

The U.P. Government Servants (Employment Leave) Rules, 2003

UTTAR PRADESH

India

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Rule

THE-U-P-GOVERNMENT-SERVANTS-EMPLOYMENT-LEAVE-RULES-2003 of 2003

- Published on 4 January 2003
- Commenced on 4 January 2003
- [This is the version of this document from 4 January 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Government Servants (Employment Leave) Rules, 2003Published vide Notification No. 13/10/2002-Ka-1-2003 dated January 4, 2003, U.P. Gazette Extra Part 4 Section (Kha) dated 4 January, 2003. pp 4-6In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules :

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Government Servants (Employment Leave) Rules, 2003.(2)They shall come into force at once and shall remain in force till March 31, 2008.

2. Overriding effect.

- These rules shall have effect notwithstanding anything to the contrary contained in any other rules or orders.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context:(a)'Constitution' means the Constitution of India;(b)'Employment Leave' means such leave which is sanctioned by the competent authority to a Government servant for undertaking any kind of private trade or business or employment etc. in an organisation other than the Government Departments, Semi-Government Departments, a Corporation, a Board, a Public Undertaking or a Body owned or controlled by the State Government of Uttar Pradesh.(c)'Government' means the State Government of Uttar

Pradesh;(d)'Government Servant' means a Government servant of the State Government of Uttar Pradesh other than a Government servant belonging to the All India Service and who-(i)is a regular Government servant appointed in a substantive capacity; and(ii)is not appointed on ad hoc, daily wages, fixed wages or contract basis;(e)'Government service' means the public services and posts in connection with the affairs of the State of Uttar Pradesh;(f)Governor' means the Governor of Uttar Pradesh.

4. Application.

- Unless otherwise provided, these rules shall be applicable to such permanent Government servant who has completed at least five years of service after having been confirmed in the service he belongs to and who is appointed on a post in a Government department of the State Government of Uttar Pradesh other than the post belonging to an All India Service, but these rules shall not be applicable to such category of Government servants of the following departments as are mentioned in the brackets against each of them-(a)Medical, Health and Family Welfare Department (Medical Staff, Para-Medical Staff and Technical Staff).(b)Medical Education Department (Teaching Staff, Medical Staff, Para-Medical Staff and Technical Staff).(c)Technical Education Department (Teaching Staff, Library Staff and Laboratory Staff).(d)Higher Education Department (Teaching Staff, Library Staff, Sports Staff and Laboratory Staff).(e)Basic and Secondary Education Department (Teaching Staff and Library Staff).(f)Home (Police) Department (Non-Ministerial Category).(g)Government servants placed under probation.(h)Such Government servants who are under suspension or against whom prosecution or disciplinary proceedings are pending.

5. Conditions of Employment Leave.

(1)Government servants may be sanctioned Employment Leave for a minimum period of three years and a maximum period of five years. Such Government servants shall, in no case, be allowed to return to duty in the Government service from the Employment Leave before the completion of three years.(2)State Government in case of Government servants belonging to Group A' and Group B' posts and the Head of the Department in case of Government servants belonging to Group C' and Group 'D' posts will be empowered to sanction/disallow the Employment Leave.(3)During Employment Leave, the Government servant shall be at liberty to undertake any other service or self-employment in India or abroad. On the completion of Employment Leave and on re-assuming the charge of his post in the Government service, he shall be required to submit a brief description of his work and employment undertaken by him during the period of Employment Leave.(4)The Government servant seeking Employment Leave shall, during such leave, not be eligible for appointment in another department of the State Government or in a Corporation, Mandal, Company or an autonomous institution, Local Authority, Local Board, Local Body, Society etc. owned, controlled or aided by the State Government. He shall also be ineligible to work as Consultant in the above mentioned offices and institutions.(5)During Employment Leave the concerned Government servant shall be entitled to get fifty per cent of the amount of his basic pay and the allowances thereon (Dearness Allowance, City Compensatory Allowance and House Rent Allowance etc.) which was admissible to him immediately before his proceeding on such leave. Deduction of General Provident Fund, Group Insurance Scheme, House Rent and Income Tax etc.

shall, as per rules, be made from the salary of the concerned Government servant. In the case of death of a Government servant during the period of Employment Leave, he shall be entitled to the benefits provided under the rules in force regarding the Family Welfare Scheme or the Group Insurance Scheme as per rules.(6)The Government servant may be allowed to retain his pre-allotted official residential accommodation during the period of Employment Leave. For this purpose, he shall be required to pay the standard rent for the first three months and thereafter the rent at the prevailing market rate shall be paid by him.(7)The Government servant shall not be eligible to avail the facility of medical reimbursement during the period of Employment Leave.(8)No other kind of leave shall be admissible during the period of Employment Leave and such period shall also not be counted for the eligibility of any other kind of leave.(9)The period of Employment Leave shall not be counted for the purpose of granting of annual increment.(10)During the period of Employment Leave, the seniority of the concerned Government servant shall remain unaffected but he shall not be entitled for promotion. In case the persons junior to him have been promoted, the granting of notional promotion to him may be considered on his reversion from Employment Leave.(11)The period of Employment Leave shall not be counted for the purpose of computation of qualifying service for pension.(12)Such Government servants who have executed a Bond with the Government for rendering their services for a fixed period shall not be eligible for Employment Leave before the completion of such stipulated period.(13)The recovery of loans for the purposes of House Building or purchasing a vehicle etc. sanctioned to Government servants prior to their proceeding on Employment Leave shall be continued as per rules during the period of Employment Leave.(14)The provisions of the Uttar Pradesh Government Servants Conduct Rules, 1956, as amended from time to time, regarding the engagement of a Government servant in any kind of private trade or business shall stand relaxed during the period of Employment Leave. Other provisions of the aforesaid rules shall remain in force.(15)The post held by a Government servant prior to his proceeding on Employment Leave shall be kept vacant and shall not be filled in any manner. The authority empowered to sanction Employment Leave to a Government servant shall be competent to draw his salary during the period of Employment Leave.(16)A Government servant who is on Employment Leave may resign from the Government service at any time during the period of Employment Leave in accordance with the provisions of the Uttar Pradesh Government Servants Resignation Rules, 2000, as amended from time to time. A Government servant who is on Employment Leave and who has completed the required length of qualifying service for the purpose of pension may seek voluntary retirement from Government service at any time during the period of Employment Leave which shall be considered in accordance with the standing orders of the Government regarding voluntary retirement.(17)If after the period of five years, a Government servant does not return to duty in the Government service-(a)It shall be deemed that he has sought voluntary retirement if he has completed the required length of qualifying service for pension.(b)It shall be deemed that he has resigned from Government service if he has not completed the required length of qualifying service for pension.