

# Leave Rule (as per Govt. of Odisha)



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## ***Orissa Leave Rules, 1966***

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1. (1) These rules may be called the Orissa Leave Rules, 1966.  
(2) They shall come into force from the 1st August, 1966.
2. (1) These rules apply to all Government servants in Class-I, Class-II and Class III State Civil Services, except-
  - (a) in the case of Government servants who served in the Province of Bihar and Orissa prior to the 1st April, 1936.
    - (i) those who held a lien or a suspended lien on a permanent post on the 31st August 1932;  
and

(ii) those who having entered Government service before the 1st September, 1931, in a temporary or officiating capacity or as probationers and having continued in the service of Government without break since that date held a lien or a suspended lien on a permanent post on the 1st January, 1939; and

(b) in the case of Government servants transferred from the Government of India and other State Governments, those who had not come under the operation of the Revised Leave Rules of those Governments.

(2) These rules also apply to all Government servants in Class-IV service, except -

(a) those who having entered permanent service in the Province of Bihar and Orissa on or before the 31st August, 1932, elected not to be governed by the rules hereby repealed;

(b) those transferred from Madras who had not come under the operation of the Madras Leave Rules, 1933 and who did not elect to come under the rules hereby repealed.

*Note: The leave terms of Government servants governed by the exceptions provided in this rule are regulated by the rules in Chapter VI of the Orissa Service Code.*

(3) Nothing in these rules shall apply to persons in respect of whom special provisions regarding leave have been made by Government.

3. In these rules, unless the context otherwise requires :

(i) "**Annexure**" means the Annexure to these rules;

(ii) "**Commuted leave**" means leave taken under Sub-rule (3) of Rule 9;

(iii) "**Completed year of service**", one year continuous service and 'three years continuous service' mean continuous service of the specified duration under the Government and includes periods spent on duty as well as on leave, including extraordinary leave.

(iv) "**Earned leave**" means leave earned in respect of periods spent on duty;

(v) "**Earned leave due**" means the amount of earned leave to the credit of an officer on the 31st July 1966 under the rules in force on that date plus the amount of earned leave calculated as prescribed in Rules 7, 8 and 10, as the case may be, diminished by the amount of earned leave which has been taken and one-half of the amount of special disability leave on full pay admissible under Rule 176 (g) of the Orissa Service Code taken after the 31st July, 1966;

(vi) "**Government**" means the State Government of Orissa ;

(vii) "**Half-pay leave**" means leave earned in respect of completed years of service as provided in Rule 9;

(viii) "**Half-pay leave due**" means the amount of half-pay leave calculated as prescribed in Rule 9 for the entire service diminished by the amount of leave on private affairs and leave on medical certificate taken before the 1st November, 1951 and half-pay leave taken on or after that date.

**Explanation :** Leave on quarter average pay availed of prior to the 1st November, 1951 shall be deemed to be half-pay leave for the purpose of this clause.

(ix) "**Service and State Civil Service**" shall have the same meaning as are assigned to them in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

4. All rules in the Orissa Service Code in so far as they are not inconsistent with these rules apply *mutatis mutandis* to all persons to whom these rules apply in respect of matters not covered by these

rules.

5. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

6. No leave shall be granted beyond the date on which a Government servant must compulsorily retire :

Provided that if in sufficient time before the date of compulsory retirement, a Government servant has been denied in whole or in part, on account of exigencies of public service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as the case may be, as prescribed in Rule 7 so long as the leave so granted including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement, does not exceed the amount of the leave preparatory to retirement actually denied, the half-pay leave, if any, applied for by a Government servant preparatory to retirement and denied in the exigencies of public service being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was commenced and the date of compulsory retirement :

Provided further that a Government servant whose service has been extended in the interest of the public service beyond the date of his compulsory retirement may be granted earned leave as under :

- (i) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;
- (ii) after the expiry of the period of extension;
  - (a) the earned leave which could have been granted to him under the preceding proviso, had he retired on the date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension, and
  - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service; and
- (iii) in determining the amount of earned leave due in respect of the extension with reference to Rule 7, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

**Explanation :** For the purpose of this rule, a Government servant may be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as preparatory to retirement and has been refused it on the ground of exigencies of public service or has ascertained in writing from the sanctioning authority that such leave, if applied for, would not be granted on the aforesaid ground.

7. (1) The earned leave admissible to a permanent Government servant is one-eleventh of the period spent on duty ;

Provided that he will cease to earn leave when the earned leave due amounts to 180 days.

(2) The maximum earned leave that may be granted at a time to a Government servant shall be 120 days :

Provided that in case of Government servant in Class I State Civil Service earned leave may be granted for a period exceeding 120 days, but not exceeding 180 days, if the entire leave so granted or any portion thereof is spent outside India and Nepal ;

Provided further where the 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.

**Explanation :** In this rule 'Permanent Government Servant' includes a probationer.

**8.** The earned leave admissible to a permanent Government servant in a Vacation Department is subject to the following conditions, namely:

(a) for each year of duty in which a Government servant has availed himself of the vacation his earned leave shall be reduced as follows :

(i) for Subordinate Judges and Munsifs by fifteen days;

(ii) for all other Government servants by thirty days.

(b) If a part of the vacation has been taken in any year, the period by which the earned leave shall be reduced shall be fraction of fifteen days, or thirty days, as the case may be, to the proportion which the part of the vacation taken bears to the full period of vacation.

(c) In cases of urgent necessity the earned leave as reduced in Clauses (a) and (b) of this rule may, except in case of Subordinate Judges and Munsifs be increased by one twenty second of the period of duty in a Vacation Department.

(d) Vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction shall not exceed 180 days :

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

**Explanation :** For the purpose of this rule, vacation counts as duty.

**9. (1)** The half-pay leave admissible to a Government servant in permanent employ in respect of each completed year of service shall be twenty days.

(2) The half-pay leave due may be granted to a Government servant on medical certificate or on private affairs.

(3) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate only to a Government servant in permanent employ subject to the following conditions, namely-

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

(ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due.

(iii) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days :

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

**10.** Save in the case of leave preparatory to retirement, leave not due may be granted to a permanent Government servant for a period not exceeding 360 days during his entire service :

Provided that this leave may be granted on grounds other than on medical certificate up to 90 days at a time and 180 days in all. Leave not due shall be debited against the half-pay leave the officer may earn subsequently on return to duty.

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

**Note 2.** Where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily, the leave not due shall, if the permission is granted, be cancelled.

**11.** The provisions contained in Rules, 7, 8 and 9 apply also to a Government servant not in permanent employ except that in respect of the first year of service, the earned leave admissible is one-twenty second of the period spent on duty :

Provided that no earned leave shall be admissible to such a Government servant in a Vacation Department in respect of the first year of his service :

Provided further that no half-pay leave may be granted to a Government servant not in permanent employee unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry.

**Explanation :** For the purpose of this rule 'Government servant not in permanent employ' includes a re-employed pensioner.

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

**13. (1)** Extraordinary leave may be granted to any Government servant in special circumstances-

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

(2) Except in the case of a permanent Government servant and a Government Servant who has rendered not less than three years continuous service, the duration of extraordinary leave on any one occasion shall not exceed the following limits, namely-

- (i) two months ;
- (ii) four months in special cases, where such leave is supported by a medical certificate as required under the rules ;
- (iii) eighteen months where the Government servant is undergoing treatment for-
  - (a) pulmonary tuberculosis either in a recognised sanatorium or at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned: or

(b) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Chief District Medical Officer; or

(c) leprosy, in a recognised leprosy institution, or by a Chief District Medical Officer or a specialist in leprosy recognised as such by the State Administrative Medical Officer Concerned-

Provided that concession of extraordinary leave up to eighteen months under Clause (iii) of this sub-rule shall be admissible only to those Government servants who have been in continuous Government service for a period exceeding one year :

Provided further that in the case of treatment of pulmonary tuberculosis at the residence, the Government servant shall produce a certificate from a specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

*(Notification No. 5959-Codes-70/F dated the 17th February, 1971)*

(3) Subject to the provision of Rule 14, a Government servant not in permanent employ may be granted during deputation on training, extraordinary leave from the date of his relief till the date of resumption of duties on return from training ; provided that he has completed a minimum period of one year continuous service on the date of deputation and the authority competent to grant the leave is satisfied that such training is necessary for improving the Government servant's professional knowledge,

(4) Where a Government servant who is not in permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such Government servant who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under these rules, he shall, unless the State Government view of the exceptional circumstances of the case otherwise determine, be removed from service after following the procedure laid down in Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

*(Notification No. 44206-C.S-II-26-73/F dated 1st October, 1973).*

**14.** The grant of leave to non-permanent Government servant shall be subject to the condition that, but for the grant of leave, he would have continued to hold a post in Government service until the expiry of the leave.

**15.** A Government servant in the regular establishment who is transferred to the work-charged establishment shall continue to be treated as on duty and be governed by the leave rules applicable to him prior to his transfer :

Provided that a Government servant not in permanent employ shall be governed by provisions of this rule for so long as he would have continued but for his transfer, to hold a post in the regular establishment.

**16.** If an interruption of duty other than leave or service in work-charged establishment which is not treated as duty under Rule 15 occurs in the service of a temporary Government servant, the leave at his credit shall lapse.

**17.** (1) Except as provided in Sub-rule (2), a Government servant on earned leave is entitled to leave salary equal to the average monthly pay earned during the ten complete months- immediately

preceding the month in which the leave commences or the substantive pay to which the Government servant is entitled immediately before the commencement of the leave, whichever is greater.

(2) A Government servant who proceeds on earned leave from a post, the maximum of which does not exceed Rs. 100 *per mensem*, is entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(3) A Government servant on half-pay leave or leave not due is entitled to leave salary equal to half the amount specified in Sub-rule (1) or Sub-rule (2), as the case may be, subject to a maximum of Rs. 750 : Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study, otherwise than on study leave terms.

(4) Subject to the condition that his leave salary shall in no case exceed the amount admissible under Sub-rule (1) or Sub-rule (2) the leave salary drawn by a Government servant on leave out of India and Nepal is subject to a minimum of Rs. 250 *per mensem*.

(5) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under Sub-rule (1) or Sub-rule (2), as the case may be.

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

**Explanation 1 :** In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating average pay.

**Explanation 2 :** For the purpose of this rule 'Substantive Pay' means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien, had the lien not been suspended and includes special pay shown as part of the scale of pay of the post.

**18.** A Leave Account shall be maintained for every Government servant in the form specified in the Annexure.

**19.** The Orissa Leave Rules, 1939, 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 these rules.

**20.** If any question arises relating to the interpretation of these rules, it should be referred to the State Government whose decision thereon shall be final.

#### **Annexure**

**[See Rule 18]**

#### **Form of Leave Account**

Name of Government Servant (on private affairs and on medical certificate)

Date of Birth.....

Date of commencement of continuous service.....

Date of retirement/resignation including commuted leave and leave not due.....

EARNED LEAVE

HALF LEAVE



Particulars of service in the calendar half year		Completed month of service in the calendar half year	E.L. credited at the beginning of half year	No. of days of other kinds of leave (H.P.L., Commuted Leave) Leave not due and E.O.L. (Column 19+22+22C+30+33) availed of during the previous calendar half year	E.L. to be deducted (1/11th of the period of Column 5)	Total E.L. at credit in days (Column 4+11+6)	Leave taken		No. of days	*Balance of E.L. on return from Leave (Column 7-10)
From	To						From	To		
1	2	3	4	5	6	7	8	9	10	11

Leave not due limit to 360 days in entire service

Length of service		Credit of leave	Leave earned (in days)	Leave at credit (Column 15+32)	Against the earning on half pay			Commuted leave on medical certificate on full pay			Commuted leave without medical certificate for studies certified to be in public interest limit to 180 days half-pay leave counted into 90 days commuted leave in entire service		
From	To				From	To	No. of days	From	To	No. of days	From	To	No. of days
12	13	14	15	16	17	18	19	20	21	22	22A	22B	22C

Leave taken	On medical certificate			Otherwise than on Medical certificate limited to 180 days			Total of leave not due (Column 26+29)	Total half-pay leave taken (Column 19+23+30)	Balance of half-pay leave on return from leave (Column 16+31)	Other kinds of leave taken
	From	To	No. of days	From	To	No. of days				
Commuted leave converted into half-pay leave (twice Column 22 and 22C)										

23	24	25	26	27	28	29	30	31	32	33

**Note 1.** The Earned Leave due should be expressed in days.

**Note 2.** When a Government servant is appointed during the course of a particular calendar half year, E. L. should be credited @ 2'A days for each completed month and the fraction of a day will be rounded to the nearest day.

**Note 3.** The old leave account in respect of existing Government servants has to be closed and the balance as on 31.12.75 will have to be carried forward to the new account in Col. 11. While doing so, the balance at credit on 31.12.75 may be rounded off to the nearest day.

**Note 4.** The entries in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.

**Note 5.** Period of extraordinary leave should be noted in red ink.

**Note 6.** The entries on Col. 12 and 13 should indicate only the beginning and end of completed years of service at the time the half-pay leave commences. Where a Government servant completes another years of service while on half-pay leave, the extra credit should be shown in Col. 12 to 16 by making suitable additional entries and this should be taken into account while completing Col.32.

[Vide Appendix 10 to Orissa Service Code.]

#### Bare Acts Live

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