated 10-2-1966. Effective from 19-6-1965.

"Provided that no privilege leave shall be admissible to such a Government servant in a vacation Department in respect of the first year of his service."

@ Substituted for the words "Provided further that in the case of a Government Servant not in quasi-permanent employ" vide F. D. Notification No. F.I (53) F.D. (A) (Rules)/61, dated 1-1-1965.

\* Added by F.D. Order No. 4492/57-F.I(40) FD(A) Rules/56, dated 18-7-1957.

% Inserted by F. D. Order No. F. 1 (86) R/56, dated 20-7-1956 Effective from 1-10-1955.

If a temporary Government servant resigned his post on his own volition he may, at the discretion of the sanctioning authority, be granted leave not exceeding half the amount of Privilege Leave at his credit, % [which he can avail at a time. Past cases decided otherwise will, however not be re-opened.]

It is not necessary to extend the temporary post or tenure of reemployment to cover the period of leave granted to a Government servant at the end of his temporary employment or period of his reemployment.

In all cases where any notice of termination of service is required to be given under the terms of employment of the temporary Government servant concerned and that Government servant is relieved before the expiry of notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

***Clarification.***

@A question has been raised whether in the case of temporary Government Servants whose services are terminated on Payment of pay and allowances in lieu of notice under Rule 23 A of the Rajasthan Service Rules.

Privilege leave at their credit may be granted as terminal leave and how the leave salary therefor regulated. In accordance with "Government of Rajasthan's Decision" below Rule 94, temporary Government servants whose services are terminated may be granted terminal leave to the extent of privilege leave to their credit. In such cases, for the period of notice during which terminal leave is also availed of by the Government servant concurrently, only leave salary is admissible. It is hereby clarified that, in cases in which pay in lieu of notice is allowed, the Government servant concerned may be granted terminal leave to the extent due and admissible but the leave salary for such leave should be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

^ (b) The Privilege Leave admissible to an officer not in permanent employ serving in the Vacation Department in respect of the first year in which he is prevented from availing himself of the full vacation is such proportion of \* [15 days] as the number of days of vacation not taken bears to the full vacation.

***Government of Rajasthan's Decision.***

§ Government of Rajasthan decision No. 2 below Rule 52 (b) of R.S.R. shall also be applicable to a temporary employee of the Vacation Department.

(\* Rules 97 )

@ Substituted by F.D- Notification No. F. 1 (64) FD-A (Rules)/ 62, dated 15-5-1963 for: —

"97. (1) A Government servant other than a Class IV servant on privilege leave is entitled to leave salary at the rate of the average monthly pay earned during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which the officer is entitled immediately before the commencement of leave, whichever is greater.

Substituted vide FD Order No. F.16(12)FD-A(Rules)58/I&II dated 30.5.1961.

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

(3) A Government servant on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2).

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%The words "which he can avail at a time" and "Past cases decided otherwise, will however, not be reopened" added by F.D. Order No. 5300/57/F. 1 (88) F.R/56, dated 4-9-1957.

@ Inserted vide F.D. Memo No. F. 1 (38) F.D. (Rules)/69, dated 26-9-1969.

^ Inserted by F.D. Notification No. F. 1(32) FD /ER/65-1, dated 19-6-1965.

\* Substituted for "17 days" vide F. D. Notification No. F.I (38) FD/ER/65-II dated 10-2-1966. Effective from 19-6-1965.

§ Inserted by FD Memo No. F. 1 (32) FD(ER) 65, dated 19-6-1965.

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

(5) A Class IV Government servant on privilege leave or commuted leave or half pay leave is entitled to leave salary equal to his pay including special pay or half of such pay as the case may be, on the day before the leave commences.

**Explanations.**—(1) For the purposes of this rule "substantive pay" means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended:

Provided that in the case of a Government servant in quasi-permanent employ as defined in Rule 98, the pay of the post in which he was initially appointed in a temporary or officiating capacity and the pay admissible in the post in which he has been declared quasi-permanent shall be deemed to be the substantive pay:

Provided further that the leave salary of a Government servant who is in permanent or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three years limit shall include: —

- (a) all periods of leave during which the Government servant would have officiated in the post but for proceeding on such leave, and
- (b) all period of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

**Explanation—** (2) According to sub-rule (i), (ii) the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from the 23rd March, 1956 to 22nd July, 1956 inclusive is granted leave from 4-2-1957. His average monthly pay should be calculated on the pay earned for the periods 1-2-1956 to 22-3-1956 and 23-7-1956 to 31-1-1957, if, however, a Government servant happens to have been on leave for more than 12 month immediately preceding the month in which the leave is taken, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the previous leave commenced. Similar methods will apply for calculating leave salary under sub-rule (1) (b)."

%2. Omitted.

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% Omitted vide F.D. Order No. 16 (12) F.D.A (Rules)58-I dated 30-5-1961.

"2. The leave salary under Rule 97 of Rajasthan Service Rules in the case of a 'probationer' and person appointed 'on probation' should be regulated as follows: —

(1) In the case of a 'probationer' as defined in Audit Instructions below Rule 7 (30) of Rajasthan Service Rules whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of Rule 97 of Rajasthan Service Rules.

(2) In the case of a person who is only appointed to a post 'on probation' as distinct from appointment as a 'Probationer' as defined in Audit instruction below Rule 7 (30) of Rajasthan Service Rules.

(a) if he was already holding a permanent post in a substantive capacity before being appointed 'on probation' to another post, his substantive pay in respect of the permanent post on which he holds a lien or on which he would have held a lien had such lien not been suspended will be the substantive pay for the purpose of calculation of leave salary under Rule 97 of Rajasthan Service Rules.

(c) if he was only in a temporary employ of Government or if he is a direct recruit appointed to the post on probation, the leave salary will be regulated under Rule 97(ii).

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**Note.** 1—Any period of joining time taken either under Clause (b) of Rule 127 during the preceding 12/36 months should be ignored in calculating average monthly pay as no 'pay' is drawn in respect of such joining time.

**Example:** —Gazetted Government servant who was on leave from 14th April 1956 to 9th December, 1956 inclusive is granted leave from 12th March, 57. In order to arrive at his average monthly pay, the total pay earned for the periods of duty, viz, from 1st March, 56 to 13th April, 56 and from 10th December, 1956 to 28th February, 1957, should be divided by  $3 + \frac{13}{30} + \frac{22}{31} = \frac{3853}{930}$  months, the fracts  $\frac{13}{30}$  and  $\frac{22}{31}$  representing period of duty, in terms of months, in April and December 1956 respectively. Where 'A' is the total pay earned by duty from 1st March, 1956 to 13th April, 56 from 10th December, 1956, to 28th February, 1957, the average monthly pay is equal to  $930XA/3853$ .

3. In the case of a Government servant of a Vacation Department the vacations falling in the periods of 12/36 complete months immediately preceding the month in which leave is taken should be treated as duty under Rule 94 (A) and the pay drawn by the Government servant during the vacation should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

4. In the case of a Government servant of a Vacation Department both pre fixing and affixing leave to vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve/thirty-six complete month preceding the commencement of his leave.

5. The term 'month' in this rule means 'calendar months' as in Rule 7 (20).