

No. 21011/08/2013-Estt(AL)
 Government of India/Bharat Sarkar
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel & Training

Establishment (Leave) Section		
General entitlement of leave		
Sl. No.	Frequently Asked Question	Answer
1.	<p>What is the maximum period of leave of any kind which can be allowed to a Government servant?</p> <p>What is the impact if such limit is exceeded?</p>	<p>No. Government servant shall be granted leave of any kind for a continuous period of 5 years {Rule 12(1)}</p> <p>Normally, absence from duty, with or without leave, for a continuous period exceeding 5 years other than on foreign service, implies that such Government servant has deemed to have resigned from Government service. {Rule 12(2)}</p>
2.	<p>What are the leave entitlements of Govt. servants serving in a vacation Department?</p>	<p>The rule 28 of the CCS (Leave) Rules, 1972 which came into effect from 1.9.2008 regulates the grant of Earned Leave for persons serving in the Vacation Department. The said rule provides for as follows:-</p> <p>(1) (a) A Government servant (other than a military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.</p> <p>(b) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days, as the number of days of vacation not taken bears to the full vacation: Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.</p> <p>(c) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 26.</p> <ul style="list-style-type: none"> • For the purpose of this rule, the term 'year' shall be construed not as

		<p>meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.</p> <ul style="list-style-type: none">• A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation: Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.• When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.• As per Rule 29(1) the half pay leave account of every Government servant (other than a military officer) shall 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. This is subject to conditions laid down in OM No. 13013/2/2008-Estt.(L) dated 11-11-2008.
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Leave Encashment with LTC		
Sl. No.	Frequently asked Questions	Answer
1.	Whether encashment of leave is allowed after LTC is availed?	Sanction of leave encashment should, as a practice, be done in advance, at the time of sanctioning the LTC. However, ex-post-facto sanction of leave encashment on LTC may be considered by the sanctioning authority as an exception in deserving cases within the time limit prescribed for submission of claims for LTC.
2.	Whether encashment of leave with LTC can be availed at the time when the LTC is availed by the Government servant only or can leave be encashed at the time when LTC is availed by family members?	Yes. A Govt. servant can be permitted to encash earned leave upto 10 days either at the time of availing LTC for himself or when his family avails it provided other conditions are satisfied.
3.	Whether leave encashment should be revised on retrospective revision of pay/D.A.?	In terms of 38-A of CCS(Leave) Rules, encashment of EL alongwith LTC is to be calculated on pay admissible on the date of availing LTC and DA admissible on that date. If pay or DA admissible has been revised with retrospective effect, going by the rule the Govt. servant would be entitled to encashment of Leave on the revised rates.
4.	Whether encashment of Earned Leave and Half Pay Leave is admissible to industrial employees?	The industrial employees, other than those under the cadre control of the Ministry of Railways, are entitled to encash both Earned Leave and Half Pay Leave, subject to overall limit of 300. The cash equivalent of Half Pay Leave shall be equal to leave salary admissible for Half Pay Leave plus Dearness Allowance admissible on the leave salary without any reduction being made on account of pension and pension equivalent of other retirement benefits payable. But no commutation of Half Pay Leave shall be allowed to make up for the shortfall in Earned Leave and these orders are effective from 07-11-2006.{OM No. 12012/3/2009-Estt.(L) dated 28-12-2012}

Encashment of Earned Leave on joining Central Government from PSUs & vice versa

Sl. No.	Frequently asked Questions	Answer
1.	Whether earned leave encashment allowed by the State Governments, PSUs, Autonomous Bodies to Govt. servant prior to his joining the Central Govt. is to be taken into account while calculating ceiling of leave encashment on his superannuation and retirement from Central Govt.?	Encashment of EL allowed by the State Governments, Public Sector Undertakings/Autonomous Bodies for services rendered therein need not be taken into account for calculating the ceiling of 300 days of Earned leave to be encashed as per CCS (Leave) Rules.
2.	Whether Leave encashment allowed by Govt. under CCS (Leave) Rules, 1972 on absorption in a Central autonomous body/PSU is to be taken into account?	Encashment of EL allowed by the Govt. under the CCS(Leave) Rules, 1972 for service rendered in the Central Govt. prior to absorption in Central autonomous body shall not be taken into account while calculating the number of days of E.L. encashable in an autonomous body/PSU for the post absorption period.
3.	Whether cash equivalent of leave salary in case of permanent absorption in PSU/Autonomous Body is permissible?	A Government servant who has been permitted to be absorbed in a Corporation/Company wholly or substantially owned or controlled by Central/State Government shall be <i>suo motu</i> granted cash equivalent of leave salary of earned leave at his credit on the date of absorption subject to a maximum of 300 days (being calculated as per provisions of rule 39) {Rule 39-D} Permanent absorption under the rule shall mean such appointment for which the Government servant applied through proper channel and resigned from Government service for taking up of such appointment – {Note below rule 39-D – Notification No. 13026/3/2011-Estt.(L) dated 28-03-2012}

Leave Encashment on Suspension/Dismissal/Removal		
Sl. No.	Frequently asked Questions	Answer
1.	Whether leave encashment can be sanctioned to a Govt. servant on his superannuation while under suspension?	Leave encashment may be allowed in such cases. However, Rule 39(3) of CCS (Leave) Rules, 1972 allows withholding of leave encashment in the case of a Govt. servant who retires from service on attaining the age of superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, if in view of the authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he/she will become eligible to the amount so withheld after adjustment of Government dues, if any.
2.	Whether leave encashment can be sanctioned to a Govt. servant on his dismissal/removal, from service?	A government servant, who is dismissed/removed from service, ceases to have any claim to leave at his credit from the date of such dismissal, as per rule 9(1). Hence he is not entitled to any leave encashment.

Interest on Leave Encashment		
Sl. No.	Frequently asked Questions	Answer
1.	Whether interest is payable on delayed payment of leave encashment dues?	No. There is no provision in the CCS (Leave) Rules 1972 for payment of interest on leave encashment.

Study Leave		
Sl. No.	Frequently asked Questions	Answer
1.	What is the maximum amount of study leave which can be availed?	The maximum amount of study leave for other than CHS officers is restricted to twenty four months during the entire service period and ordinarily it can be allowed for upto twelve months at a time. {Rule 51(1)}. For CHS officers the ceiling is for 36 months for acquiring PG qualifications. {Rule 51(2)}.
2.	Whether study leave can be clubbed with other leave?	Yes. Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave involve a total absence of more than twenty eight months generally and thirty-six months for the courses leading to Ph.D. degree from the

		regular duties of the Government servant. (Rule 54)
3.	What is the validity period of bond to be executed by the Government servant while proceeding on study leave?	Government servant is required to execute a bond to serve the Government for a period of three years after expiry of study leave. For CHS officers the period is five years. (Rule 55).
4.	Whether a Govt. servant who has been granted study leave may be allowed to resign to take up a post in other Ministries/ Department of the Central Govt. within the bond period?	As per rule 50(5) (iii), a Govt. servant has to submit a bond to serve the Govt. for a period of 3 years. As the Govt. servant would still be serving Government in a Department other than parent Department, he may be allowed to submit his resignation to take up another post within the Central Govt. if he had applied for the post through proper channel.

Paternity Leave for Child Adoption/Child Adoption Leave

Sl. No.	Frequently asked Questions	Answer
1.	How is a child defined for the purpose of grant of Paternity Leave for Child Adoption/Child Adoption Leave	As per notes below rules 43AA and 43B "Child" for the purpose will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that of a natural born child'.

Child Care Leave

Sl. No.	Frequently asked Questions	Answer
1.	Whether women employees of Public Sector undertakings/ Bodies etc. are entitled to CCL?	Orders issued by DOPT are not automatically applicable to the employees of Central Public Sector Undertakings/ Autonomous Bodies, Banks, etc. It is for the PSUs/ Autonomous Bodies to decide the applicability of the rules/instructions issued for the central Government employees to their employees in consultation with their Administrative Ministries.
2.	Whether Govt. servant can be permitted to leave station/go abroad while on CCL?	Child care leave is granted to a woman employee to take care of the needs of the minor children. If the child is studying abroad or the Government servant has to go

		abroad for taking care of the child she may do so subject to other conditions laid down for this purpose.
3.	What is the intention behind the instruction that CCL is to be treated like EL and sanctioned as such?	The intention is that CCL should be availed with prior approval of leave sanctioning authority and that the combination of CCL with other leave, if any, should be as per the restriction on EL. The restriction of the limit of 180 days at a stretch as applicable in the case of EL will not apply in case of CCL. The other conditions like CCL may not be granted for less than 15 days or in more than 3 spells etc., will apply. {Rule 43-C}
4.	Whether child care leave has been extended to female industrial employees?	Child Care leave has been extended to all civilian female industrial employees covered by the CCS(Leave) Rules, 1972 subject to the conditions provided in rule 43-C of the CCS(Leave) Rules, 1972, as amended from time to time.{OM No. 12012/2/2009-Estt.(L) dated 01-08-2012}

Commutated Leave

Sl. No.	Frequently asked Questions	Answer
1.	Whether commuted leave is admissible based on medical certificates of Hospitals/Medical Practitioner approved by the employer of the spouse in cases where the concerned employee has been allowed to avail such facilities from the employer of the spouse?	Leave on medical grounds may be allowed on the basis of certificates issued by Hospitals/Medical Practitioners approved by the employer of the spouse in such cases.


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