

No. 18019/6/2013-Estt(L)
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the October, 2013

21-10-2013

OFFICE MEMORANDUM

Subject: Timely payment of dues of encashment of leave to Government servants retiring on attaining the age of superannuation – need to obviate delays in payment of such dues - regarding.

The undersigned is directed to state that in terms of the provisions of rule 39 of the CCS(Leave) Rules, 1972, the authority competent to grant leave is suo motu required to issue an order granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement, subject to the prescribed limits.

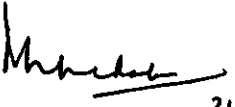
2. It has since been brought to the notice of this Department that the concerned administrative authorities as indicated in First Schedule to the said rules including authorities subordinate to the leave sanctioning authorities to whom such powers have been delegated, are not ensuring that the dues, as admissible to a Government servant retiring on attaining the age of superannuation, are promptly paid. This has led to avoidable litigation where courts have been directing payment of interest on such delayed payments. It has been observed from the references received in this Department that the delays in such payments are predominantly due to avoidable administrative reasons relating to processing of such cases.

3. It is further stated that the Leave Account of a Government servant is a dynamic document which is required to be revisited periodically to record credits of Earned Leave and Half Pay Leave in terms of provisions of rules 26 and 29 of the CCS(Leave) Rules, 1972 with entries made on each occasion the Government servant avails the leave of the kind due and admissible to him. Further, the said rules envisage that advance credits be made in the leave account of the Government servant and a constant check maintained to ensure that the total accumulations at any given time do not exceed 300+15 days.

4. Delays in reckoning the leave accumulations at the credit of Government servant at any stage, particularly at the time of his retirement on superannuation, cannot be acceptable and can be construed as administrative lapse, liable to attract provisions of the CCS(Conduct) Rules, 1964 and CCS(CCA) Rules, 1965. All cases of delay may be looked into and delays in disbursement of dues to Government servants retiring on attaining the age of superannuation be avoided.

5. The administrative authorities may consider putting in place a mechanism to check such delays and define various processing parameters and time lines viz. issuance of orders in respect of such retiring Government servants who have 300+15 days earned leave at their credit on the 20th of the month in which they are retiring as any leave availed by such Government servants shall not impact the maximum ceiling of encashment of such leave even if any request is made for grant of earned leave during the said period. The possibility of e-transfer of dues can also be worked out in consultation with respective P&AOs.

6. All Ministries/Departments are accordingly advised to bring the position referred to in this OM to the notice of all concerned from the perspective of ensuring that the dues of leave encashment in respect of Government servants retiring on attaining the age of superannuation are discharged with due promptness. It maybe ensured that sanction orders, in this regard are issued timely, so that dues admissible to the Government servants on attaining the age of superannuation, on account of encashment of leave, are discharged as soon as possible, preferably on the next working day following the date of their retirement on superannuation.


(Mukul Ratra) 24.10.13
Director

All Ministries/Departments of the Govt. of India, etc.
(As per standard mailing list).

*NIC, DOPT, North Block for uploading to
the web-site of the minister*