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LEAVE

Reference :- Leave Rules for the Services (Army) Volume-I.

1386. Leave is a period of authorised absence from duty which is sanctioned by the competent auth. The competent auth means the officer authorised to sanction leave as given in the Leave Rules for the Services Volume-I Army (Revised Edition).

Claim to Leave

1387. Leave is a privilege and cannot be claimed as a right and is subject to exigencies of service (Rule 2 refers).

1388. The working out of entitlement as well as the correct grant of leave to an individual is the responsibility of the leave sanctioning auth.

1389. The annual or accumulated annual leave of Gorkha personnel of Nepal domicile and personnel who are nationals of Bhutan, will be granted as prescribed in exception 1 and 2 below Note 2 of Rule 33 (d) of Leave Rules.

1390. As an exception to the above, the personnel referred to therein when granted accumulated annual leave are allowed additional leave period to cover the journey period from the duty station and back in excess of four days.

1391. Gorkhas of Indian domicile at the time of their enrolment are not entitled to the above concessions. Conversely, for purpose of leave they will be governed by the orders applicable to corresponding Indian personnel. Indian Domiciled Gorkhas are not allowed to change their home address except in exceptional cases. All such request is required to be routed through staff channel to Adjutant General's Branch MP2, IHQ of MoD (Army) with specific recommendations of the Line Directorate. A domicile certificate from Nepal shall also be attached to the application. Before forwarding the applications for change of address, an undertaking is required to be taken from the individual that he will not claim for the enhanced benefits of Leave Travel Concession specifically applicable to Nepalese National Gorkha serving in the Army, even if sanction for change of home address to Nepal is granted. Moreover, after detecting that the applicant had got enrolled as Indian Domiciled Gorkhas, strict disciplinary action will be initiated against him.

Auth:- IHQ of MoD (Army) letter No B/07876/ Org-2 (MP) (c) dt 07 Oct 1991 and CGDA letter No 3113/AT-P dt 12 Feb 1973 and even No dt 06 Feb 1974.

Date of Commencement and Termination of Leave

1392. Leave will commence on the date, an individual is struck off duty, if relieved in the forenoon or from the following day if relieved in the afternoon. Leave will terminate on the day preceding that of rejoining, if an individual rejoins in the forenoon or on the date of

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rejoining, if he rejoins in the afternoon (Rule 4 of Leave Rules for the Services Volume-I Army (Revised Edition) refers).

Prefixing and Suffixing of Sundays and Holidays to Leave

1393. If a recognised holiday or holidays (such as Sunday or Republic Day), falls on the day immediately preceding that on which a period of leave begins, or follows that on which the leave ends, and individual who is not required for duty on such holiday/ holidays may, with his Commanding Officer's permission, leave the station at the close of the day before and return to duty at the end of such holiday/ holidays, provided no extra expense is caused to the State.

1394. An individual will be considered to be on duty during such holiday, which will not count against the number of days for which leave is granted. The concession of prefixing and suffixing of holidays to leave is not admissible in the case of Gorkha personnel whose leave starts/ ends on the date of crossing the Nepal/ Sikkim/ Bhutan border under exception (i) and (ii) of Rule 4 of Leave Rules for the Services Volume-I Army (Revised Edition) and in the case of those JCOs/OR who are eligible for additional leave in terms of Rule 33 (b) of Leave Rules for the Services Volume-I Army (Revised Edition). This concession is also not admissible in those cases where any other special concession in regard to the commencement/ termination of leave is sanctioned under the orders of the Government issued from time to time.

1395. Restricted holidays will be treated as recognised holidays for the purpose of prefixing and suffixing to leave.

Auth:- Note 4 below Rule 4, Leave Rule for the Services Volume-I Army (Revised Edition).

1396. In order to avoid irregularities in ration accounting and loss to the State, Sunday/ closed holidays and restricted holidays allowed to be prefixed/ suffixed to the leave period, will invariably be indicated in Part II Orders.

Recall from Leave

1397. Individual recalled from leave will return to duty immediately. Recall orders will be issued by appropriate leave sanctioning Auth.

1398. The travel time from the leave station to the duty station will be viewed as having been spent on duty. In cases, where the balance of unavailed leave is granted to such individuals later in the same year, they will be allowed additional leave to cover the period from their duty station to leave station. It is clarified that concession of additional leave to cover the journey of unavailable portion of leave is admissible only if proceed on leave immediately on completion of the duty for which recalled or after lapse of certain period due to administrative reasons. These concessions of additional leave, to cover journey period,

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will not be allowed to those who do not proceed on balance of unavailed portion immediately on completion of the duty for which recalled, for personal reasons.

1399. When an individual proceeds on annual leave, a portion of which falls in the next calendar year and is recalled to duty in the later year, the balance of leave granted on completion of duty will not prejudice his annual leave entitlement for the later year {Note 1 of Rule 9 of Leave Rules for the Services Vol-1 Army (Revised Edition) refers}.

Leave for Prosecuting/ Defending a Civil Suit

1400. An individual granted leave for prosecuting or defending a civil suit will be provided by his Commanding Officer with a certificate (IAFD-902) to enable him to obtain priority hearing. This certificate will be presented by the individual concerned in person to the Court. If the case cannot be disposed off within the period of leave granted, the civil officer concerned may grant leave for such period which will be sufficient to get a reply from his OC for the necessary extension of leave. The civil officer will report to the Commanding Officer Unit the extent of leave granted by him.

Auth:- Para 537 of Regulations for the Army (Revised Edition) 1987.

Rule Regarding Person Arrested by Civil Authorities for a Civil Offence and Subsequently Acquitted

1401. The question as to how the period of absence from duty of a person subject to Army Act, other than an officer, due to detention by the civil auth may be regularised, has been under consideration at Integrated HQ of MoD (Army). A person, other than officer subject to the Army Act who is kept in confinement by the civil auth on a charge for an offence of which he is not afterwards convicted does not forfeit his pay and allowances, for the period during which he was kept in confinement (Pay and Allowances Regulations JCOs & OR (Revised Edition) 1979 Para 51 (f) refers). No formal regularisation is, therefore, necessary for the period of confinement.

1402. In case where such a person is not kept in confinement, the necessity for the regularisation of the period of absence should not arise since Regulations for the Army (Revised Edition) 1987 Para 420 requires that a person who is awaiting trial by a civil court, if released on bail, will perform all military duties without prejudice to his trial by the civil power.

1403. Absence of individual who having been released on bail remains unable to resume duty for reasons beyond his control, however, needs regularisation and for this purpose the case will be submitted strictly in accordance with the provisions of IHQ of MoD (Army) letter No 5078/AG/PS-2(b) dt 19 Nov 1954.

1404. In the case of an individual arrested by the civil police while on leave and acquitted after the expiry of leave, where the overstay of leave is attributable to civil custody, the period of absence from duty following the expiry of leave does not require regularisation.

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This is equally applicable to a case in which an individual is handed over to civil authorities while on duty and granted leave by the administrative authorities to stand trial and where also the period of absence on return to duty after acquittal is in excess of the period of leave originally granted. It has been decided that in a case like this, there appears to be no necessary for the grant of leave in the first instance. The individual should be treated as under arrest for the purpose of regulating his pay and allowances. However, as the grant of leave is an administrative responsibility, there should be no objection to treat the period of absence partly as on leave and partly as on duty. Personnel attached to other units for disciplinary cases will not normally be granted leave. However, they may be granted leave in exceptional cases by the authorities who ordered the attachment. Such leave will be restricted to barest minimum (Army Instruction 148/71 refers).

Auth:- IHQ of MoD (Army) letter No 03266/AG/PS-2 (b) dt 24 Feb 1956 and CDGA Memo Nos 3267/AT/P dt 14 May 1955 and 3312/A/P dt 19 Jul 1955.

Admissibility of Leave

1405. As per Rule 11, Annual Leave is not admissible in any year unless an individual has actually performed duty in that year, besides it also specifies that "Annual Leave for the year may at the discretion of the sanctioning authority, be extended to the next calendar year without prejudice to the annual leave authorized for the year in which the extended leave expires, **but further Annual Leave will not be admissible until the individual again performs duty.**

1406. As a step towards liberalizing the leave policy, a case was taken up with Min of Def for doing away with the existing restriction of performing duty for a day before being entitled to Annual Leave for that year. **Govt sanction has been accorded vide Amendment No B/33922/AG/PS2(b)/622/D(AG) dated 04 Apr 11 in this regard. With this amendment, Annual Leave of 60 days will be credited on 01 Jan of the calendar year without performing duty for a day in that year.** An individual cannot be granted leave during the first year of his engagement until he has completed six months service including service as a Recruit. This limit of six months service may be relaxed, in the case of recruits, at the discretion of Commanding Officer Unit to suit the training arrangements.

1407. Annual Leave for the year may at the discretion of the sanctioning auth be extended to the next calendar year without prejudice to the leave entitlement for the year in which, the extended leave, expires. But in such cases, further annual leave will not be admissible until the individual again performs duty (Rule 11 (b) of Leave Rules for the Service Volume-I Army (Revised Edition) refers).

1408. Annual leave may be taken in installments within the same year (Rule 11 (c) of leave rules for the services Volume-I, Army (Revised Edition) refers).

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Extension of Annual Leave

1409. Extension of annual leave upto 30 days may be granted by the Commanding Officer of Unit to JCOs/ OR in exceptional and on compassionate cases due to reasons beyond individual's control such as:-

- (a) Own sickness.
- (b) Natural calamities.
- (c) Any other extraordinary circumstances provided he is satisfied about the genuineness of the grounds of such extension.

1410. The extension of leave so granted will be dealt within the same manner as overstay of leave under the existing rules.

1411. Extension of annual leave in respect of recruits/ boys will be limited to 15 days. In case of sickness, extension upto 30 days may be granted.

Extension of Accumulated Annual Leave

1412. Extension of accumulated annual leave to the same extent and manner as stipulated for extension of annual leave under similar circumstances except own sickness will be authorised under the orders of Area/ Divisional Commander.

1413. Extension of accumulated leave in respect of Gorkhas will be dealt with by the Commanding Officer Unit. Extension of accumulated leave to Recruits/ Boys will be limited to 15 days and in case of sickness extension upto 30 days may be granted by the Commanding Officer Unit.

Advance of Annual Leave on Compassionate Grounds

1414. On compassionate grounds, where the current year's annual leave has already been availed of, leave may be granted upto maximum of 30 days which will be debited to the next year's annual leave entitlement (Rule 34 of Leave Rules for the Services Volume-I Army (Revised Edition) refers).

Calculation of Journey Period

1415. Journey period will be calculated as per procedure laid down in Para 211 of Documentation Procedure JCOs/ OR-1992.

Casual Leave

1416. Maximum amount of casual leave admissible to JCOs/ OR and Recruits in a calendar year is 30 days. Leave upto 30 days at a time may be granted at the discretion of

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the leave sanctioning authorities. (Rule 32 (b) of Leave Rule and Adjutant General's Branch IHQ of MoD (Army) letter No B/33922/ AG/ PS-2(b) dt 26 Mar 2008 refers).

1417. In view of the above, 20 days CL granted to a person can be extended upto 30 days CL at the discretion of the sanctioning authority vide IHQ of MoD (Army) letter No B/33922/AG/PS-2(b) dt 18 Jan 2011.

1418. Casual leave is not admissible alongwith joining time when individual proceeds from one unit to another. However, this can be granted in the place of journey period/ joining time and on expiry of such casual leave the individual reports to new unit for duty. Moreover, joining time is also not admissible with advance of annual leave.

Auth:- IHQ of MoD (Army) letter No A/47767/ Org 8(I of R) (A) dt 19 Jul 1985.

1419. All cases of casual leave beyond normal entitlement at a time will be regularised by an officer having power not less than an Area/ Division or equivalent Commander provided the period does not exceed the maximum entitlement of such leave in a year (Rule 6 (b) (ii) of Leave Rule for the Services Volume-I, Army (Revised Edition) refers).

1420. JCOs/ OR undergoing treatment in hospitals may be granted casual leave to the extent of 10 days or more on extreme compassionate grounds in real emergency cases at the discretion of the Officer Commanding Military Hospital. In case Officer Commanding Military Hospital finds the treatment of the individual has been retarded due to imprudence of the individual's such leave, he may convert it into extra ordinary leave without pay and allowances (Rule 32 (c) of Leave Rules for the Service Volume-I, Army (Revised Edition) refers).

Annual Leave

1421. **Extent.** Admissible to the extent of 60 days in a calendar year in cases where the journey period exceeds two days each way, leave may be granted so as to permit the individual to have a minimum stay of 56 days at the leave station.

1422. Annual leave admissible to JCOs/ OR during a calendar year is 60 days which can be accumulated upto 90 days provided an individual has not availed any leave other than casual leave (Army Instruction 140/64 refers) in the previous year. Combined annual leave of two years can be granted to the individuals proceeding on leave from specified snow bound areas (if specially sanctioned by the Government) in relaxation of the provisions of Rule 11 (a) and 33 (a) of Leave Rules for the Services Volume-I, Army (Revised Edition).

1423. Extension of annual leave as admissible in continuation of leave already granted can in exceptional circumstances and compassionate cases be granted without performing duty in that year upto the maximum of 30 days, vide Rule 33 (f) of Leave Rule for the Services Volume-I, Army (Revised Edition).

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1424. The additional leave to cover journey period will be granted once in a year irrespective of the stay at leave station.

1425. Gorkha JCOs/ OR domiciled in Nepal and those personnel who are nationals of Bhutan, entitled to annual leave as under:-

- (a) 60 days in a calendar year.
- (b) 120 days accumulated annual leave in the second year.

1426. When granted accumulated annual leave, additional leave to cover the journey period from the duty station to the leave station and back, in excess of 4 days will be admissible. For example, an individual who spends 30 days in the journey for his duty station to the leave station and back, may be allowed 26 days additional leave over and above annual leave or accumulated annual leave as the case may be provided that he has not availed of such additional leave in the same block of two years, the block being 2005-06, 07-08 and so on. In the case of new entrants, the block of two years will start from the year in which they qualify for the grant of annual leave for the first time.

Auth:- Rule 33 Note 2 Exception 2 of Leave Rules for the Service Volume-I, Army (Revised Edition).

1427. JCOs/ OR serving outside India in Embassies etc, who do not avail leave admissible under Rule 33 (a) or (b), while abroad, will be allowed 120 days accumulated annual leave on return to India on completion of their normal tenure of service, with the Embassy etc. Compassionate cases for grant of leave to be availed in India, before the completion of tenure at abroad will be considered on the merits of each case.

1428. The above accumulated annual leave may, if they so desire, be granted to the individuals direct from the port of disembarkation in India, in such case the leave will commence from the date of disembarkation in India and the personnel remain on the strength of their new unit.

Annual Leave Recruits

1429. Annual leave admissible to Recruits during a calendar year is 30 days which can be accumulated upto 45 days at the discretion of Commanding Officer Units. Recruits after being classified as other ranks, will be entitled to 60 days annual leave as admissible to serving OR. The period of leave (other than casual leave) already availed of by them in the same calendar year will be deducted from the 60 days annual leave and they will only be entitled to the balance of the annual leave. Recruits who have successfully completed their recruit training and been classified as trained soldiers, but are still awaiting their attestation, will also be sanctioned 60 days annual leave at the discretion of Brigade/ Sub Area or equivalent Commander.

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Auth:- Rule 42 and 44 of Leave Rules for the Services Volume-I, Army (Revised Edition).

Sick Leave

1430. The entire period spent in a military or a recognised civil hospital in respect of all personnel (including recruits) who fall sick while on duty will be treated as on duty (Rule 35 and 43 Leave Rules for the Service Volume-I, Army (Revised Edition) refers). There is no limit for sick leave. This leave can be granted on the recommendation of the competent medical Auth. The sick leave recommended on discharge from hospital in the cases of JCOs/ OR and Recruits will commence from the date following the date of their discharge from the hospital (Rule 35 (b) and (f) of Leave Rules for the Services Volume-I Army (Revised Edition), Para 3 of Army Instruction 216/64 as inserted vide Army Instruction 143/66 (Corrigendum No 74/66 and Army Order 133/73 refers).

1431. Personnel recommended sick leave will proceed to their homes via their unit except in the case of those serving in units or formations located in operational and concessional area, in which case the individuals will be sent home directly. In all cases sick leave will start from the date following the date of discharge from hospital. In the cases of the JCOs/ OR serving in units/ formations located in operational/ concessional areas, their sick leave commences from hospital but terminates at the Transit Camp/ Rail Head specified in various Government letters containing orders for commencement/ termination of their leave.

Auth:- Government of India, Ministry of Defence letter No 35266/AG/PS/2(b)/ 2036/D(AG) dt 12 Apr 1978.

1432. The period of absence after discharge from hospital/ overstay of leave on account of sickness will first be debited to the annual leave or accumulated annual leave due, and the excess, if any, will be regarded as sick leave. In case sick leave granted to an individual in a calendar year also falls in the next calendar year, the portion falling in the later year will be debited against annual leave entitlement of that year.

Auth:- Rule 35 (c) and (h) of Leave Rules for the Services Vol-1, Army (Revised Edition).

Overstay of Leave due to Own Sickness

1433. If an individual is compelled to overstay his annual leave due to his own sickness and gets treatment at home, the period of such Overstay upto a maximum of 30 days (60 days in the case of Gorkhas) will be treated as sick leave with full pay and allowances by the Commanding Officer if he is so satisfied about the bonafide of the cases after making necessary enquiries. The overstay upto 60 days in the case of individuals other than Gorkhas may be regularised by an Officer having powers of not less than Brigade/ Sub Area or equivalent Commander if he is satisfied about the genuineness thereof after making necessary enquiries, by treating the first 30 days as sick leave and the balance

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against the following year's annual leave entitlement. All cases of overstayal beyond 60 days will be referred to Government for Orders (Rule 35(d) of Leave Rules for the Services Volume-I, Army (Revised Edition) refers).

1434. Overstayal of annual/ accumulated annual leave by an individual who falls sick and is admitted into a Military Hospital during the currency of such leave granted to him will be treated as sick leave with full pay and allowances from the date of expiry of annual/ accumulated annual leave granted initially up to the date of discharge from the Military Hospital. Such sick leave will only be admissible provided the Commanding Officer Military Hospital certifies that the sickness or injury was not caused by the individual's own fault and that the individual is likely to be rendered fit for military duty after a reasonable period of treatment (Rule 35(e) (i) of Leave Rule for the Services Volume-I, Army (Revised Edition) refers).

1435. The period of hospitalisation of an individual who falls sick and is admitted into a Military Hospital during the currency of casual leave, will be regarded as sick leave with full pay and allowances subject to the conditions mentioned above. The period of casual leave availed upto the date preceding the date of admission into the hospital will be regarded as Annual Leave of the current year, if due, otherwise adjusted against next year's annual leave entitlement. In case no future Annual Leave accrues to the individual, due to his retirement, discharge, the period of casual leave availed will be regarded as extraordinary leave without pay and allowances (Rule 35 (e) (ii) of Leave Rules for the Services Volume-I, Army (Revised Edition) refers).

1436. In the case of an individual other than a Gorkhas, who falls sick while on leave and is admitted into hospital (Military/ Civil) whose case is not covered under above Para and consequently overstays the leave sanctioned, the period of overstayal upto 60 days may be regularised by the Commanding Officer at his discretion by treating the first 30 days as sick leave with full pay and allowances and the balance upto 30 days by adjusting against the following years Annual Leave entitlement of the individual. All cases of overstayal beyond 60 days will be referred to Government for orders.

Auth:- Rule 53 (g) of leave Rules for the Services Volume-I, Army (Revised Edition).

1437. Before a JCOs/ OR is allowed to proceed on leave, he will be informed by the Commanding Officer of the following:-

- (a) If he falls sick while on leave, he must report at once to a Medical Officer of the Armed Forces or to the Military, Naval or Air Force Hospital if one exists at the station. In the absence of service facilities at the station, he will report to the civil hospital/ dispensary, if there is one at the station, for treatment. If the patient is admitted to a civil hospital/ dispensary, he will immediately inform his Commanding Officer of this fact. When the Commanding Officer is informed that the soldier is being treated at a civil hospital/ dispensary, he will take necessary action to get it verified from Medical Officer In charge concerned.

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(b) If neither service nor civil medical facilities are available at station, he should report to the Armed Forces/ Civil hospital/ dispensary at the nearest station. Free conveyance for this purpose is authorised, vide Rule 187 of Travel Regulations.

(c) In case of severe illness and when it is impracticable for him to report to the nearest service medical officer of Armed Forces/ Civil Hospital/ dispensary, he will obtain a certificate from the Sarpanch/ Village Headman stating that owing to the severity of his illness, it was impracticable for him to undertake the journey to such hospital. In such case, the individual concerned is himself responsible for ensuring that the certificate is immediately sent to Auth which has granted leave to him. He will thereafter report to service/ civil hospital as soon as possible and intimate his Commanding Officer about this fact.

(d) A certificate from the village Headman itself will not be accepted as Auth for the grant of extension of leave, except in very rare cases when:-

(i) It was impossible for the individual to follow the procedure mentioned in ref Para (a) and (b) above, owing to severe illness and the absence of service/ civil medical facility nearby, and

(ii) The leave sanctioning Auth is satisfied with the bonafide of the case.

1438. JCOs/OR who fall sick while on leave and are subsequently declared to be TB patients, the period intervening between the date of expiry of leave initially granted to them and the date preceding the date of diagnosis of the diseases as TB attributable to or aggravated by Military Service and beyond may be regularised as under:-

(a) **Personnel Admitted to Hospital During the Currency of Leave.** Period from date of expiry of leave while in hospital to the date preceding the date of diagnosis of TB will be treated as Sick Leave with full pay and allowances.

(b) **Personnel Admitted to Hospital After Expiry of the Leave but before Joining Duty.**

(i) Period from the date of expiry of leave to the date preceding the date of admission to the hospital, first 30 days (60 days in the case of Gorkhas) as Sick Leave (provided absence is due to sickness) and the balance as extra ordinary leave without pay and allowances.

(ii) Period from the date of admission to the hospital or the date preceding the date of diagnosis of TB will be treated as sick leave with full pay and allowances.

Auth:- Rule 35 (i) of Leave Rules for the Services Volume-I, Army (Revised Edition).

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Regularisation of Overstayal of Leave

1439. Overstayal of leave by an individual should be treated as absence without leave and no pay and allowances are admissible for the period of such overstayal unless an extension of leave otherwise admissible, to cover that period, is sanctioned by the competent Auth. Overstayal of leave may be regularised as explained in the succeeding paragraphs.

1440. Overstayal of leave in excess of the maximum amount of such leave admissible in a year will be regularised.

1441. The cases of overstayal/ excess grant of leave will be regularised under Government Order. Although the mode of regularisation stated in leave rule is generally accepted by Government, yet cases in which they are not satisfied about the genuineness of the reasons for overstayal/ excess grant of leave are regularised by treating the period involved as an extra ordinary leave without pay and allowances.

1442. Cases in respect of personnel belong to The Madras Regt, requiring Government sanction will be forwarded to IHQ of MoD (Army) (Inf-6) (Pers).

1443. The procedure will be as under:-

- (a) A comprehensive and self contained Statement of Case in terms of Army Order 315/73 alongwith the explanation of the officer responsible and the individual concerned when he is partly to be blamed will be initiated by the units/ formation HQ concerned and forwarded in quintuplicate to the Record Office.
- (b) Effective Record Group of Records The Madras Regt will examine the case for its completeness as regards to various requirements. If there are any details lacking or observations, the case will be returned to the unit/ formation concerned for rectification and re-submission.
- (c) Thereafter, the case will be submitted with the comments/ remarks to IHQ of MoD (Army) (Inf-6) (Pers) through Pay Accounts Office (OR) The Madras Regt and Controller of Defence Accounts (Army), Chennai in terms of Army Order 63/82.
- (d) Controller of Defence Accounts (Army), Chennai will render the final audit report and transmit the case to IHQ of MoD (Army) (Inf-6) (Pers) for obtaining necessary Government sanction.
- (e) A copy of Government sanction, on receipt will be forwarded by Record Office to the unit/ formation Headquarters concerned for notification of the regularisation in Part II Orders. The copy of the Government sanction will be enclosed with Part II Order and forwarded to Pay Accounts Office (OR) The Madras Regt.

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Regularisation of Excess/ Irregular Grant of Leave After Discharge/ Retirement of JCOs/ OR

1444. Officer-in-Charge Records The Madras Regt is authorised to regularise excess/ irregular leave upto 30 days availed by JCOs/ OR, which comes to light after their discharge retirement from service by grant of extra ordinary leave without pay and allowances provided no leave for adjustment is due to them.

Auth:- Government of India, Ministry of Defence letter No 90716/AG/PS2 (b)/2660/D (AG) dt 06 Jun 80.

Overstayal of Leave and Desertion, Regularisation of Additional Leave Portion of the Return Journey Not Performed

1445. In case of overstayal of leave by an individual who is subsequently dealt with disciplinary action under AA Sec 39 (b) or AA Sec 38 (i) by Commanding Officer after apprehension, the portion of additional leave originally allowed to him for his return journey under Rule 33 (b)/42 (b) of Leave Rules for the Services Volume-I, Army (Revised Edition) will also be treated as absence, and pay and allowances forfeited under Rule 51 of Pay and Allowances Regulations (JCOs & OR) 1979.

1446. In case of overstayal of leave followed by regularisation by extension of leave under Leave Rules, the additional leave granted to cover the return journey under Rule 33 (b) of the Leave Rules for the Services Volume-I, Army (Revised Edition), will also be viewed as a part of the period of overstayal for the purpose of regularisation of overstayal of leave by grant of extension of leave (including extra ordinary leave without pay and allowances).

Dealing with Overstayal/ Absence Without Leave and Publication of Part II Order

1447. Overstayal of leave/ absence without leave is regularised/ dealt with as under:-

(a) By grant of extension of leave under Leave Rules or under orders of competent Auth or by grant of extra ordinary leave by competent Auth.

(b) By award of punishment under the Army Act.

1448. In all above cases the personal occurrences of overstayal of leave/ absence without leave and its regularisation are required to be notified in Part II Orders and recorded in service documents for pay and pension purposes.

1449. When remission of forfeiture of pay and allowance, in the case of absence upto five days is made by Commanding Officer Unit under Army Rule 195 (b), the personal occurrence will be published referring to Part II Order notifying the personal occurrences regarding rejoining from absence/ apprehension of the individual.

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Auth:- Para 600 of Documentation Procedure JCOs/ OR 1992.

Accumulation of Leave for Encashment

1450. JCOs/ OR are eligible to accumulate their unavailed portion of annual leave upto 30 days per annum for encashment at the time of their retirement/ discharge. The number of days of annual leave at the credit of the Defence Forces personnel on the day of their proceeding on superannuation/ release/ discharge on own request/ invalidated out of service/ die while in service irrespective of the number of years of service rendered, subject to a limit of 300 days and maximum of 30 days to be accumulated in a calendar year, provided that nothing given herein shall restrict/ contravene provisions for leave encashment issued in conjunction with LTC.

Auth:- Government of India, Ministry of Defence letter No B/33931/ AG/ PS-(b)/ 1908/D (AG) dt 15 Apr 2010.

Accumulation of Leave by JCOs/ OR Retiring on 31 Jan

1451. Service personnel retiring on 31 Jan would get encashed upto a limit of 15 days in the year of retirement.

Accumulation of Leave by JCOs/ OR Retiring in Feb and thereafter

1452. Service personnel retiring in Feb and thereafter, would get encashment upto a limit of 30 days in that year.

Auth:- Government of India, Ministry of Defence letter No B/33931/AG/ PS-2(b)/1908/D (AG) dt 15 April 2010.

1453. The entitlement of encashment will be based on the last pay drawn by an individual which includes Basic Pay, Grade Pay, Military Service Pay, Dearness Allowance and X Group Pay.

1454. Part II Orders for encashment of leave will be published in the month of Mar giving the leave details of the preceding calendar year, so that amendments which may occur due to extension or regularisation of leave can be avoided.

Auth:- Para 210 of Documentation Procedure JCOs & OR-1992.

Accumulation of Leave in case of Death while in Service

1455. Where death takes place in the months of January/ February of a calendar year, encashment of leave only upto 50% of the annual leave due and admissible on the day preceding the day on which the death takes place will be allowed to be encashed. Fractions of a day shall be rounded off to the nearest day. For example where death takes place on, say, 5th, 10th, 20th and 31st. January, the maximum encashment permissible will

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be two days, four days, nine days and fifteen days respectively. Encashment for death in the month of February will have to be calculated similarly. No reduction on account of pension equivalent of death cum retirement gratuity will be made from the amount of leave encashment.

Auth:- Government of India, Ministry of Defence letter No B/33931/AG/PS-2(b)/1908/D (AG) dt 15 April 2010.

1456. In case, an individual dies while on annual leave, his balance leave will be encashed subject to ceiling limit of 300 days. A specimen of the personnel occurrence to be published is given at Ser 17 of Group IIB to Appendix 'J' to Documentation Procedure JCOs/ OR (Revised -2013).

Accumulation of leave in case of Invalidation Out of Service

1457. In case of officers the portion of annual leave of the year of invalidation which is not required to be adjusted against hospitalisation or sick leave will be allowed to be encashed subject to limit of maximum of 30 days for that year. In case of JCOs/OR and equivalent in Navy and Air Force the provision of leave Rule 35 will remain operative. The period of sick leave will continue to be initially debited against annual leave of the year of hospitalisation in accordance with this rule.

Auth:- Government of India, Ministry of Defence letter No B/33931/AG/PS-2(b)/1908/D (AG) dt 15 April 2010.

Encashment of Annual Leave alongwith LTC

1458. Service personnel are allowed to encash 10 days annual leave at the time of availing of LTC to the extent of 60 days during the entire service. The leave encashed at the time of LTC will not be deducted from the maximum amount of annual leave encashable at the time of retirement. It is further clarified that where both husband and wife are in Government Service, the present entitlement for availing LTC shall remain unchanged and encashment of leave equal to ten days at the time of availing of LTC will continue to be available to both, subject to maximum of 60 days each during the career. These orders shall take effect from 1st September 2008.

Auth:- Government of India, Ministry of Defence letter No 12647/LTC/MN C/2970/D (Mov)/08 dt 17 Dec 2008 and B/33931/AG/PS-2(b)/1908/D (AG) dt 15 April 2010.

Recording of Encashment of Leave

1459. A separate sheet, next to the page of the leave records in sheet roll, will be inserted for making entries for the record of leave accumulated for encashment only, on the following format:-

RESTRICTED

RESTRICTED

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Record for Encashment of Leave

Ser No	No of Days	AL for the year	Unit and Part II Order No	Total leave accumulated for encashment	Signature of the Officer

Auth:- IHQ of MoD (Army) letter No A/47767/Org 8 (I of R) (a) dt 30 Dec 1983.

1460 to 1465 Blank.

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