

LEAVE RULES

3. 'THE ALL INDIA SERVICES (LEAVE) RULES, 1955

In exercise of the powers conferred by sub section (1) of section 3 of the All India Services Act, 1951 (LXI of 1951), the Central Government after consultation with the Governments of the States concerned, hereby makes the following rules, namely:—

1¹. **Short title**—These rules may be called the All India Services (Leave) Rules, 1955.

2. **Definitions**—In these rules, unless the context otherwise requires:—

2(a) 'commuted leave' means leave taken under rule 13;

2(b) 'completed year of service' means continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave including extraordinary leave;

2(c) 'duty' means duty as a member of the Service and includes:—

(i) service as probationer;

(ii) joining time;

(iii) such other periods as the Government may, by general or special order, declare as 'duty';

2 (d) 'earned leave' means leave earned under rule 10;

2 (e) 'earned leave due' means the amount of earned leave to the credit of a member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rule by which he was governed immediately before that date plus the amount of earned leave calculated as prescribed in rule 10 diminished by the amount of earned leave taken after the date on which he became subject to these rules;

2 (f) 'foreign service' means service where a member of the Service receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State;

2 (g) 'Government' means :

(i) in the case of member of the Service serving in connection with the affairs of the Union, the Central Government; or

(ii) in the case of a member of the Service serving under a foreign Government (whether on duty or on leave), the Central Government; or

(iii) in the case of a member of the Service serving in connection with affairs of a State, the Government of that State; or

(iv) in the case of a member of the Service on leave, the Government who sanctioned him the leave;

¹ The principal rule was published vide Notification No. 5/2/53-AIS(II), dated 12.09.1955 (GSR No. 1979 dt. 17.09.1955)

¹ Notification No. 5/2/53-AIS(II) dated 12.09.55 (GSR No. 1979 dt. 17.09.55)

²Provided that in the case of a member of the Service who is granted leave on expiry of his deputation to the Central Government, another State Government or Foreign Service, "Government" shall also include the Government of the State on whose cadre he is borne.

*Explanation:—*A member of the Service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for the purposes of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State.

2(h) 'half pay leave' means leave earned under rule 12 in respect of completed years of service;

2 (i) 'half pay leave due' means the amount of half pay leave to the credit of member of the Service on the date on which he became subject to these rules calculated in accordance with the Government rules by which he was governed immediately before that date plus the amount of half pay leave calculated as prescribed in rule 12 diminished by the amount of half pay leave including twice the amount of commuted leave taken under these rules;

2 (j) 'joining time' means the time allowed to a member of the Service in which to join a new post or to travel to or from station to which he is posted;

2(k) 'leave' includes earned leave, half pay leave, commuted leave, leave not due, extraordinary leave, study leave, special disability leave, maternity leave or any other authorised leave of absence;

2 (l) 'leave salary' means the monthly amount admissible to a member of the Service who has been granted leave under these rules;

³2(m) 'member of the service' means a member of "an All-India Service" as defined in Section 2 of the All-India Service Act, 1951 (61 of 1951)

2(n) 'month' means a calendar month.

*Explanation:—*In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days of which each such month may consist shall first be calculated and the odd number of days calculated subsequently.

3. Right of leave—3 (1) Leave cannot be claimed as of right and when the exigencies of public service so demand, leave of any description may be refused or revoked by the Government.

3(2) It shall not be open to the Government to compel any member of the Service to proceed on leave or, except at the request of the member of the Service, to alter the nature of leave due and applied for.

4. Earning of leave—Except as otherwise provided in these rules, leave shall be earned by duty only.

Explanation: For the purpose of this rule, the period spent on foreign service counts as duty if, on account of such period, contributions towards leave salary have been paid by the foreign employer or the member of the Service or remitted by the Government.

² Inserted vide M.H.A. Notification No. 14/2/68-AIS(III) dated 05.09.1968 (GSR No.1562 dt.14.09.1968.)

³ Substituted vide MHA Notification No. 14/9/66-AIS(III) dated 19.10.1966 (GSR No.1633 dt.29.10.1966.).

5. Commencement and termination of leave—Leave ordinarily begins on the day on which a transfer of charge is effected and ends on the day preceding that on which such charge is resumed. Where joining time is allowed to a member of the Service returning from leave out of India, the last day of his leave is the day before the arrival at his moorings or anchorage in the port of debarkation on which the aircraft in which he returns, arrives at its first regular port in India:

Provided that the Government may prescribe the circumstance in and conditions on which Sundays or other public holiday may be prefixed, or, affixed (or both prefixed and affixed) to leave.

6. Return to duty on expiry of leave—Except with the permission of the authority which granted him leave, no member of the Service on leave may return to duty before the expiry of the period of leave granted to him.

7. Maximum period of absence from duty—(1) No member of the Service shall be granted leave of any kind for a continuous period exceeding five years.

⁴(2) A member of the Service shall be deemed to have resigned from the service if he -

- (a) is absent without authorisation for a period exceeding one year from the date of expiry of sanctioned leave or permission, or
- (b) is absent from duty for a continuous period exceeding five years even if the period of unauthorized absence is for less than a year, or
- (c) continues of foreign service beyond the period approved by the Central Government:

Provided that a reasonable opportunity to explain the reason for such absence or continuation of foreign service shall be given to the member of the Service before the provisions of this sub-rule are invoked.

8. Combination of leave—Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

9. Grant of leave beyond the date of retirement

⁵9(1) No leave shall be granted to a member of the Service beyond the date on which he retires from service under Rule 16 of the All India Services (Death cum Retirement Benefits) Rules, 1958.

⁶9(2)

⁷9(3)

⁸9(4) The Government shall suo motu sanction to a member of the Service who is deemed to have retired from service under sub-rule (1) of rule 5A of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, the cash equivalent of leave salary in respect of the period of earned leave at his credit on the deemed date of his retirement to the

⁴ Substituted by DO&T Notification No. 11019/15/2003-AIS-III dated 19.10.2004 (GSR No.373, dt. 30.10.2004 and Notification No. 11019/15/2003-AIS-III dated 19.03.2007 (GSR No.207E dated 19.03.2007)

⁵ Substituted vide MHA Notification No. 14/1/69-AIS(III) dated 13.5.1970 and further modified by DP&AR Notification No. 11019/40/77-AIS(III) dated February, 1979 (GSR No. 366, dt. 10.03.1979)

⁶ Deleted vide Notification No. 11019/25/81-AIS(III) dated 03.02.1984 (GSR No. 163, dated 18.02.1984)

⁷ Deleted vide DP&AR Notification No. 19/40/77-AIS(III) dt. 12.02.1979 (GSR No. 366 dated 10.03.1979).

⁸ Substituted vide DP&AR Notification No. 11019/10/86-AIS(III) dated 14.05.1987 (GSR No.406 dt. 30.05.1987)

extent permissible under the orders issued by the Central Government in regard to the officers of the Central Civil Services, Group 'A'.

⁹9(5)

10. Rate and amount of earned leave —

¹⁰10(1)(a) The leave account of a member of the Service shall be credited with 30 days earned leave in calendar year. This shall be done in advance in two instalments of 15 days each on the 1st of January and July, every year:

¹¹Provided that the leave account of a member of the Service working in the North East or who goes on inter-cadre deputation to a North Eastern State shall be credited 40 days earned leave in calendar year. This shall be done in advance in two instalments of 20 days each on the 1st of January and July, every year.

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

10(1)(c) The earned leave at the credit of a member of the Service at the close of a half-year shall be carried forward to the next half-year subject to the condition that the earned leave so carried forward plus the credit for that half-year shall not exceed 300 days.

10(1)(d) If a member of the Service is appointed on or after the 1st of January of a year, earned leave shall be credited to his leave account at the rate of 2 1/2 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:

¹²Provided that earned leave shall be credited to the leave account at the rate of 3-1/3 days for each completed calendar month of service for a member of the Service working in the North East or on inter-cadre deputation to a North Eastern State.

10(1)(e) The credit for the half-year in which a member of the Service is due to retire or resign from service shall be afforded only at the rate of 2 1/2 days per completed calendar month in the half-year up to the date of retirement or resignation. If the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary overdrawn, if any:

¹³Provided that the credit for the half year in which a member of the Service working in the North East or on inter-cadre deputation to a North Eastern State is due to retire or resign from service shall be afforded at the rate of 3-1/3 days for each completed calendar month.

10(1)(f) When a member of the Service is removed or dismissed from the service or dies while in service, credit of earned leave shall be allowed at the rate of 2 1/2 days per completed calendar month up to the end

⁹ Deleted vide DP&AR Notification No. 11019/5/76-AIS(III) dated 20.06.1977 (GSR No. 815 dt. 25.06.1977.)

¹⁰ Substituted vide DOP&T Notification No. 11019/6/97-AIS(III) dt. 03.03.1998 (GSR No. 60 dt. 14.03.1998)

¹¹ Inserted vide DOP&T Notification No.11019/17/2005-AIS-III dated 19.03.2007(GSR No.208E dated 19.03.2007)

¹² ibid note 11

¹³ ibid note 11

of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service. Where the quantum of earned leave is in excess of the leave, the overpayment of leave salary shall be recovered in such cases:

¹⁴Provided that when a member of the Service working in the North East or on inter-cadre deputation to a North Eastern State is removed or dismissed from the service, credit of earned leave shall be allowed at the rate of 3-1/3 days for each calendar month

¹⁵10(1)(g) When a member of the Service joins a new post without availing full joining time by reason that—

- (a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled; or
- (b) he proceeds alone to new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family, the number of days of joining time subject to a maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave:

Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 300 days.

¹⁶[Note: For the provisos in clauses (a), (d), (e), (f), in sub-rule(1), "North East" or "North Eastern State" shall mean North East cadres of Assam-Meghalaya, Manipur-Tripura, Nagaland and Sikkim.]

10(2) While affording credit under sub rule (1) fraction of a day shall be rounded off to the nearest day.

10(3) In the case of a State service officer appointed to the All India Services the maximum limit on accumulation of leave laid down in clause(c)¹⁷ of sub-rule (1) shall not apply during the period of the first five years from the date of his appointment to the Service or from that of the commencement of these rules, whichever is later, and such an officer may be allowed during the said period of five years to avail himself of the accumulated leave to his credit:

Provided that on the expiry of the said period of five years the leave at the credit of the officer in excess of the normal maximum limit of accumulation of leave laid down in sub-rule (2) shall lapse:

Provided further that he shall not earn leave during that period unless the accumulated leave at his credit falls below 300 days.

11. ¹⁸Maximum Leave Admissible at a time —

¹⁴ ibid note 11

¹⁵ Substituted vide DP&AR Notification No. 11019/5/76-AIS(III) dated 14.05.1977, inserted vide Notification No. 11019/4/88-AIS(III) dated 08.01.1990 (GSR No. 45, dt. 27.01.1990)

¹⁶ Inserted vide DOP&T Notification No.11019/17/2005-AIS-III dated 19.03.2007(GSR No.208E dated 19.03.2007)

¹⁷ Substituted vide DP&AR Not. No. 11019/5/76-AIS(III) dated 20.05.1977 (GSR No. 815 dt.25.06.1977)

¹⁸ Substituted vide Not. No. 11019/6/91-AIS(III) dated 03.05.1993 (GSR No. 252 dt. 22.05.1993)

11(1) Subject to the provisions of rule 9, and sub-rule (2) of this rule, the maximum earned leave that can be granted to a member of the service at a time shall be ¹⁹180 days:

²⁰Provided that earned leave granted as preparatory to retirement shall be subject to a maximum of 300²¹ days.

11(2) Earned leave may be granted to a member of the Service exceeding a period of 180 days but not exceeding 240 days, if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Myanmar, Sri Lanka, ²²Nepal and Pakistan:

Provided that where earned leave exceeding a period of 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed 120 days.

12. Half pay leave —

²³12(1) The half pay leave account of every member of Service shall subject to the provisions of sub-rule (2), be credited with half pay leave in advance in two instalments of ten days each on the first day of January and July of every calendar year.

12(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.

12(2) (b) The credit for the half year in which a member of Service is due to retire or resign from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

12(2) (c) When a member of the Service is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

12(3) The leave under this rule may be granted on medical certificate or on private affairs.

13. Commuted Leave —

²⁴13(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a member of the Service subject to the condition that twice the amount of such leave shall be debitable to the half pay leave due.

¹⁹ Inserted vide DOP&T Not.No.11019/6/97-AIS(III) dated 03.03.1998(GSR No. 60 dt. 25.06.1977)

²⁰ ibid note 19

²¹ ibid note 19

²²The words Daman, Diu & Goa omitted vide M.H.A Not. No. 14/1/69-AIS(II), dated 13.05.1970 (GSR No.815 dt. 23.05.1970)

²³ Substituted vide DOP&T Not.No.11019/16/85-AIS(III) dt. 26.5.1986. (GSR No. 411 dt. 07.06.1986).

²⁴ Inserted/deleted/modified vide DP&AR Notification No. 1/9/74-AIS(III) dated 10.06.1975 (GSR No. 754, dt. 21.06.1975) effective from 01.11.1973 & DP&AR Notification No. 11019/13/77-AIS(III) dated 01.07.1977. (GSR No.431E, dt. 01.06.1977.)

13(2) Commuted leave for a period not exceeding ninety days may be granted to a member of the Service during his entire service when such leave is availed of for course of study which is certified to be in public interest by the Government.

13(3) No commuted leave may be granted under this rule unless the Government has reason to believe that the member of the Service will return to duty on its expiry.

²⁵13(4) Where a member of the Service who has been granted commuted leave resigns from service or, at his request, is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the member of the Service for further service or in the event of his death.

14. Leave not due—Save in the case of leave preparatory to retirement leave not due may be granted to a member of the Service for a period not exceeding 360 days during his entire service ²⁶[] on medical certificate.

NOTE— (1) Leave not due shall not be granted to a member of the Service unless the Government is satisfied that as far as can be reasonably foreseen, he will return to duty and earn an equal amount of half pay leave. Leave not due shall be debited against the half pay leave the member of the Service may earn subsequently.

(2) A member of the Service who is invalidated during the currency of or at the end of a period of leave not due, shall be retired from the date of expiry of such leave not due.

(3) Where a member of the Service who has been granted leave not due under this rule applies for and is granted permission to retire, the leave not due shall be cancelled and his retirement shall have effect from the date on which such leave commenced.

15. Extraordinary Leave—

15 (1) Subject to the provisions of rule 7, extraordinary leave may be granted to a member of the Service in the following special circumstances, that is to say—

15 (1) (a) When no other kind of leave is admissible, or

15 (1) (b) When any other kind of leave is admissible but the member of the Service applies in writing for the grant of extraordinary leave.

15 (2) Government may retrospectively convert periods of absence without leave into extraordinary leave even when any other kind of leave was admissible at the time when absence without leave commenced.

15 (3) Extraordinary leave shall not be debited to the leave account.

16. Special disability leave—

²⁵ Inserted vide Notification No. 11019/24/81-AIS(III) dt. 13.04.1983 (GSR No. 338, dt. 30.04.1983)

²⁶ Deleted vide Notification No. 11019/11/88-AIS(III), dt. 29.03.1989. (GSR No.397E, dt. 29.03.1989)

- 16 (1) Special disability leave, which may be combined with leave of any other kind, may be granted to a member of the Service under such conditions as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Governments concerned.
- 16 (2) Such leave shall not be debited to the leave account except as provided in sub-rule (6) of rule 20.
- 16 (3) Such leave may be granted on more than one occasion if the disability is aggravated or reproduced in similar circumstances on a later date but not more than twenty-four months of such leave in all shall be granted in consequence of any one disability.
- 16 (4) When a member of the Service suffers an injury while on service under the Armed Forces, any period of leave granted under the leave rules applicable in the Armed Forces in respect of that injury shall be treated as leave granted under this rule.

17. Study Leave—

- 17 (1) Study Leave may be granted to a member of the Service on such terms as may be prescribed in the regulations made in this behalf by the Central Government in consultation with the State Governments concerned to enable him to undergo, in India or out of India, a special course of study or instructions approved by the Government in public interest.
- 17 (2) Such leave shall not be debited to the leave account.

18. Maternity leave—

- ²⁷18(1) Maternity leave may be granted to a woman member of the Service with less than two surviving children on full pay up to a period of 180* days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- 18 (2) Such leave shall not be debited to the leave account.
- 18 (3) Maternity leave may be combined with leave of any other kind. Notwithstanding the requirement of production of medical certificate contained in rule 13 and rule 14, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of two year*, may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

NOTE: Maternity leave may be granted in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate.

- ²⁸18(A) **Leave to a female member of Service on adoption of child—** (1) A female member of the Service with less than two surviving children, on valid adoption of a child below the age of one year, may be granted child adoption leave for a period of 180 days immediately after the date of such adoption:

²⁷ Inserted vide Not. No. 11019/6/97-AIS(III) dt. 09.03.1998. (GSR No. 60 dt. 14.03.1998)

²⁸ Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

* Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

Provided that child adoption leave shall not be admissible where such member is already having two or more surviving children at the time of such adoption.

(2) During the period of child adoption leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Child adoption leave can be combined with leave of any other kind.

(4) In continuation of child adoption leave granted under sub-rule(1), a female member of the Service on valid adoption of a child, if so applies, may also be granted leave of the kind due and admissible (including commuted leave without production of medical certificate for a period not exceeding 60 days and leave not due), for such period and in such manner as may be specified hereunder, namely:-

- a) if the age of the adopted child is less than one month on the date of adoption, leave up to one year may be allowed;
- b) if the age of the child is six months and above but less than seven months, leave up to six months may be allowed;
- c) if the age of the child is nine months and above but less than ten months, leave up to three months may be allowed;

(5) Child adoption leave shall not be debited against the leave account.

²⁸³⁰18(B) **Paternity leave**—(1) A male member of the Service (including a probationer) with less than two surviving children, may be granted paternity leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e. up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The paternity leave may be combined with leave of any other kind.

(4) The paternity leave shall not be debited against the leave account.

(5) If paternity leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

Note:- The paternity leave shall not normally be refused under any circumstances.

18 (C)* **Paternity leave for child adoption**—(1) A male member of the Service (including a probationer) with less than two surviving children, on valid adoption of a child below the age of one year, may be granted Paternity Leave by the competent authority for a period of 15 days, within a period of six months from the date of such adoption:

Provided that such leave shall not be refused under any circumstances.

²⁸ Inserted vide Notification No. 11019/6/97-AIS(III) dated 09.03.1998 (GSR No.71. dt. 28.03.1998)

³⁰ Substituted vide Notification No.11019/50/2006-AIS(III) dated 26.07.2007 (GSR No.510E, dt.26.07.2007)

* Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

(2) During the period of Paternity Leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) The Paternity Leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed within the period specified in sub-rule (1), such leave shall be treated as having lapsed.

18 (D)* Child Care Leave to a female member of the Service—(1) A female member of the Service having minor children below the age of eighteen years may be granted child care leave by the competent authority for a maximum of 730 days during her entire service for taking care of up to two children.

(2) During the period of child care leave, such member shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Child care leave may be combined with leave of the kind due and admissible.

(4) Notwithstanding the requirement of production of medical certificates contained in sub-rule (1) of rule 13 or rule 14, leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) up to a maximum of one year, if applied for, be granted in continuation of child care leave granted under sub-rule(1).

(5) Child care leave may be availed in more than one spell.

(6) Child care leave shall not be debited against the leave account of the member of the Service.

19. Conversion of one kind of leave into another kind—

19 (1) At the request of a member of the Service, the Government may convert any kind of leave retrospectively into leave of a different kind, which may be admissible, but the member of the Service cannot claim such conversion as a matter of right.

19 (2) If one kind of leave is converted into another the amount of leave salary admissible shall be recalculated and arrears of leave salary paid or amounts overdrawn recovered, as the case may be.

20. Leave Salary—

20 (1) A member of the Service on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave,

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

*Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

- 20 (3) A member of the Service on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).
- 20 (4) A member of the Service on extraordinary leave is not entitled to any leave salary.
- 20 (5) A member of the Service on special disability leave shall be entitled, in respect of the initial period of 120 days, to leave salary in accordance with sub-rule (1).
- 20 (6) In respect of special disability leave beyond the initial period of 120 days leave salary equal to the amount specified in sub-rule (1), may be granted at the option of the member of the Service for a further period limited to the number of days of earned leave due to him in which case the earned leave account shall be debited with half the number of days for which leave salary is granted under this sub-rule.
- 20 (7) The leave salary during special disability leave in respect of any period not covered by sub-rules (5) and (6) shall be at the rate specified in sub-rule (2).

³¹20A **Payment of cash equivalent of leave salary in case of retirement or death.**—(1) Where a member of the Service retires from the service, whether on attaining the age of superannuation under sub-rule(1) of rule 15 or sub-rule(2), (2A) or (3) of rule 16, of the All India Services (Death-cum-Retirement Benefits) Rules, 1958 or dies, the Government shall suo-motu sanction to him or his family, as the case may be, cash equivalent of leave salary in respect of both earned leave and half pay leave, if any, standing in his credit on the date on which he ceases to be member of the Service subject to a maximum of 300 days and pay the same in lumpsum as a one time settlement³². The cash equivalent shall be equal to the leave salary as admissible for earned leave and /or equal to the leave salary as admissible for half pay leave plus dearness allowance admissible on the leave salary for the first 300 days.

(2) The cash equivalent of leave salary payable to a member of service, under sub-rule(1) shall also include dearness allowance but shall not include any other allowances.

(3) The cash equivalent of leave salary for earned leave payable under sub-rule(1) shall be calculated as follows:

³¹ Inserted vide DP&AR Notification No. 1/9/74-AIS(III) dated 10.06.1975 (GSR No.754 dt . 21.06.1975) and sub-rule(1) further modified vide DP&AR Not.No.11019/13/77-AIS(III), dated 01.07.1977(GSR No.431E dt . 01.07.1977) and further modified vide DOP&T Notification No. 11019/7/93-AIS(III) dated 22.12.1993(GSR No.52 dt . 22.12.1999)

³² Inserted vide DOP&T Notification No. 11019/10/2000-AIS(III) dt. 07.02.2001.

Pay admissible on the date of retirement/death

$$\text{Cash payment in lieu of Earned leave component} = \frac{\text{Dearness Allowances admissible thereon} + \text{Plus Number of days of unutilized earned leave at credit up to a maximum of 300 days}}{30} \times$$

(4)* The leave salary payable for the Half Pay Leave component under sub-rule (1), shall be calculated as follows:-

$$\text{Cash payment in lieu of half pay leave component} = \frac{\text{Half pay leave salary admissible on the date of retirement plus Dearness Allowance admissible on that date}}{30} \times \text{Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days.}$$

Provided that to make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.

- (a) A member of the Service who has been permitted by the State Government to voluntarily retire from service while under suspension or who is retired by the Central Government in public interest while under suspension shall be paid cash equivalent of leave salary under sub-rule(1) in respect of the period of leave at his credit on the date of his retirement from service provided that in the opinion of the authority competent to order reinstatement the member of the service has been fully exonerated and the suspension was wholly unjustified.

³³20(B) **Payment of cash equivalent of leave salary to a member of service who resigns from service**—The Government shall suo motu sanction to a member of Service who resigns from the service the cash equivalent of leave salary in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days³⁴.

³⁵20(C) **Encashment of earned leave at the time of availing Leave Travel Concession —**

- (1) A member of the Service may be sanctioned encashment of ten days of earned leave out of the total earned leave at his credit while availing leave travel concession if —
- (i) The total earned leave encashed under this rule during the entire service of such member does not exceed sixty days;

³³ Inserted vide DOP&T Notification No. 11019/6/97-AIS(III) dated 09.03.1998 (GSR No. 71 dt. 28.03.1998)

³⁴ Inserted vide DOP&T Notification No.11019/7/93-AIS(III) dt. 22.12.1993 (w.e.f 14.7.1982) (GSR No.52 dt. 22.12.1999)

³⁵ Inserted & substituted vide DOP&T Notification No. 11019/6/97-AIS(III) dated 09.03.1998 (given effect from 07.10.1997) (GSR No. 71 dt. 28.03.1998) & 03.03.1998 (given effect from 1.7.1997) (GSR No. 60 dt. 14.03.1998)

* Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

(ii) Omitted*

Provided that the encashment of earned leave up to ten days at the time of availing leave travel concession is without any linkage to the number of days and the nature of leave availed by the member of the Service while proceeding on leave travel concession.

(iii) A balance of at least thirty days earned leave remains at the credit of the member of the Service after availing of the earned leave during leave travel concession.

(2) The earned leave encashed under this rule shall not** be deducted from the total earned leave encashable by a member of the Service at the time of superannuation, resignation or death, as the case may be.

(3) The amount admissible in case of encashment of earned leave under sub-rule (1) shall be equal to the corresponding leave salary.

** (4) Where both husband and wife are members of the Services, the encashment of leave equal to ten days at the time of availing Leave Travel Concession shall continue to be available to both, subject to the provisions of clause (i) of sub-rule (1).

21. Accepting any service or employment while on leave—

21(1) A member of the Service on leave shall not take any service or accept any employment without obtaining the permission of the Government:

Provided that a member of the Service who has been granted permission to take any service or accept any employment during leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty.

NOTE.—This rule does not apply to casual literary work or service as an examiner or similar employment.

21(2) The leave salary of a member of the Service who is permitted to take up employment³⁶ during leave preparatory to retirement shall be subject to such restrictions as the Central Government may, by general or special order, prescribe.

³⁷22. Recall of a member of the Service while on leave— A member of the Service who is recalled to duty before the expiry of the leave granted to him shall be entitled.—

22(a) if the leave from which he is recalled is out of India.—

(i) to receive a free passage to India, and provided that he has not completed half the period of his leave by the date of leaving for India

³⁶ Inserted vide DOP&T Notification No. 11019/6/97-AIS(III) dated 09.03.1998 (given effect from 7.10.1997) (GSR No. 71 dt. 28.03.1998)

³⁷ Substituted vide DP&AR Not. No. 11019/13/77-AIS(III) dated 01.07.1977 (GSR No. 431(E) dt. 12.07.1977)

* Omitted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

** Inserted vide Not. No. 11019/27/08-AIS(III) dt. 19.09.2011. (GSR No. 707(E) dt. 21.09.2011)

on recall or 90 days whichever period is shorter, to receive a refund of the cost of his passage from India;

- (ii) to receive travelling allowance, admissible to him as a member of the Service in respect of the journey from the port of debarkation to the station to which he is posted;
- (iii) to count the time spent on the voyage to India as duty for purpose of calculating leave; and
- (iv) to receive leave salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post, to be paid leave salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave.

22(b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw traveling allowances admissible to him as a member of the service for the journey but to draw until he joins his post, leave salary only.

Explanation—For purpose of this rule leave out of India has the same meaning as given in sub-rule (2) of rule 11.

23. Rejoining of duty on return from leave on medical grounds— No member of the Service who has been granted leave on medical certificate shall return to duty without first producing a medical certificate of fitness in such form as the Government may, by order, prescribe. A similar certificate may be required in the case of a member of the Service who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

24. Overstay after expiry of leave—A member of the Service who remains absent at the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were leave on half pay, unless his leave is extended by the Government. Willful absence from duty after the expiry of leave may render a member of the Service liable to disciplinary action.

25. Effect of transfer to foreign service while on leave— A member of the Service transferred to foreign service while on leave ceases, from the date of such transfer, to be on leave and shall not be entitled to draw leave salary from that date.

26. Regulation of leave during foreign service in India —

26(1) A member of the Service who is on foreign service in India shall not be granted leave otherwise than in accordance with these rules and shall not be entitled to avail himself of leave or draw leave salary from Government unless he is actually relieved of his duty under the foreign employer and proceeds on leave.

26(2) If a member of the Service avails himself of leave to which he is not entitled, he may be required to refund leave salary irregularly drawn and in the event of his refusing to refund he shall forfeit previous service under the Government and shall cease to have any claim on the Government in respect of either pension or leave salary.

27. Regulation of leave during foreign service out of India—

27(1) A member of the Service on foreign service out of India may be granted leave by his foreign employer on such conditions as the employer may determine. In any individual case, the authority sanctioning foreign service may determine beforehand in consultation with the employer, the conditions subject to which such leave may be granted by the employer. The leave salary in respect of such leave granted by the employer will be paid by the employer and such leave shall not be debited to the leave account of the member of the Service.

27(2) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangements with the member of the Service or the foreign employer under which leave may be granted to a member of the Service in accordance with these rules if the foreign employer or the member of the Service pay to the Consolidated Fund of India leave contribution at such rate as the Central Government may, by general or special order, prescribe.

³⁸Note.— In the case of a member of the service who remains on foreign service out of India and who, on reversion, immediately takes leave under these rules, the leave salary shall be calculated in accordance with rule 20 of these rules. The pay, which the member of the Service would have drawn if on duty in India but for foreign Service out of India, shall be taken as the pay actually drawn for the purpose of calculating leave salary.

28. Leave salary contribution while on foreign service in India —

28(1) While a member of the Service is on foreign service in India contributions towards the amount of leave salary shall be paid to the Government concerned on his behalf.

28(2) The contribution due under sub-rule (1) shall be paid by the member of the Service himself unless the foreign employer agrees to pay them.

28(3) The rates of contribution payable under this rule shall be such as the Central Government may by general or special order, prescribe.

28(4) The Government may, by general or special order, remit the contributions payable under this rule in any specific case or class of cases.

28(5) A member of the Service on foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ.

28(6) Neither the member of Service nor the foreign employer has any right of property in a contribution paid and no claim for refund shall be entertained.

Explanation—For the purpose of calculating the rate of leave salary admissible the pay drawn in foreign service, less in the case of the member of the Service paying his own contribution, such part of pay as may be paid as contribution, shall count as pay.

29. Extent of leave admissible to a probationer in case of termination of service— If for any reason it is proposed to terminate the services of a member of the Service on probation, any leave which may be granted to him shall not extend beyond the date on which probationary period already sanctioned or extended expires, or any

³⁸ Substituted vide DP&AR Notification No. 11019/25/80-AIS(III) dated 04.11.1982 (GSR No.931 dt.21.11.1982)

earlier date on which his services, are terminated by an order of the Central Government.

30. Counting of former service for leave in case of reinstatement after dismissal or removal or compulsory retirement from service— A member of the Service who is dismissed or removed or compulsorily retired from the Service but is reinstated on appeal or revision, under the relevant provisions of the All India Services (Discipline and Appeal) Rules, 1969, shall be entitled to count his former service for leave.

31. Procedural instructions—

31(1) A leave account shall be maintained in respect of each member of the Service.

31(2) Subject to any general or special order that may be issued by the Central Government, if necessary in consultation with the Comptroller and Auditor-General of India, the Government may prescribe the procedure to be followed in regard to—

(i) making of application for leave, and for permission to return from leave.

(ii) granting of leave; and

(iii) the payment of leave salary.

32. Relaxation of the provisions of the rules in individual cases—Where the Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a member of the Service, it may, after recording its reasons for so doing and notwithstanding anything contained in any of these rules, deal with the case of such member in such manner as may appear to it to be just and equitable:

Provided that the case shall not be dealt with in any manner less favourable to such member than that prescribed in these rules.

³⁹**33. Interpretation—**If any question arises as to the interpretation of these rules, the Central Government shall decide the same.

34. Repeal—All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

35⁴⁰

³⁹ Substituted vide DP&AR Notification No.7/1/73-AIS(III)-A dated 02.01.1975 (GSR No. 39 dt. 18.01.1975)

⁴⁰ Omitted vide DP&AR order No. 31/7/72—AIS(III) dated 22.05.1973

GOVERNMENT OF INDIA'S DECISIONS

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 2

1. *Joining time, pay and Transfer allowance is not entitled to a probationer, who subsequently joins IAS before completion of the earlier IPS probation, though carry forward of earned leave is permissible:* - A question arose whether the past service, as an I.P.S. probationer, or an I.A.S. Probationer would count for purpose of joining time, leave etc.

2. The attributes of a substantive holder of a post that a probationer enjoys can apply to the Service or Post in which he is on probation. Consequently, on his appointment to the I.A.S. before completion of his probationary period in the I.P.S. the officer is to be treated as the non—substantive holder of a post in the I.P.S. He will therefore not be entitled to joining time, joining time pay and transfer allowance under the Government of India's decision No.4 below F.R. 105.

3. The carry forward of the leave earned by the officers as an I.P.S probationer is permissible, as it does not depend on his status, permanent or temporary.

[G.I. M.H.A. letter No. 14/12/62—AIS(I) dated 28th November, 1962]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 10

1. *Procedure for crediting earned leave for Govt. Servants.*- The Fourth Pay Commission, vide its report in para 26.2, made the following recommendations:—

2. The present procedure of crediting E.L. in two instalments of 15 days each on January 1st and July 1st of every calendar year may be reviewed to remove disadvantages to employees in cases where they have already accumulated 180 days of E.L. (now 240 days) before January 1st or July 1st.

3. The above recommendation was considered and accepted by the Government. This was implemented with effect from 1.1.90 in the manner indicated below.

- (i) In case of officers, having at their credit E.L. of 225 days or less as on 1st January/1st July of a year, Earned Leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half year may continue to be credited to their leave account in advance as at present.
- (ii) In case of officers, having at their credit E.L. of 225 days or less as on 1st January / 1st July of a year, Earned Leave of 15 days may be kept separately and first adjusted against any E.L. that the officer may take during the ensuing half year and the balance if any credited to the earned leave account at the close of the half year subject to the ceiling of 240 days . If the earned leave taken during the half year is more than 15 days the amount in excess of 15 days will however, have to be debited to the leave account.

For example:—

- (1) if as on 1.1.90 the officer has at his credit earned leave of 225 days, 15 days earned leave will be credited in advance to his leave account provided he is not due to retire during the ensuing half year;
- (2) if on 1.1.90 the officer has at his credit 240 days earned leave and (a) if he avails 15 days' earned leave during the period 1.1.90 to 30.6.90, the earned leave so taken will be adjusted against the 15 days' earned leave kept

separately to be credited to his account as on 1.1.90. He will thus have at his credit as on 1.7.90, 240 days' earned leave and (b) if on the other hand he takes only 10 days earned leave during the half year ending 30.6.90 such leave will be adjusted against the earned leave of 15 days to be credited to his earned leave account on 1.1.90. No further leave will, however, be credited to his earned leave account and the earned leave at his credit as on 1.7.90 will continue to be 240 days.

- (3) if as on 1.1.90 the officer has 230 days earned leave at his credit and (a) if he takes 15 days earned leave during the half year ending 30.6.90 such leave will be adjusted against the 15 days earned leave to be credited to his account on 1.1.90 and the earned leave at credit as on 1.7.90 will remain 230 days (b) if, however, he takes only 10 days earned leave during the same half year, this will first be adjusted against the 15 days earned leave to be credited as on 1.1.90 and the balance of 5 days will be credited to his leave account so that as on 1.7.90 the earned leave at his credit will be 235 days.

[DP&T letter No. 11019/5/90—AIS(III) dated 8.8.90— and amended further vide letter No. 11019/4/99—AIS(III) dated 15.7.99, which is reproduced below.]

2. Procedure for crediting earned leave: - Extracts of letter No. 11019/4/99—AIS(III) dated 15.7.99 of Ministry of Personnel, P.G. and Pensions (Department of Personnel & Training) addressed to all the Chief Secretaries of the State Governments/UTs:—

(1) The question whether procedure for crediting earned leave, as contained in this Department's letters No. 11019/5/90—AIS(III) dated 8th August 1990 required any modifications in view of the maximum limit of the earned leave having been increased from 240 days to 300 days by the Fifth Pay Commission, was examined by the Central Government and it has now been decided that the procedure for crediting earned leave, as contained in the aforesaid letter, will continue to be same except that the figures 225 days and 240 days , wherever occurring in the said letter, will be replaced by the figures 285 and 300 days respectively.

(2) The benefit of earned leave to the maximum limit of 300 days was extended to the members of the All India Services, vide Notification No. 11019/6/97—AIS(III) dated 3rd march 1998, which was made effective from 1st of July 1997. These instructions will also come into effect from 1st of July 1997. The State Governments etc., may kindly regulate the crediting of earned leave accordingly.

(3) Unavailed Joining Time: It has been decided that the unavailed joining time should be credited in the earned leave account of the member of the Service automatically by the administrative authorities when the officer furnishes his joining report. In case he wishes to go back at a later time to bring his family etc., he may avail of any leave due to him for that purpose.

[No.11019/9/93—AIS(III) dated 15.7.93 & 6.12.93]

(4) If a Govt. Servant is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first day of the succeeding half year provided that the authority competent to grant leave has reason to believe that the Government servant will return to duty on its expiry.

[DP&AR letter No. 11019/9/93—AIS(III) dated 15.7.93 & 6.12.93]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 14

1. Leave not due availed by earlier Central/State rules shall be counted towards the limit of 360 days: - The Govt. of India have decided that leave not due, if any, availed of by a member of the Service under the Ordinary Leave Rules or the Revised Leave Rules, 1933 (Central) or the corresponding Rules of the State Govts. shall be counted towards the limit of 360 days laid down in this rule.

[G.I.M.H.A letter No. 10/7/56 AIS(II) dated 24.10.56]

2. Leave not due will be cancelled if a moS resigns without returning duty and shall be liable to refund of leave salary if he/she returns from leave and resigns before earning such leave: - Government of India have decided that where a member of the Service who had been granted leave not due—

- (i) resigns from service without returning to duty, the leave not due shall be cancelled, his resignation taking effect from the date on which such leave had commenced and the leave salary shall be recovered; and
- (ii) returns to duty but resigns before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

[File No. 11011/2/78—AIS (III).]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 15

1. Prior approval of the Government of India is necessary for grant of ex-India extraordinary leave on personal grounds: - This Department has been receiving references from the State Governments seeking clarifications whether it is necessary to seek prior approval of the Government of India for grant of extraordinary leave to a member of the All India Services for going abroad on personal grounds. It is hereby clarified that in such cases prior approval the Government of India is necessary.

[DOPT letter .No.11020/15/97/AIS—III Dated 14th Dec., 1998]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 18

1. Abortion included under the Medical Termination of Pregnancy Act, 1971 should be considered for the purpose of grant of maternity leave: - According to note below rule 18 of the All India Services (Leave) Rules, 1955, a female member of the Service may be granted maternity leave in cases of miscarriage, including abortion subject to the conditions that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate.

2. It has now been decided that the 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 the All India Services (Leave) Rules, 1955.

[G.I. D.P. & A.R. letter No. 11019/9/75—AIS (III), dt. 6th June, 1975]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 20

1. Dearness Allowance is admissible on cash equivalent of leave salary payable at the time of retirement for the first 300 days: - I am directed to say as per Rule 39(5) of the CCS (Leave) Rules, 1972, as applicable to the Central Government employees, the component of Dearness Allowance for the calculation of cash equivalent of leave salary at the time of retirement etc. is admissible for the first 300 days. This provision has not so far been brought in the All India Services (Leave) Rules, 1955. However, necessary action for the amendment has already been initiated.

2. Till the amendment is effected, the provision in regard to admissibility of Dearness Allowance for the purpose of calculation of cash equivalent to leave salary in respect of members of the All India Service, will be the same as that of the Central Government employees. In other words, DA will be admissible on cash equivalent of the leave salary payable at the time of retirement for the first 300 days only w.e.f the 14th July, 1982.

3. All the State Government and Union Territories are requested to finalise the cases of calculation of cash equivalent of leave salary as indicated above.

[DOPT letter No. 11019/6/2000-AIS(III) dated 12.6.2000]

2. Dearness Allowance is admissible to a moS on half pay leave/under suspension whose salary/subsistence allowance falls below the admissible DA: - A member of the Service, on half pay leave/under suspension, whose leave salary/subsistence allowance falls below the amount on which dearness allowance is admissible to Central Government servants, would be entitled to dearness allowance. The leave salary actually drawn should be taken into account for both the purpose of monetary limits within which the allowance is admissible and for calculation of the amount of the dearness allowance.

[G.I. MHA letter No. 1/133/63—AIS(II)—dated 2nd December, 1963.]

3. Previous services rendered by IAS/IPS/IFS probationers under Central Government before their appointment to these services, should count for leave if the service is continuous: - Clarifications have been sought by some Accountants General as to how the leave salary of IAS/IPS probationers in respect of their past service under the Central Government is to be allocated and whether prior concurrence of the Central Ministry/Department concerned is necessary in this regard.

2. It is clarified that all previous services rendered by IAS/IPS/IFS probationers under the Central Government before their appointment to these Services, should count for leave if the service is continuous. The leave salary in such cases has to be allocated on the analogy of the provisions contained in Rule 9 of Part IIB of Appendix 3 to Accounts Code Vol. I. The concurrence of the concerned Ministry of Government of India is not necessary. However intimation may be sent to them in this regard. As regards probationers, who were working under the State Government before their appointment to the IAS/IPS/IFS their previous service shall count for leave provided the State Government under whom they were working, agree to pay the leave salary.

[Letter No. 1/19/72—AIS (III), dated 13th October, 1972]

4. Encashment of leave to the moS serving under the State Government will be regulated by the State Rules: - A point has been raised whether orders issued by some State Governments in regard to the encashment of leave to its employees could be extended to members of the All India Services working under them under rule 2(b) of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960. It is clarified that encashment of leave to members of the AIS serving under the State Government is a matter relating to conditions of service and since there is no provision in any of the rules made under the All India Services Act, 1951 for encashment of leave, in the case of the members of the Service serving in connection with affairs of the State are to be regulated in accordance with the rules, regulations and orders applicable to members of the State Civil Service, Class I in terms of Rule 2(b) of the AIS (Conditions of Service—Residuary Matters) Rules, 1960.

2. It is further clarified that in accordance with the provisions contained in rule 2(a) of the Rules referred to in the previous paragraph members of the All India Service serving in connection with affairs of the Union are governed by the rules, regulations and orders as

applicable to the Central Civil Service Group 'A'. As the benefit of leave encashment is not available to the members of Central Civil Services, Group 'A', members of the AIS serving in connection with the affairs of the Union are not entitled to this benefit. It is, therefore, not correct to sanction leave encashment to members of the All India Services, who are serving in connection with the affairs of the Union.

[G.I., DP & AR letter No. 14/1/70—AIS (III), dated 28th June, 1975 and No. 11019/6/81—AIS(III), dated 21-9-81].

5. Encashment of Earned Leave during the service is not allowed to the members of the All India Services under the State Rules: - I am directed to invite attention to this Department's letter No. 14/1/70-AIS(III) dated the 28th June, 1975, wherein it had been clarified that encashment of leave to members of the AIS serving under the State Government is a matter relating to conditions of service and since there is no provision in any of the rules made under the All India Services Act, 1951 for encashment of leave, matters relating to encashment of leave in the case of members of the service serving in connection with affairs of the State are to be regulated in accordance with the rules, regulations and orders applicable to members of the State Civil Services, Class I in terms of Rule 2(b) of the AIS (Conditions of Services – Residuary Matters) Rules, 1960.

2. Further clarification was issued vide this Department's letter No. 11019/8/81-AIS(III) dated 21st September, 1981 that in accordance with the provisions contained in Rule 2(a) of the All India Services (Conditions of Service – Residuary Matters) Rules, 1960, members of the All India Services who are serving in connection with the affairs of the Union are governed by the rules, regulations and orders as applicable to the Central Civil Services Group 'A'. Such members of the All India Services, who are serving in connection with the affairs of the Union, are therefore, not entitled to the benefit of leave encashment as per the rules of the State Government.

3. A provision for encashment of leave on superannuation has since been incorporated as Rule 20 –A in the All India Services (Leave) Rules, 1955 vide Notification No. 11019/7/93-AIS-III dated the 22nd December, 1993. The members of the All India Services are, therefore, no longer entitled to the benefit of encashment of leave under any of the rules of the State Government. It is, therefore, requested that no benefit under the rules of the State Government should be allowed to the members of the All India Services. However, no deductions may be made towards encashment of leave availed of by the members of AIS prior to the issue of these instructions from the leave outstanding at their credit at the time of superannuation.

[DOPT letter No. 11019/34/2003-AIS-III dated 19.01.2005]

6. No encashment of leave while in service shall be allowed to any member of All India Services under any rules of the State Government except as provided in the All India Service Rules.: - I am directed to refer to this Department's letter of even number dated 19th January, 2005 wherein it was decided that members of the All India Services would not be entitled to the benefit of encashment of leave under any of the rules of the State Government. However, encashment of earned leave subject to the maximum of 300 days can be allowed on retirement/death of the member of the Service under rule 20A of the All India Services(Leave) Rules, 1955.

2. This Department has received a number of requests from the State Governments for allowing encashment of leave to the members of the All India Services working under

them under the provisions of the State Rules, which is otherwise applicable to employees of that particular State Government.

3. It is hereby clarified that the provision under rule 20A of the AIS(Leave) Rules, 1955 was inserted vide Department of Personnel and Training's Notification No.11019/6/97-AIS-111 dated 3rd March, 1998 (made effective from 01.07.1997), wherein the maximum days for encashment of earned leave was increased from 240 days to 300 days which can only be allowed at the time of retirement/death of the member of the Service. Apart from this, pursuant to the recommendation of the Sixth Central Pay Commission, the Central Government officers are allowed to encash ten days earned leave at the time of availing of Leave Travel Concession (LTC) to the extent of sixty days during the entire career. The leave encashed at the time of LTC will not be deducted from the maximum amount of earned leave encashable at the time of retirement. It is further clarified that where both husband and wife are Government servants, the present entitlement for availing LTC shall remain unchanged, and encashment of leave equal to 10 days at the time of availing of LTC will continue to be available to both, subject to a maximum of sixty days each during the career. This provision has been made applicable to the All India Services Officers vide this Department's letter No.11022/2/2008-AIS(II) dated 7th October, 2008.

4. There is no other provision for encashment of earned leave while in service under the rules applicable to the members of All India services. Therefore, members of the All India Services are entitled for encashment, of earned leave for 10 days each subject to the maximum of 60 days in the entire career; and a maximum of 300 days of earned leave on retirement/death under rule 20A of the All India Services(Leave) Rules, 1955. No member of the Service should be allowed encashment of earned leave during service, other than mentioned above, under any rule of the State Government.

[DOPT Letter No.11019/34/2003-AIS-III dated 17.09.2009]

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 21

1. ***Prior approval of the Government of India should be obtained under the respective Cadre Rules before negotiating for or taking up any employment by members of the All India Services:-*** I am directed to invite attention to this Department's letter No. 11017/47/2005-AIS-III, dated the 27th December, 2005, under which instructions reiterating the provisions of Rule 13(1)(b) of the All India Service (Conduct) Rules, 1968 were issued, stating that all the members of the All India Services should obtain prior permission of the Government before negotiating for or undertaking any other employment.

2. The service conditions of All India Service Officers are governed according to the rules framed by the Central Government in consultation with the State Governments under the All India Services Act, 1951.

3. Some State Governments like Rajasthan, Uttar Pradesh and Maharashtra have brought in employment schemes under which officers of the State Government are allowed to serve private organisations on extraordinary leave. They have, however, implemented these schemes for the All India Services officers also.

4. The issue has been examined in the light of the relevant rules, in consultation with the Department of Legal Affairs, Ministry of Law & Justice.

5. The main rules dealing with the cadre management of All India Services are the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 and the Indian Forest Service (Cadre) Rules, 1966. According to sub-rule (1) of Rule 6, a cadre officer may be deputed for the service under the Central Government or another State Government or under a company etc. which is wholly or substantially owned or controlled by the Central Government or by another State Government only with the concurrence of the State Government and the Central Government. Sub rule (2) (ii) of Rule 6 provides that a cadre officer may be deputed for service under an international organisation, an autonomous body not controlled by the Government, or a private body, by the Central Government in consultation with the State Government on whose cadre he is borne. The State Government can depute for service only under a body wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a Local Body of the State cadre where the officer is borne under rule 6(2)(i) of the respective Cadre Rules.

6. Rule 13(1) of the All India Services (Conduct) Rules, 1968 provides that no member of the All India Service can negotiate for or undertake any employment without the approval of the Government. Rule 21(1) of the All India Services (Leave) Rules, 1955 provides that a member of the Service on leave shall not take any service or accept any employment without obtaining the permission of the Government. These rules have limited scope with regard to 'conduct' and 'leave' provisions with reference to All India Service officers and deputation of All India Services is governed by Rule 6 of the respective Cadre Rules. Deputation to an international organisation, an autonomous body not controlled by the Government, or a private body is only possible under rule 6(2)(ii) of the respective All India Service Cadre Rules for which the Cadre Authority is the Central Government.

7. Rule 13(1) of the All India Services (Conduct) Rules, 1968 and Rule 21(1) of the All India Services (Leave) Rules, 1955 read with the provisions of the Cadre Rules thus make it explicitly clear that approval of the Government of India is essential for allowing a member of the All India Service for undertaking any employment outside the State Government on leave of any kind.

8. It has, therefore, been decided that no member of the All India Service should be allowed by the State Governments to undertake any private employment after taking leave from the State Government and all such cases should be referred to the Government of India for approval and necessary permission for service under an international organisation, an autonomous body not controlled by the Government or a private body under the Rule 6(2)(ii) of the respective All India Service Cadre Rules.

9. All the cases in which State Governments have allowed the members of All India Services to take up employment under the provisions of these rules, should be referred to the respective All India Service Cadre Controlling Authorities for approval under the provisions of Rule 6(2)(ii) of the respective All India Service Cadre Rules within one month of the date of issue of this letter.

[DOPT No.11019/62/2005-AIS-III dated 04.07.2006]

DELEGATION OF POWERS OF THE GOVERNMENT OF INDIA

1. Delegation of certain powers of the Central Government to the Ministries/Departments of the Government of India: - The undersigned is directed to say that it has been decided to delegate to each Ministry/Department the powers of the Central Government under Rules 3(1), 6, 9(2), 11(2), 12(2), 13, 14, 15, 18, 19, 20(6) of

the A.I.S. (Leave) Rules, 1955, in regard to the All India Service Officers working in or under each Ministry/Department.

(G.I. letter No. 11019/7/78—AIS (III), dated 12th April, 1978)

II. Delegation of powers of the Central Government to the State Governments and Ministries/Departments of the Government of India for grant of ex-India leave: -

1. ***The moS will be granted en-India leave in conjunction of official deputation abroad up to 50% of the actual duty abroad or a fortnight, whichever is less, by the State Governments. Any excess will be granted by Department of Personnel & Training:*** - I am directed to refer to this Deptt's earlier letter No. 6/6/71—AIS.III, dated 11.1.1974 and the Ministry of Finance (Deptt. of Expd.) O.M.No. 19036/7/75—E.IV(B), dated 8.5.1976 which have been extended in the case of All India Services Officers and No. 19036/7/76/E.IV(B), dated 15.3.1978 in regard to the terms & conditions of deputation abroad of All India Services Officers.

2. A question has been raised in regard to the period of leave admissible to All India Services Officers on deputation when such leave is taken in conjunction with deputation (including training) abroad.

3. As per the existing provisions in the All India Services (Leave) Rules, 1955, there is no bar to an officer spending abroad a part or whole of the leave sanctioned to him by the competent authority as per these rules. However, restrictions have been imposed in regard to the amount of leave an officer can be granted while abroad, including training abroad, in conjunction with such deputation. Presently, it has been provided that an officer may, subject to the exigencies of public service, be granted leave while abroad for a period not exceeding 50 percent of the actual period of duty abroad (excluding the transit time and enforced halt) or for a fortnight, whichever is less, for personal reasons. It is made clear that cases of grant of leave in excess of this limit can be approved only in consultation with the Deptt. of Personnel & Trg. (Services Division). The above may please also brought to the notice of all members of the All India Services in your Cadre.

4. All cases, in which the State Government propose to send a member of an All India Service abroad on deputation or on leave due and admissible to him (including study leave) should be referred to the Department of Personnel in the case of members of the Indian Administrative Service, the Ministry of Home Affairs in the case of members of the Indian Police Service and the Ministry of Environment and Forests in the case of the members of the Indian Forest Service.

[No.11019/13/93-AIS-III dated 14th January, 1994]

2. ***Delegation of some powers of the Central Government to the State Governments and the Ministries/Departments of the Government of India for grant of ex-India leave:*** - I am directed to say on the subject mentioned above that an Executive Instruction 'B' was issued by this Department (Letter No. 9/26/71-AIS-III) on 23.09.1972 under Regulation 12 of the AIS (Study Leave) Regulations, 1960 wherein it is provided that all cases, in which the State Government proposes to send a member of an All India Service abroad on deputation or on leave due and admissible to him (including study leave) should be referred to the respective Cadre Controlling Authority in the Government of India.

2. There has been demand for doing away with the aforementioned provision for Central Government's prior approval for grant of ex-India leave excluding study leave so as to

avoid delay both at the level of the State Government and Central Government. After careful consideration, it has now been decided to modify the existing provision and stipulate that the approval of the Central Government for travel abroad of members of the All India Service is no longer required in the following cases to the extent provided therein:-

- (a) In case of private visits abroad on leave due and admissible, the delegation is restricted to Casual leave, Earned leave and Leave on Medical Certificate.
 - (b) AIS officers may be accorded permission to travel abroad in conjunction with an official visit/tour abroad subject to the condition that the total period abroad (including travel time) should not exceed three (3) weeks.
 - (c) Official visits/Training/Tours/ Study tours/ Seminars/ Workshops etc. abroad up to three (3) weeks duration where the entire expenses are borne by the Government of India, the State Government, an International Agency such as the United Nations Agency, World Bank, IMF, ADB etc. or an International Agency in which India is a member.
 - (d) Project related visits as defined in the OM No. 37/15/97-EO(F) dated 05.03.1999, issued by the Office of the Establishment Officer, Department of Personnel and Training, Government of India.
3. While considering the requests of the member of an All India Service for grant of leave to proceed abroad, all the State Governments/Ministries to the Government of India are requested to satisfy themselves regarding the funding of such visits made by the officer concerned in each case and to see that no cadre officer accepts hospitality from a foreign government/private body other than a close relative.
4. It is further noted that the above delegation will not apply to any travel abroad in conjunction with leave granted under the provisions of the All India Service (Study Leave) Regulations, 1960, where the specific clearance of the Central Government is invariably required.
5. The following category of official visits/tours/study tours/seminars/workshops etc. abroad will continue to be referred to DOP&T for grant of cadre clearance:
- (i) all cases of more than three (3) weeks duration.
 - (ii) all cases where the invitation is direct to the officer and the State Govt. is not bearing the expenditure, irrespective of the duration of the visit.
 - (iii) all cases where foreign hospitality from a private agency is involved.
 - (iv) all cases where an officer is getting any remuneration/fees for the work performed by him
6. The proposal should be sent in a self-contained format furnishing all the relevant details in the prescribed format (copy enclosed). In case, proposal is not in the prescribed format or information in respect of any item in the format is missing, no back reference will be made by this Department and cadre clearance will not be granted.
7. The proposal should be forwarded to DOP&T well in time i.e at least before a fortnight from the date of commencement of the training/workshop etc.

8. To the extent possible, nomination of officers may be made for those seminars/workshops etc. which are related to the job/assignment of the officer.

9. In case where an officer proceeds for a training programme/workshop/ seminar/study tour abroad without obtaining the cadre clearance of this Department there is likelihood that the period of his absence would be treated as dies-non.

10. It is requested that the provisions of this circular may be brought to the notice of all the members of All India Services serving with the State / Central Governments at an early date.

PROFORMA FOR CADRE CLEARANCE OF IAS OFFICERS VISITING ABROAD

1. Name and designation of the officer
2. Date of birth
3. Details of the training programme/workshop/seminar etc. with a copy of the invitation/admission
 - (i) Name of the course/workshop/seminar etc.
 - (ii) Name of the institution/country
 - (iii) Duration
 - (iv) Details of the cost of the training/workshop/Seminar
4. Expenditure
 - (i) Details of expenditure on the visit abroad(including travel, hospitality etc.)
 - (ii) Source of funding
5. Agency that bears the cost of the training/workshop/seminar
 - (i) Details of such cost
 - (ii) Details of the Agency
6. Service/cadre to which the officer belongs
7. Year of allotment to the cadre
8. Job description of the officer
9. Relevance of the training/workshop/seminar to the job of the officer
10. Whether the officer is clear from vigilance angle
11. Recommendation of the Cadre Controlling State Government/Ministry
12. No objection/approval of Deptt. of Personnel & Trg. will be subject to clearance by Ministry of External Affairs from political angle, MHA in FCRA and Ministry of Finance if need be from Screening Committee etc.

[DOPT letter no.11019/6/2001-AIS-III dated 07.03.2003]

3. Delegation of full powers to State Governments, Ministries/Departments of the Government of India to grant ex-India leave on personal grounds (except Half-pay Leave and extraordinary leave): In continuation of this Department's letter of even number dated 7th March, 2003 on the subject mentioned above, it is further clarified that the following points may also be taken into account :

- (i) it is clarified that for cases under para 2(a) i.e. private visits abroad, which are purely personal, without any sponsorship and not linked to official visit, on leave due and admissible, whether casual leave, earned leave, or leave on medical certificate, are not subject any time limit. If the leave is admissible and due, whatever be the duration, the State Government may sanction the same. The limit of 3 weeks mentioned in para 2(b) is only in case of private travel abroad in conjunction with the official tour abroad;
- (ii) It is also clarified that while the State Governments may sanction ex-India leave for private purposes in conjunction with official duty, provided the total period does not exceed 3 weeks, this will also be subject to the instruction issued by this Department's letter no.11019/13/93-AIS-III dated 14.1.1994 that the number of days spent on private work does not exceed 50% of the number of days spent on official work.
- (iii) The other contents of this Department's letter of even number dated 7th March, 2003 will remain unchanged.

[DOPT letter no.11019/6/2001-AIS-III dated 04.08.2003]

4. Consolidated instruction of delegation of some powers of the Central Government to the State Governments and the Ministries/Departments of the Government of India for grant of ex-India leave: - This Department has issued a number of instructions regulating cases of members of All India Services proceeding abroad on ex-India leave (excluding study leave), which are as under:

- A. No.9/26/71-AIS-III dated 23rd September, 1972 regulating ex-India leave.
- B. No.11019/13/93-AIS-III dated 14th January, 1994 regulating leave in conjunction with duty abroad.
- C. No.11020/15/1997-AIS-III dated 14th December, 1998 regulating ex-India extraordinary leave on personal grounds.
- D. No.11019/6/2001-AIS-III dated 7th March, 2003, 4th August, 2003 and 10th March, 2004 delegating some of the powers of the Central Government to the State Governments.

Copies of all these instructions are available in this Department's Website (www.persmin.nic.in).

2. These instructions were re-examined in this Department and it has been decided to modify the existing provisions for further delegation of powers, subject to the general

conditions mentioned in para 3 of this letter, to the State Governments and Ministries/Departments of the Government of India for grant of ex-India leave, as under:

(i) Private visits abroad for purely personal reasons

Current Status: - State Governments and Ministries/ Departments of the Government of India have been delegated the power to sanction private visits abroad, which are purely personal, without any sponsorship and not linked to official visit, whether casual leave, earned leave or leave on medical certificate. This delegation does not include private visits on extra ordinary leave and half-pay leave (Reference C & D).

Further Delegation: - It has now been decided that approval of the respective Cadre Controlling Authorities of the All India Services will no longer be required in the case of private visits abroad, which are purely personal without any sponsorship and not linked to any official visit, on leave due and admissible, whether casual leave, earned leave, half-pay leave, leave on medical grounds and extra ordinary leave. State Governments and Ministries/ Departments of the Government of India may sanction such leave, due and admissible, to a member of the Service as per rules.

(ii) Visits abroad in conjunction of an official visit / tour abroad

Current Status: - The State Governments and Ministries/Departments of the Government of India have been delegated the power to accord permission to travel abroad on leave due and admissible in conjunction with an official visit/tour abroad (including training) subject to the exigencies of public service, not exceeding 50% of the actual period of duty abroad (excluding transit time and enforced halt) or a fortnight, whichever is less, for personal reasons provided that the total period abroad (including travel time) does not exceed three weeks. Grant of leave in excess of this limit can be approved only in consultation with the Department of Personnel and Training (Services Division). (Reference B & D)

Further Delegation: - It has been decided to raise the maximum period of ex-India leave in conjunction with official duty to 3 weeks while adhering to the limit of 50% of the period of official duty abroad. However, in the case of official visits of duration less than 8 days, the limit of 50% may be relaxed and ex-India leave upto a maximum of 4 days may be granted. The power to grant such leave is delegated to the State Governments and Ministries/Departments of the Government of India subject to the condition that further leave shall not be permitted above such limits under any circumstances and no reference shall be made to the Department of Personnel and Training in this regard.

(iii) Visits abroad on direct invitation from foreign organizations for participation in events on the basis of the experience in a particular subject gained by a member of the Service in his/her personal capacity.

Current Status: - Cadre clearance of the Central Government is required in all cases where the invitation is direct to the officer and the State Government is not bearing the expenditure irrespective of the duration of visit and all cases of more than three weeks duration (Reference D).

Further Delegation:- It has been decided that State Governments and Ministries/Departments of the Government of India be delegated the power to allow permission for such private visits in which the government is not bearing any expenditure subject to the condition that the total period of ex-India leave does not exceed three weeks. As per the conditions prescribed in the Department of Expenditure's O.M.F.No.19036/1/2000-E-IV dated 21st March, 2000, the officer shall be treated as on personal visit and he/she will be required to take leave due and admissible. This is further subject to the condition that generally no Government of India officer will accept free passage or hospitality from a foreign government/agency and, if it is necessary, approval of the Screening Committee of Secretaries or of the Prime Minister should be ensured to be taken before accepting such invitations. Similar provisions should be adopted by the State Governments. This delegation is also subject to the following conditions:

- (a) The authority granting permission should take into consideration, inter-alia, the sources of financing of the foreign travel, the desirability of accepting any foreign hospitality, whether the member of the Service has utilized his official position for the purpose of meeting the travel expenses, accommodation abroad, etc, and whether the member of the Service is clear from vigilance angle;
- (b) If the visit is to a country with which India does not have friendly relations, the prior approval of the Government of India should be obtained;
- (c) The officer shall take leave, due and admissible;
- (d) The visit on personal invitation shall be subject to the provisions of SR 12.
- (e) Participation shall be subject to the provisions of All India Service (Conduct) Rules, 1968 especially rules 6, 7, 9 and 11.

3. General conditions: The State Governments and Ministries/ Departments of the Government of India shall keep in mind some general aspects while exercising these delegated powers while granting ex-India leave to the members of the All India Service working under them, as under:

- a) The member of the Service will take FCRA clearance from the Ministry of Home Affairs and other required clearances from the Department of Economic Affairs/Ministry of External Affairs, wherever required.
- b) The delegation shall not apply to any travel abroad in conjunction with leave granted under the provisions of the All India (Study Leave) Regulations, 1960, where the specific clearance of the Central Government is invariably required.
- c) In cases where a member of the Service proceeds for a visit abroad without obtaining necessary cadre clearance, the period of his absence shall be treated as 'dies non' apart from other consequences under the service rules.
- d) The provisions of Rule 7(1) and (2) of the All India Service (Leave) Rules, 1955 should be complied with. Rule 7(1) provides that no member of the Service shall be granted leave of any kind for a continuous period exceeding 5 years. Rule 7(2) provides that a member of the Service shall be deemed to

have resigned from the service if he is absent without authorization for a period exceeding one year or remains absent from duty for a continuous period exceeding 5 years, with or without leave.

- e) If the visit abroad requires the sanction of the Central Government, proposal should be forwarded to the Central Government well in time, i.e., at least before a fortnight from the date of commencement of the visit in a self-contained format furnishing all the relevant details in the prescribed format (copy enclosed).
 - f) Approval of the Central Government with respect to travel abroad of members of All India Services, wherever required shall mean the approval of the concerned Cadre Controlling Authority, i.e., the Department of Personnel and Training for the Indian Administrative Service, the Ministry of Home Affairs for the Indian Police Service and the Ministry of Environment and Forests for the Indian Forest Service.
4. While granting leave to a member of the Service, the State Governments and Ministries/Departments of the Government of India should scrupulously follow the Government of India instruction issued vide this Department's letter no.11019/62/2005-AIS-III dated 4th July, 2007 which envisages that no member of the All India Service shall be allowed to undertake any private employment after taking leave from the State Government or from a Central Ministry/Department.
5. All the relevant instructions issued earlier in this regard stand modified/deleted.
6. The above delegation of powers is not applicable in cases of official visits abroad for attending foreign training/tours/study tours/seminars/workshops, etc., in which the member of the Service is nominated by the Central/State Governments, which are dealt by the EO Division of this Department.
7. It is requested that the provisions of these instructions may be brought to the notice of all the members of the All India Services serving with the State/Central Governments at an early date.

PROFORMA FOR CADRE CLEARANCE OF IAS OFFICERS VISITING ABROAD

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- 2. Date of birth
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 - (i) Name of the course/workshop/seminar etc.
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 - (iii) Duration
 - (iv) Details of the cost of the training/workshop/Seminar

4. Expenditure
 - (i) Details of expenditure on the visit abroad(including travel, hospitality etc.)
 - (ii) Source of funding
5. Agency that bears the cost of the training/ workshop/seminar
 - (i) Details of such cost
 - (ii) Details of the Agency
6. Service/cadre to which the officer belongs
7. Year of allotment to the cadre
8. Job description of the officer
9. Relevance of the training/workshop/seminar to the job of the officer
10. Whether the officer is clear from vigilance angle
11. Recommendation of the Cadre Controlling State Government/Ministry
12. No objection/approval of Deptt. of Personnel & Trg. will be subject to clearance by Ministry of External Affairs from political angle, MHA in FCRA and Ministry of Finance if need be from Screening Committee etc.

[DOPT letter no.11019/6/2001-AIS-III dated 05.12.2007]