

U.P. Fundamental Rule 56 (Amendment and Validation) Act, 1975

UTTAR PRADESH

India

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Act 24 of 1975

- Published on 14 August 1975
- Commenced on 14 August 1975
- [This is the version of this document from 14 August 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

U.P. Fundamental Rule 56 (Amendment and Validation) Act, 1975(UP. Act No. 24 of 1975)Last Updated 6th June, 2019Statement of Objects and Reasons. - (1) Rule 56 of the Fundamental Rules comprised in the Financial Handbook, Volume 11 (Parts II to IV) and Paragraphs 465 and 465-A of the Civil Service Regulations contain two different provisions regarding compulsory retirement of Government servants. It was considered necessary that the two provisions should be consolidated and a new provision to that effect be made by amending the aforesaid Rule 56.(2) For the avoidance of doubts, it was also considered expedient to make the provisions regarding notice and payment of salary in lieu thereof more explicit and also to make certain other clarificatory provisions.(3) As the State Legislature was not in session, the U.P. Fundamental Rule 56 (Amendment and Validation) Ordinance, 1975 was promulgated to carry out the above purposes.(4) The Bill is being introduced to replace the aforesaid Ordinance with certain modifications.(As passed by the Uttar Pradesh Legislature)Received the assent of the Governor on August 13th, 1975, published in U.P. Gazette, Extraordinary, dated 14th August, 1975, pp. 3-5.An Act further to amend Fundamental Rule 56 and to make consequential amendments in the Civil Service Regulations and to provide for matters connected therewith.It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows:

1. Short title.

- This Act may be called the Uttar Pradesh Fundamental Rules 56 (Amendment and Validation) Act, 1975.

2. Amendment of Fundamental Rule 56.

- [(a) Except as otherwise provided in this rule, every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years: Provided that a Government servant, whose date of birth is the first day of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years: Provided further that a Government servant, who has attained the age of fifty-eight years on or before the first day of the November, 2001 and is on extension in service, shall retire from service on expiry of his extended period of service. (a-1) No Government servant shall be granted extension in service beyond the age of retirement of sixty years: Provided that a Government servant dealing with budget work or working as a full time member of a committee which is to be wound up within a short period of time may be granted, by the Government, extension of service for a period not exceeding three months in public interest: Provided further that a Government servant holding highly specialised technical job whose replacement has not been possible to be arranged before his retirement even after efforts made in this regard, may be granted extension of service up to the age of sixty-two years, if such extension is unavoidable in public interest and the grounds for such extension are recorded in writing: Note. - Each case for extension of service under this clause shall be put up for orders to the Chief Minister through the Chief Secretary. (a-2) Notwithstanding anything to the contrary contained in clause (a) or clause (a-1) of this rule, a Government servant may, if considered necessary, in public interest, so to do, be granted extension of service up to the age of sixty-two years with the prior approval of the Cabinet: Provided that in the cases of extension in service under clauses (a-1) and (a-2) of this rule, Government shall have the right to terminate the extension of service before expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent or, of one month in the case of a temporary Government servant, or pay and allowances in lieu of such notice.] [Rules 56 Clause (a) (a-1) and (a-2) Subs, by Noti. No. G-2-168/X-2010-534 (19)/57, dated 17 Febraury, 2010. Published in U.P. Gazette Extra., Part-4, Section (kha), dated 17th February, 2010. (w.e.f. 17-2-2010).] (b) [* * *] [Clause (b) has been omitted by Notification No. G-2-486/-X-534 (19) 57, dated 28th July, 1987.] (c) Notwithstanding anything contained in Clause (a) or Clause (b), the appointing authority may, at any time, by notice to any Government servant (whether permanent or temporary), without assigning any reason, require him to retire after he attains the age of fifty years or such Government servant may by notification to the appointing authority voluntarily retire at any time after attaining the age of fifty years or after he has completed qualifying service for twenty years. (d) The period of such notice shall be three months: Provided that - (i) any such Government servant may by order of the appointing authority, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowance, if any, for the period of the notice or, as the case may be, for the period by which such notice falls short of three months, at the same rates as which he was drawing before his retirement; (ii) it shall be open to the appointing authority to allow a Government servant to retire without any notice or by a shorter notice without requiring the Government servant to pay any penalty in lieu of notice : Provided further that such notice given by the Government servant against whom a disciplinary proceedings is pending or contemplated shall be, effective only if it is accepted by the appointing authority, provided that in the case of a contemplated disciplinary proceeding the Government servant shall be informed before the expiry

of his notice that it has not been accepted :Provided also that the notice once given by a Government servant under Clause (c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority.(e)A retiring pension shall be payable and other retirement benefits, if any, shall be available in accordance with and subject to the provisions of the relevant rules to every Government servant who retires or is required or allowed to retire under this rule.Explanation. - (1) The decision of the appointing authority under Clause (c) to retire the Government servant as specified therein shall be taken if it appears to the said authority to be in the public interest but nothing herein contained shall be construed to require any recital, in the order, of such decision having been taken in the public interest.(2)Every such decision shall, unless the contrary is proved, be presumed to have been in the public interest.(3)The expression 'appointing authority' means the authority which for the time being has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire; and the expression 'qualifying service' shall have the same meaning as the relevant rules relating to retiring person.(4)Every order of the appointing authority requiring a Government servant to retire forthwith under the first proviso to clause (d) of this rule shall have effect from the afternoon of the date of its issue provided that if after the date of its issue, the Government servant concerned bona fide and in ignorance of that order, performs the duties of his office his acts shall be deemed to be valid notwithstanding the facts of his having earlier retired."Note. - (1) [Deleted] [Notification No. G-2-58/X-534 (19) 90, dated 18-1-1990.]Note. - (2) The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date upto which a Government servant has been permitted to remain in service, shall not be treated as sanctioning an extension of service, and the Government servant shall not be permitted to retain a lien on his permanent post or any other post during the period of such leave.[Note.-(3) A Government servant whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty-eight or sixty years, as the case may be.] [Note (3) Deleted by Notification No. G-2/605/X-534 (19) 57, dated 27th June, 2002.]

3. Rescission of Articles 465 and 465-A of Civil Service Regulations.

- Articles 465 and 465-A of the Civil Service Regulation, as adopted for application in Uttar Pradesh are hereby rescinded except as respect things done or omitted to be done thereunder before the commencement of this Act.

4. Applicability to orders issued before the commencement of this Act.

(1)Where any order has been passed or purported to be passed on or after November 1, 1973, under the first proviso to clause (i) of the said Rule 56 or under Note 1 to Article 465 or under Note 1 to Article 465-A of the Civil Service Regulations requiring a Government servant to retire either without notice or on a notice for a period shorter than three months, such Government servant, as not already paid his pay or the whole or part of the said period of three months as the case may be, shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the whole period of three months or, as the case may be, for the period by which the notice fell short of three months, at the rate at which he was drawing immediately before the date of such order.(2)For

the removal of doubts it is hereby declared that nothing in the said Rule 56 or in the said Regulations or in any orders or instructions in that behalf shall be deemed to have ever required the actual payment of the Government servant's pay for the whole or part of the period of notice before or simultaneously with the retirement required by the order and the failure to make such payment shall not have or be deemed over to have had any effect on the validity of the order, any judgment, decree or order of any Court to the contrary notwithstanding, and it shall be open to the State Government to apply to any Court for review of any such judgment, decree or order within three months from the commencement of this Act.(3)The Appointment (3) Department Government Order, No. 5/2/1973 dated November 2, 1973, shall be deemed to have been rescinded with effect from the same date and no order of compulsory retirement shall be deemed to be or ever to have been invalid on the ground of any inconsistency with aforesaid Government Order.

5. Repeal and savings.

(1)The Uttar Pradesh Fundamental Rule 56 (Amendment and Validation) Ordinance, 1975 (U.P. Ordinance No. 14 of 1975) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the Act, as if this Act had come into force on June 7, 1975.Selected Leave RulesUnder Regulation 99, Chapter III framed under Section 16-G of the Intermediate Education Act, casual leave, earned leave, medical leave, maternity leave, leave on private affairs and extraordinary leave can be allowed to Principals, Headmasters, Teachers and other servants for such periods and subject to such conditions as the State Government may decide for similar employees in Government Higher Secondary Schools or may by special order and subject to such exceptional provisions as necessitated by special circumstances direct. Granting authorities are also laid down in Regulation 99.The employees of the Government institutions are subject to leave rules generally meant for the State Government employees. These rules are found in the Financial Handbook, Vol. II, Chapter X, Rules 58 to 104, pages 16 to 135 in 1969 Edition.In addition there are subsidiary rules made by the Government under rule-making powers conferred on him by the Fundamental Rules of Chapter X said above. Together all this yields a voluminous literature and there are also special provisions for special kinds of services.Further, difficulties arisen have been removed by audit instructions etc, printed in the Financial Handbook. Reading at these provisions together and interpreting them authoritatively, in full detail, is a specialised job, requiring a separate big book by itself.In his volume we have to content, ourselves with publication of selected Rules explaining leave and its kinds (as mentioned in the aforesaid Regulation 99) and laying down period for which they are due to the Government School employees and now, therefore, to other recognised schools also. - For other details and complications the Fundamental Rules, Chapter X and the connected subsidiary rules may be constituted.Leave is not a right: - Leave cannot be claimed as of right. These provisions have been made in the rules because it is not always possible to let all who want leave at a particular time to have it at that time and there is a limit beyond which depletion of staff cannot be permitted without dislocating the working of an establishment.Right to ask the leave: - Right to ask for a particular kind of leave rests with the Government servant. The authority empowered to grant leave has not been given the power to alter the nature of leave, though he has the power to refuse or revoke leave at any time according to the exigencies of the public service.As provided in F.R. 67 Leave can not be claimed as of right : - Leave, although a privilege, cannot be refused by the

sanctioning authority except on reasonable grounds. F.R. 67 does not, therefore confer a *certe blanche* to the leave sanctioning authority to refuse leave to a Government servant at its pleasure, when it is refused it must have a reference to the exigencies of service contrarily it does not also follow that a Government servant is entitled to proceed on leave, even when the leave is due, without obtaining prior sanction of the leave sanctioning authority. It will be a gross misdemeanour on the part of the concerned employee if he does so. There may be occasions when under compelling circumstances an employee may not obtain prior permission before leaving the State on leave, such as sudden death of a near relative or a serious sickness in the family. Such cases deserve special consideration and should be decided on their own merits. The leave sanctioning authority has also an equitable obligation to accommodate an employee's right for leave as far as practicable. It would be a good workable formula of exigencies of service are balanced against private interest in so far as it satisfies both ends without injuring wider public interest. Leave Regulations[81-B. (1) Earned leave. [Substituted vide Notification No. G-4-1071/X-92-201-76 dated 21st December, 1992 Published in U.P. Gazette Part I (Ka) dated 5.3.1994.] - The following procedure shall be deemed to have come into force with effect from January 1, 1978 in regard to calculation of earned leave in respect of government servants serving in the State-(i) Earned leave of thirty-one days shall be credited in advance, in the leave account of every government servant, in two half yearly installments, in each calendar year. Sixteen days' earned leave shall be credited on the first day of January and fifteen days earned leave on the first day of July of every calendar year;(ii) Earned leave at the credit of a government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year, does not exceed a maximum limit of one hundred and eighty days, raised to two hundred and forty days with effect from January 1, 1987. In the case of a government servant appointed on or after first January, 1978 earned leave shall be credited at the rate of two and half days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.(iii) When the total earned leave amounts to two hundred and forty days, a government servant shall cease to earn such leave. Note. - The limit of one hundred and eighty days was raised to two hundred and forty days with effect from January 1, 1987.(iv) the credit of earned leave under clauses (i) and (ii) above shall be reduced by one-tenth of the period of extraordinary leave availed of during the previous half year, subject to a maximum of fifteen days;(v) in the case of government servant who ceases to be a government servant due to retirement, resignation, death or any other reason in a particular half year, earned leave shall be credited to his leave account at the rate of 2-1/2 (two and a half) days for each completed calendar month up to the date he ceases to be a government servant. In such cases a deduction on account of extraordinary leave availed of from the beginning of that particular half year up to the date he ceases to be a government servant shall be made from earned leave credited to his leave account for that particular half year. If the earned leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn. Therefore before any payment of leave salary and/or pay is made to the government servant concerned in respect of that month in which he ceases to be a government servant, it shall be duly ensured by the competent authority that the earned leave in excess of the credit so due to him has not been sanctioned and overpayment of leave salary has not been made;(vi) while affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.(vii) A government servant on leave on the last day of a half year shall be entitled to avail of the earned leave to be credited in his leave account on the first day of the following half year of the

calendar year, subject to the condition that the authority competent to sanction leave has reason to believe that the government servant shall return to duty on its expiry.(viii)the leave accounts of government servants in respect of earned leave as they existed before commencement of these rules shall be closed and earned leave at their credit on December 31, 1977 shall be carried forward in their new leave account is to be maintained in Form 11-D, enclosed to these rules.(ix)Every order sanctioning earned leave issued by the competent authority in respect of government servant subordinate to him shall indicate the balance of earned leave at the credit of the government servant concerned at the time.(x)subject to the provisions of Fundamental Rules 67 and 86-A :(a)the maximum period of earned leave that may be granted to a government servant at a time shall be one hundred and twenty days if spent in India;(b)earned leave may be granted to him exceeding a period of 120 days but not exceeding 180 days if the entire leave so granted or any portion thereof is spent in a foreign country but the period of such leave spent in India shall not in the aggregate exceed the limit of 120 days.(xi)in the case of a government servant serving in a vacation department :(a)the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation.(b)if he is prevented by reason of government work from availing himself of the full vacation in any year as provided in the Subsidiary Rules 145 and 146, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation.(c)if in any year he does not avail himself of the vacation in terms of Subsidiary Rules 145 and 146, the earned leave admissible to him shall not be subject to any reduction.(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 earned leave is taken in combination with, or in continuation of other leave or not, shall not exceed the amount of earned leave admissible to him at a time under clause (ii) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.(xii)a government servant may be permitted to surrender a portion of earned leave at his credit and allowed cash payment in lieu thereof in accordance with the orders issued by Government, in this regard, from time to time.Note. - Forms 11-D and 11-E are Published vide Notification No 6-4-1071/X-42-201-76-dated Dec. 21st 1992.]Form No. 11-D[See sub-rules (i) and (viii) of Fundamental Rule 81-B]Form of Leave Account of Earned Leave Under The U.P. Fundamental Rules.Name of Government Servant..... Designation..... Date of birthDate of commencement of continuous service.....Date of Permanent employment..... Date of retirement/Resignation/termination of service.....

Particulars of service in the calendar half year	Completed months of service in the calendar half year	Earned leave credited at the beginning of half year	Number of days of extra-ordinary leave availed of during the previous calendar half year	Earned leave to be deducted (1/10th of the period in Col.-3)	
From	To				
1	2	3	4	5	6
Total Earned Leave at credit in days (Cols.4+11-6)		Leave taken	Number of days	Balance of Earned Leave on return from leave(Cols. 7-10)	Remarks

From	To				
7	8	9	10	11	12

InstructionsNotes. - (1) The Earned Leave due should be expressed in days.(2)When a government servant is appointed during the course of a particular calendar half year, Earned Leave should be credited at 2-1/2 days for each completed month of service in the calendar half year in which he is appointed and the., fraction of a day will be rounded to the nearest day.(3)The old leave account of the Earned Leave in respect of existing government servant has to be closed and the balance as on December 31, 1977, will have to be carried forward to the new account in Column 11 while doing so, the balance at credit on December 31, 1977 may be rounded to the nearest day.(4)The entry in Column 6 should be in complete days. Fraction of a day will be rounded to the nearest day.(5)Period of extraordinary leave should be noted in red ink.Form No. 11-E[See sub-rule (3) (X) of Fundamental Rule 81-B]Form of Leave Account of Earned Leave on Private Affairs Under The U.P. Fundamental RulesName of Government Servant..... Designation..... Date of birth.....Date of commencement of continuous service.....Date of Permanent employment.....Date of retirement/Resignation/termination of service.....

Particulars of service in the calendar half year	Completed months of service in the calendar half year	Leave on Private Affairs credited at thebeginning of half year	Number of days of extra-ordinary leave availed ofduring the previous calendar half year	Leave of Private Affairs to be deducted (1 /10thof the period in Col.-3)	
From	To				
1	2	3	4	5	6

Total Leave on Private Affairs at credit in days(Cols. 4+11-6)	Leave taken	Number of days	Balance of leave of Private Affairs on returnfrom leave(Cols. 7-10)	Remarks	
	From	To			
7	8	9	10	11	12

InstructionsNotes. - (1) The leave on Private Affairs due should be expressed in days.(2)When a government servant is appointed during the course of a particular calendar half year, Leave on Private Affairs should be credited at the rate of 2-1/2 days for each completed month of service in the calendar half year in which he is appointed and the fraction of a day will be rounded to the nearest day.(3)The old leave account of the Leave on Private Affairs in respect of existing government servant has to be closed and the balance as on June 30, 1979 will have to be carried forward to the new account in Column 11 while doing so, the balance at credit on June 30, 1979 may be rounded off to the nearest day.(4)The entry in Column 6 should be in complete days. Fraction of a day will be rounded to the nearest day.(5)Period of extraordinary' leave should be noted in red ink.(6)When commuted leave is granted under Rule 4 of F.R. 81-B twice the amount of such leave shall be shown in entries relating to leave on private affairs in Columns 10 and 11. The period of commuted leave granted should be shown in Column 12 for remarks.(2)Leave on Medical Certificate. - (I) A

government servant to whom these rules apply may be granted leave on medical certificate not exceeding twelve months in all during his entire service. Such leave shall be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority :Provided that when the maximum period of twelve months is exhausted further leave on medical certificate not exceeding six months in all during entire service may be granted in exceptional cases on the recommendations of a medical board :Provided further that (i) in all cases in which Govt, servant may have before the date of application of the rules to them availed of leave on medical certificate under Fundamental Rule 81-B, and the Subsidiary Rule 157 or 157-A, as the case may be, the period of such leave availed of under F.R. 81-B and Subsidiary Rule 157, shall be taken into account in calculating the leave to them under this rule.(II)[Under this rule lave up to sixty days may be granted by the competent authority on recommendation of the authorised medical authority. Leave exceeding this period may not be granted unless the competent authority is satisfied that there is a reasonable probability that the Government servant will be fit to return to duty on the expiry of the leave applied for.(See also Subsidiary Rule 87)Provided that when a Government servant dies during the treatment of his illness and the medical leave is otherwise due to such Government servant, the authority competent to grant leave shall sanction the medical leave.] [Substituted by Notification No. G-4-525/X-96-201-76, dated 19the August, 1996. Published in U.P. Gazette Part 1-Ka, dated 26 October, 1996.](3)[Leave on private affairs. [Substituted by Notification No. 6-4-1071/X-92-201-76 dated 21st December, 1992. Published in U.P. Gazette Part 1 (Ka), dated 5th March, 1994.] - A Government servant to whom these rules apply may also be granted leave on private affairs not exceeding three hundred and sixty-five days in all during his entire service.(i)He shall be entitled to thirty-one days' leave on private affairs in every calendar year.The following procedure shall be deemed to have come into force with effect from 1st July, 1979; in regard to calculation of leave on private affairs in respect of Government servants serving in the State.(ii)Leave on private affairs shall be credited in advance, in the leave account of every Government servant in two half-yearly instalments in each calendar year.Sixteen days' leave on private affairs shall be credited on the first day of January and fifteen days' leave on private affairs on the first day of July of every calendar year.(iii)When the total of leave on private affairs amounts to three hundred and sixty-five days, a Government servant shall cease to earn such leave.(iv)The leave on private affairs at the credit of a Government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed a maximum limit of three hundred and sixty-five days.(v)In the case of a Government servant appointed on or after July 1, 1979, the leave on private affairs shall be credited at the rate of 2 ½ (two and half) days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.(vi)The credit of leave on private affairs under Clauses (i) and (ii) above shall be reduced by one-tenth of the period of extraordinary leave availed of during the previous half year subject to a maximum of fifteen days.(vii)In the case of a Government servant who ceased to be a Government servant due to retirement, resignation, death or any other reason in a particular half year, the leave on private affairs shall be credited to his leave account at the rate of 2 ½ (two and a half) days for each completed calendar month up to the date he ceases to be a Government servant. In such cases the deduction on account of extraordinary leave availed of from the beginning of that particular half year up to the date he ceases to be a Government servant, shall be made from leave

on private affairs credited to his leave account for that particular half year. If the leave on private affairs already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn. Therefore, before any payment of leave salary and/or pay is made to the Government servant concerned in respect of that month in which he ceases to be a Government servant, it shall be duly ensured by the competent authority that the leave on private affairs in excess of the credit so due to him has not been sanctioned and overpayment of leave salary has not been made;(viii)while affording credit of leave on private affairs fractions of a day shall be rounded off to the nearest day.(ix)A Government servant on leave on the last day of a half year shall be entitled to avail of the leave on private affairs to be credited to his leave account on the first day of the following half year of the calendar year, subject to the condition that the competent authority has reason to believe that the government servant shall return to duty on its expiry.(x)The leave accounts of Government servants in respect of leave on private affairs as they existed before the commencement of these rules shall be closed and leave on private affairs at their credit on June 30, 1979 shall be carried forward to their new leave account to be maintained in Form 11-E enclosed to these rules.(xi)Every order sanctioning leave on private affairs, issued by the competent authority in respect of Government servants subordinate to him shall indicate the balance of leave on private affairs at the credit of the Government servant concerned at that time.(xii)The maximum period of leave on private affairs that may be granted to a Government servant at a time shall be ninety days if spent in India. Leave on private affairs may be granted to him exceeding a period of ninety days but not exceeding one hundred and eighty days if the entire leave so granted or any portion thereof is spent outside India but the period of such leave spent in India shall not in the aggregate exceed the limit of ninety days;(xiii)No leave may be granted under this sub-rule unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry or unless it is included in leave preparatory to retirement.(xiv)In all cases in which government servants may have, before the commencement of these rules, availed of leave on private affairs under Fundamental Rule 81-B and Subsidiary Rule 157-A, the period of leave so availed of shall be taken into account in arriving at the amount of leave on private affairs admissible under this sub-rule. For this purpose, the Government servant shall be deemed to have earned the leave on private affairs, not three hundred and sixty-five days, under the provision of these rules, from the date of their continuous service, whether in a temporary or a permanent capacity. If leave in excess of three hundred and sixty-five days has been taken by a Government servant before the application of this sub-rule in his case, the minus balance shall be waived and no further leave shall be earned by him. In other cases where a Government servant has availed of leave in excess of the leave admissible on the date but not exceeding the list of three hundred and sixty five days, it shall be adjusted against the leave on private affairs that will be earned by him subsequently.](4)Commuted Leave : - Commuted leave, that is half the amount of leave on private affairs admissible under sub-rule (3) of this rule, may be allowed at the option of the Govt, servant proceeding on study leave under FR 84 subject to the following conditions :(i)The authority competent to sanction leave is satisfied that the Govt, servant requires the leave for purposes of obtaining higher technical qualifications.(ii)The grant of the leave shall be restricted on any one occasion to forty-five days if spent wholly in Asia and ninety days if spent wholly outside Asia. If the leave is spent partly in and partly outside Asia, the period shall be restricted to forty-five days plus such time as is actually spent outside Asia subject to a maximum total period of ninety days.(iii)When commuted leave is granted twice the amount of such leave shall be debited in the leave account against the leave on private

affairs due.(iv)No leave may be granted under this rule unless the authority competent to sanction leave has reasons to believe that the Govt, servant will return to duty on its expiry.(5)Extraordinary Leave. - A Govt. Servant to whom these rules apply may be granted extraordinary leave in accordance with the provisions of Fundamental Rule 85 read with Fundamental Rule 18.(6)Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.Rules 85 (a) and (b). - (a) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.(b)The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with or in continuation of, any leave that is admissible and may commute retrospectively period so of absence without leave into extraordinary leave.(6)Maternity Leave. - [Maternity leave on full pay which a female Government servant, whether permanent or temporary, may be drawing on the date of proceeding on such leave may be granted to her by the head of the department or by a lower authority to whom power may be delegated in this behalf subject to the following -(1)In cases of confinement the period of maternity leave may extend up to the end of three months from the date of the commencement of leave;Provided that such leave shall not be granted for more than three times during entire service including temporary service:Provided also that if any female Government servant has two or more living children, she shall not be granted maternity leave even though such leave may otherwise be admissible to her. If, however, either of the two living children of the female Government servant is suffering from incurable disease or is disabled or crippled since birth or contracts some incurable disease or becomes disabled or crippled later, she may, as an exception, be granted maternity leave till one more child is born to her subject to the overall restriction that maternity leave shall not be granted for more than three times during the entire service :Provided further that no such leave shall be admissible until a period of at least two years has elapsed from the date of expiry of the last maternity leave granted under this rule.(2)in cases of miscarriage, including abortion, the period of maternity leave may extend up to a total period of six weeks on each occasion, irrespective of the number of surviving children of the female Government servant concerned, provided that the application for leave is supported by a certificate from the Authorised Medical Attendant :Note. - (1) Delete.Note. - (2) In the case of a person to whom the provisions of Employee's State Insurance Act, 1948, apply, leave salary payable under this rule shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.Note. - (3) Abortion induced under the Medical Termination of Pregnancy Act, 1971, should also be considered as a case of 'abortion' for the purpose of granting 'maternity leave' under this rule.

154. Maternity leave shall not be debited against the leave account and may be combined with leave of any other kind.

Note. - (1) Deleted.Note. - (2) Regular leave in continuation of maternity leave may also be granted in case of illness of a newly-born baby, subject to the female Government servant producing a medical certificate from the Authorised Medical Attendant to the effect that the ailing baby warrants the mother's personal attention and that her presence at the baby's side is absolutely necessary.Note. - (3) In the case of temporary Government servant the leave granted under Rules

153 and 154 shall not extend beyond the period the appointment is likely to last.](7)Casual Leave: - S.R. 201. - Casual leave is not recognised and is not subject to any rule, Technically therefore a Government servant on casual leave is not subject to absent from duty, and his pay is not intermitted, Casual leave, however, must not be given so as to cause evasion of the rules regarding-(i)Date of reckoning allowance.(ii)Charge of Office.(iii)Commencement and end of leave.(iv)Return to duty.(8)Special disability leave : - Para 83 (1). - The Governor may grant special disability leave to a Government servant whether permanent or temporary who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.(2)The period of leave granted shall be such as is certified by the medical board to be necessary. It shall not be extended except on the certificate of a medical board and shall in no case exceed 24 months.(3)Such leave may be combined with leave of any other kind.(4)Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.(5)Such leave shall be counted as duty.(6)Except as mentioned below, leave salary during such leave shall be equal.(a)For the first four months of any period of such leave including a period of such leave granted in Clause (5) of this rule, to average pay, and(b)For the remaining period of any such leave to half average pay, or at the Government servants option, for a period of not exceeding the period of average pay which would otherwise be admissible to him to average pay :Provided.....to whom W/M Comp Act, applies.(9)Leave earned by Temporary Service [See U.P. Subsidiary (First Amendment) Rules 1992.]Earned Leave [See amended Rules-81B (1)]Leave on Medical Certificate: - A Government servant to whom his S.R. applies may also be granted leave on medical certificate not exceeding four months in all during his entire temporary service. Such leave can be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority.Leave on Private affairs [Rule 81-B (3) Amended]Extraordinary leave :A Government servant to whom this S.R. applies may be granted extraordinary leave in accordance with the provision of FR 85 where the post is likely to last till his return to duty, provided that duration of extraordinary leave on any one occasion shall not exceed the following limits;(i)Three months.(ii)Six months in cases where the Government servant has completed three years continuous service and his request for such leave is supported by a medical certificate as required under this rule.(iii)Eighteen months when the Government servant has completed one year's continuous service and is undergoing treatment for pulmonary tuberculosis or leprosy.(iv)Twenty-four months subject to a maximum limit of thirty-six months in all, during entire temporary service whether the leave is required for the purpose of pursuing studies in India or abroad certified to be in the public interest provided that-(1)The Government servant concerned has completed three years of continuing service.(2)Before the grant of extraordinary leave the Government servant gives an undertaking by executing a bond to serve at least for three years or in defaultpay an amount equal to four times of monthly pay.(10)Leave Salary :[87-A. A Government servant subject to the leave rules in Fundamental Rule 81-B, when on leave, shall be entitled. [Substituted by Notification No. G-4-1395/X-88-200-76 dated 13.10-1988 (w.e.f. 1.4.1978).] - (1) If on earned leave, or on leave on medical certificate against the limit of twelve months laid down in that rule, to leave salary equal to the pay drawn immediately before proceeding on leave :Provided that if the government servant is reverted from a post carrying a higher scale of pay to a post carrying a lower scale of pay and proceeds on leave, from the date of his reversion, he

will be entitled to leave salary equal to the pay which would have been admissible under the rules had he not proceeded on leave.(2)If on leave on private affairs under sub-rule (3) or on leave on medical certificate under the first proviso to sub-rule (2) (i) of Fundamental Rule 81-B, to leave salary equal to half the amount specified in sub-rule (1).(3)If on commuted leave, to leave salary, equal to the amount admissible under sub-rule (1).(4)If on extraordinary leave, to no leave salary.Note. - In the case of a person to whom the provisions of Employee's State Insurance Act, 1948, apply, the leave salary payable under this rule in respect of leave on medical certificate shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.Order of the Governor regarding Rule 87-A :(1)In the cases of government servants to whom Rule 87-A applies, the authority competent to grant leave has no power to alter the nature of leave applied for.(2)The authority which granted leave to government servant governed by Rule 87-A, can commute it, retrospectively into leave of a different kind which was admissible at the time the leave was originally granted but the government servant concerned cannot claim it as a matter of right. (See also orders of the Governor under Subsidiary Rule 158).(3)The commutation of one kind of leave into another automatically carries with it the drawal of arrears of leave salary or recovery of amounts overdrawn.](11)Other Important Leave Rules :F.R. 55. - (1) Leave may not be granted to a Government servant under suspension.F.R. 60. - (2) Leave is earned by duty only. For 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.F.R. 65 (b). - A Government servant who is dismissed or removed from service, but is reinstated on appeal or revision, is entitled to count his former service for leave.F.R. 67. - Leave cannot be claimed as right. It is on the direction of the authority empowered to grant it. That authority is fully empowered to refuse it if the exigencies of the public service so require.F.R. 68. - Sunday or other recognized holidays may be prefixed to leave or affixed to leave or joining time subject to such conditions and under such circumstances as the Governor may by rule or order prescribe.F.R. 69. - A Government servant during leave may not take any service or accept any employment without obtaining the previous sanction of the appointing authority.F.R. 69 (2) (b) (2). - A Government servant is on duty during a duly authorised course of instruction or training.F.R. 70. - A Government servant is liable to be recalled to duty before expiry of his leave but all such orders should state whether the return to duty is optional or compulsory. In the former case, the Government servant is not entitled to get any concession from Government and in the latter case he is entitled, under certain circumstances to travelling allowance for joining his duty under Rule 51 of the Financial Hand Book, Volume III, and the Government servant will be treated on duty from the date on which he starts for the station where he has to report himself for duty.F.R. 73. - 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 debited against his leave account as though it were leave on half average pay, unless his leave is extended by the Government wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 15.Audit Instruction Regarding Rule 73 :Fraction of a day should not appear in the leave accounts. Fractions below $\frac{1}{2}$ should be ignored and those of $\frac{1}{2}$ or more should be reckoned as one day.F.R. 76. - A leave account shall be maintained for each Government servant.F.R. 82. - (b) Vacation counts as duty.F.R. 99-A. - If a Government servant whose leave is governed by F.R. 81-B, or subsidiary Rule 157-A, applies for earned leave within three months of return from vacation, either taken along or combined with earned leave a further spell of earned leave should not save in most exceptional circumstances be granted if the total combined period of earned leave applied for and the vacation

and earned leave admissible at a time under the proviso to sub-rule (1) of F.R. 81-N governed by sub-rule (1) of subsidiary Rule 157-A. S.R..... 154.A Government servant whose work requires him to be present at his station for a period of the vacation is not considered to have availed himself of the vacation if he has not been absent from the station except on duty for more than fifteen days of the vacation. Every such Government servant should, immediately after the close of the vacation furnish a certificate in the form and according to the procedure prescribed in Note 2 under S.R. 146.Note-2I certify that I was detained on duty from.....to during the vacation of the school/college of the year.....under the order of (Name of higher authority) communicate in his letter No.....dated.....Sign, of the Government servant.DesignationCountersignedSign, of the Higher authority Designation.Para 90(iii) of Manual of Government orders.Sunday or closed holidays which precede a period of casual leave or come at the end of.....may be permitted to be prefixed and/or suffixed to such leave at the discretion of the sanctioning authority who should ensure that by the grant of this permission normal work is not dislocated and this facility is not abused (G.O. No. 8/2/69). Dated 8.9.1969.Medical leave :Rule No. 96-(a). - Where the leave is for a period of one month or less and the incapacity is not due to definite injury the authority competent to sanction leave may at its discretion, secure a second medical opinion, by requesting the Civil Surgeon to have the applicant physically examined. Should it decide to do so; it must arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given.(12)Typical question on leave:Question No. 1. - A clerk absented himself from duty for 15 days on the grounds of illness after submitting a leave application. The leave sanctioning authority disbelieved the statement of clerk and granted him extraordinary leave for this period, although the clerk had applied for earned leave on average pay and the leave application was supported with a medical certificate. The leave applied for was due to him. Has the action of the officer been right?Answer. - In terms of Fundamental Rule 85, extraordinary leave can be sanctioned only when no other kind of leave is due, or when it is specifically applied for. In the present case, because leave on average pay as due to the clerk, which he had duly applied for the nature of the leave was not to be altered. The grant of extraordinary leave therefore has not been in order.Question No. 2 - An officer applied for leave on average pay for 30 days which was admissible to him; but the leave sanctioning authority wanted to punish the officer because the officer was in habit of too frequently taking the leave, extraordinary leave was accordingly sanctioned to the officer. Has the officer been lightly punished?Answer. - When the officer applied for leave on average pay, which was due to him, it was irregular to have granted to him the extraordinary leave, as it is not open to a leave sanctioning authority to alter the nature of leave.Question No. 3. - A Government servant applied for 60 days' leave on average pay followed by leave on half-average pay for 90 days. The leave was certified as admissible. The leave sanctioning authority, however, proposes to grant him only one month's leave on average pay and two months leave on half average pay. Comment on the proposal.Answer. - The proposal is not in order as the nature of the leave; which is due and applied for cannot be altered at the option of the leave sanctioning authority.Question No. 4. - An officer availed 120 days' earned leave on average pay in accordance with the rules. After two months of his joining duty, he again applied for earned leave, which was also due to him. In his application no exceptional circumstance were quoted by the officer should the leave applied for be granted?Answer. - This should not be granted in terms of subsidiary Rule 99 (A) whereby, an interval between two spells of earned leave should be three months, unless there be some most exceptional circumstance. However, when any such leave is specially sanctioned, the

sanctioning authority should record the reasons for the same. Question No. 5. - A Government servant was found guilty in a disciplinary proceeding case and the Competent authority ordered that the official should be granted 120 'days' on average pay 90 days' leave on private affairs on half average pay and thereafter he may be treated as compulsorily retired. Has this action been right. Answer. - The action has not been right. A Government servant for whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service cannot be granted any kind of leave. He should accordingly be treated as retired from the date of order, served on him. Question No. 6. - An unmarried woman Government servant gave birth to a child. She has applied for maternity leave. Should it be sanctioned to her? Answer. - In the definition of maternity leave, the word used is a "female Government servant" to whom it could be sanctioned, with no distinction whether she is married or unmarried. Question No. 7. - A Government servant on medical leave returns back 15 days before the expiry of the leave granted to him. He produces a medical certificate of fitness. Should be allowed to join? Answer. - Under F.R. 72, the officer will not be allowed to join unless he is permitted to do so by the authority which granted leave. Question No. 8. - A Government servant was on leave for 30 days. He did not return to duty upto 7 days of the expiry of leave. How this period will be treated and what leave salary will be allowed to the officer? Answer. - In terms of F.R. 73, no leave salary will be allowed to him and the period of 7 days will be debited to his leave account as leave on his average pay. F.R. (Ch. X, Rule 60). - 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. F.R. (Ch. X, Rule 67). - Leave cannot be claimed as of right when the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it. F.R. (Ch. X, Rule 68). - Leave ordinarily begins on the day on which transfer of charge effects and ends on the day preceding that on which charge is resumed. F.R. (Ch. X, Rule 76). - A leave account shall be maintained for each Government servant.

80. [Leave Account. [Vide Notification No. G-4-1072/X-92-201-76 dated, 21st Dec. 1992, Published in U.P. Gazette Part I (Ka) dated 5th March, 1994.] - The leave account required by Fundamental Rule 76 in Part I shall be maintained in Form No. 11 and 11-A (prescribed by the Auditor General) in respect of Government servant under the special leave rules and ordinary leave rules respectively. The leave account by Rule 76. of the Uttar Pradesh Fundamental Rules shall be maintained in Form No. 11-B, 11-C, 11-D and 11-E.] [Substituted by Notification No. G-4-484/X-90-216-76, dated 3-5-1990.]

F.R. [(Ch. X, Rule 81 (c)]. - Save in the case of preparatory to retirement, 'leave not due' may be granted to the following conditions-(i) on Medical certificates, within limit of amount; and (ii) other than an M.C. for not more than three months at any one time and six months in all reckoned in terms of leave on average pay. Orders of The Governor Regarding F.R. 81 (C) 'Leave not due' may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty and earn it. Governor's Orders Regarding F.R. 81 When a Government servant belonging to a vacation department is allowed to affix vacation to leave taken under this rule, the period of leave on average pay plus vacation which may be taken at

any time is limited to 4 months. If, however, the period of leave on average pay and the vacation are converted by a medical certificate or spent outside India.....leave on average pay may be taken in combination with vacation upto a total period of eight months or six months as the case may be.F.R.[(Ch. X, Rule 82 (b)]. - Vacation counts as duty.F.R. [(Ch. X, Rule 85 (a)]. - Extraordinary leave may be granted in special circumstance : (1) When no other leave is by rule admissible, or (2) When, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.F.R. [(Ch. X, Rule 85 (b)]. - The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible and may commute retrospectively periods of absence without leave into extraordinary leave.Governor's Orders Regarding Rule F.R. 85 (B)The power of commuting retrospectively periods of absence without leave into extraordinary leave is absolute and not subject to the conditions mentioned in clause (a) of Rule; in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave concerned.Subsidiary Rule (Ch. IX, Rule 99). - In cases where all applications for leave cannot, in the interests of the public servant, be granted the authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations :(a)The Government servants who can, for the time being, best be spared.(b)The amount of leave due to the various applicants.(c)The amount and character of the service rendered by each applicant since his 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 interest.Casual LeaveSubsidiary Rule (Ch. XX, Rule 201). - Casual leave is not recognised and is not subject to any rule. Technically therefore a Government servant on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding-(i)Date of reckoning allowances,(ii)charge of office,(iii)commencement and end of leave,(iv)return to duty.Medical LeaveF.R. [Ch. X, Rule 81-B (2)]. - (1) A Government servant to whom these rules apply may be granted leave on medical certificate not exceeding twelve months in all, during his entire service. Such leave shall be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority :Provided that when the maximum period of twelve months is exhausted further leave on medical certificate not exceeding six months in all during entire service may be granted in exceptional cases on the recommendations of a medical board :Provided further that in all cases, in which Government servant may have before the date of application of these rules to them availed of leave on medical certificate under Fundamental Rule 81-B and Subsidiary Rule 157 or 157-A, as the case may be the period of such leave availed of, under Fundamental Rule 81-B and Subsidiary Rule 157-A, as the case may be, and half the period of such leave availed of under Subsidiary Rule 157, shall be taken into account in calculating the leave due to them under this rule.(2)No leave may be granted under this rule, unless the authority competent to sanction leave is satisfied that there is a reasonable probability that the Government servant will be fit to return to duty on the expiry of the leave applied for. (See also Subsidiary Rule 87).Medical CertificateSubsidiary Rules (Ch, IX, Rule 87). - 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 the Government servant is permanently unfit for Government

service should be recorded in the Medical Certificate. Form of Medical Certificate. - As prescribed under Subsidiary Rule 95, Ch. IX). Signature of applicant I after careful personal examination of the case, hereby certify that Sri/ Smt/Km.....whose signature is given above is suffering from.....The symptoms of the disease now present are.....In my opinion the cause of the disease is.....The duration of the disease reckoned to this date is.....and the outline of the previous history of his disease ascertained from.....is as follows-I consider that a period of absence from duty of Sri/Smt./Km., w.e.f.is absolutely necessary for the restoration of his/her health.

Maternity Leave Subsidiary Rule (Ch. XIII, Rule 153). - Maternity leave on full pay which a female Government servant, whether permanent or temporary, may be drawing on the date of proceeding on such leave may be granted to her by the head of the department or by a lower authority to whom power may be delegated in this behalf subject to the provisos mentioned at the end of this rule for a period which may extend-(1)in cases of confinement, up to the end of three months from the date of the commencement of the leave or to the end of six weeks from the date of confinement whichever is earlier;(2)in cases of miscarriage including abortion, up to a total period of six weeks on each occasion, provided that the application for leave is supported by a certificate from the Authorised Medical Attendant; Provided that such leave shall not be granted for more than three times during the entire service including temporary' service: Provided further that no such leave shall be admissible until a period of at least two years has elapsed from the date of expiry of the last maternity leave granted under this rule.

Subsidiary Rules (Ch. XII, Rule 154). - Maternity leave shall be debited against the leave account and may be combined with leave of any other kind, but any leave applied for in continuation of maternity leave may be granted only if the request is supported by a medical certificate.

Subsidiary Rules (Ch. XVII, Rule 167). - A female servant employed at piece rates or daily rates in a permanent or quasi permanent Government institution or concern may be granted by the Head of the Department maternity leave on the same conditions and terms as laid down in Rule 153.

Regarding Leave Salary F.R. (Ch. X, Rule 87-A). - Government servant subject to the leave rules in F.R. 81-B, when on leave, shall be entitled-(1)except as provided sub-rule (2), below, if on earned leave, or on leave on medical certificate against the limit to 12 months laid down in that rule to leave salary equal to average pay or the substantive pay the Government servant is entitled immediately before the commencement of the leave, whichever is greater;(2)if he proceeds on earned leave, or on leave on medical certificate against the limit of 12 months laid down in that rule, from a post the maximum of which does not exceed 90 per mensem, to leave salary equal to the pay drawn immediately before proceeding on leave;(3)if on leave on private affairs under sub-rule (3) or on leave on medical certificate under the first proviso to sub-rule (2) (i) of F.R. 81-B, to leave salary' equal to half of amount specified in sub-rule (1) or sub-rule (2) above as the case may be subject to a maximum of Rs. 750;(4)if an extraordinary leave, to no leave salary.

Explanation. - For the purpose of this rule, 'average pay' means the monthly pay earned during the ten complete months immediately preceding the month in which the leave commences, and whose such ten complete months have not elapsed since the date of joining the service 'average pay' means the average monthly pay earned during the complete month immediately preceding the month in which the leave commences.

Governor's Orders Regarding F.R. 87-A(1) In the case of Government servants to which Rule 87-A applies, the authority competent to grant leave has no power to alter the nature of leave applied for.(2)The authority which granted leave to a Government servant governed by Rule 81-A can commute it retrospectively into leave of a different kind which was admissible at the time the leave was originally granted but the Government servant

concerned cannot claim it as a matter of right.(3)The commutation of one kind of leave into another automatically carries with the drawal of arrears of leave salary or recovery of amounts overdrawn.VacationSubsidiary Rule 145, Chap. XI. - A Government servant whose work requires him to be present at his station for a portion of the vacation is not considered to have availed himself the vacation if he has not been absent from the station except on duty for more than 15 days of the vacation. Every such Government servant should, immediately after the close of the vacation, furnish a certificate in the following form, prescribed form (also for Gazetted Government servant to be sent to A.G., U.P. himself.....through the higher authority).Certify that I was determined on duty from to.....during the vacation of the (School, College, etc.) of the year.....under the order of (name of higher authority).....communicated in his letter No.....dated.....Signature of theGovernment ServantDesignation.CountersignedSignature of the higher authority.Designation.