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MP CIVIL SERVICES LEAVE RULES



GOVERNMENT OF MADHYA PRADESH
FINANCE DEPARTMENT

No. 824/2916/77/R-I/IV, Bhopal, dated the 21st September, 1977.

MEMORANDUM

To,

ALL DEPARTMENTS OF GOVERNMENT,
THE PRESIDENT BOARD OF REVENUE,
ALL HEADS OF DEPARTMENTS,
ALL COMMISSIONERS OF DIVISIONS,
ALL COLLECTORS OF DISTRICTS,
MADHYA PRADESH.

SUBJECT.—*M. P. Civil Services (Leave) Rules, 1977—Clarification regarding.*

The M. P. Civil Services (Leave) Rules, 1977, issued vide this Department's Notification No. 650/989/77/R-I/IV, dated the 4th August 1977, have been published in the M. P. Rajpatra, dated 9th September 1977 on pages 209 to 239 in Part IV thereof. The Rules shall come into force from 1st October, 1977.

2. Some of the salient features of these rules are as under :—

- (i) Except in the matter of extraordinary leave, the disparity in regard to title of leave between temporary and permanent Government Servants has been removed. Now with effect from 1st October 1977 temporary Government Servants would also be entitled to earn earned leave up to a maximum period of 180 days and 20 days half pay leave for each completed year of Service. The benefit of commuted leave and leave-not-due is also now available to temporary Government Servants *vide* rules 29 and 30 of the rules *ibid.* Grant of Extraordinary leave will be governed by the provisions contained in rule 31 of these rules.
- (ii) In respect of a temporary Government Servant, who has not rendered five years of continuous service or more on 30th September 1977, the balance of earned leave at his credit will be the earned leave due on 30th September 1977. The earned leave accrued and due after 1st October 1977 would count for further accumulation of earned leave subject to a maximum of 180 days.
- (iii) As regards temporary Government Servants who have not rendered five years of continuous service or more on 30th September 1977 there will be no balance of half pay leave at their credit on 30th September 1977. In respect of such Government servants their title to half pay leave on or after 1st October 1977 would be determined by the provisions of rule 28 of these rules.

- (iv) Since the rate of earning of earned leave and half pay leave will not now change on confirmation, the question of recasting the leave account on confirmation will not arise. As such, provision in this regard has not been made in these rules.
- (v) A Gazetted Government Servant can be granted leave on medical certificate for a period exceeding two months on the basis of a certificate from an Authorised Medical Attendant or a Registered Medical Practitioner, as in the case of a non-gazetted Government Servant *vide* rule 17 of these rules. Where, however, the authority competent to grant leave is not satisfied about the genuineness of a particular case, it shall be open to such authority to secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon to have the applicant medically examined on the earliest possible date.
- (vi) In the order of sanctioning earned leave/half pay leave to a Government Servant, the balance of leave at his credit shall have to be indicated as provided in rule 21, *ibid*.
- (vii) The grant of leave after the date of retirement/extension in service, *vide* sub-rule (2) (i) of rule 34 is regarded as a terminal leave. In this regard the instructions issued *vide* this Department's Memorandum No. 1149-CR-571-IV-R-I, dated the 10th May 1960, may please be perused.
- (viii) As per rule 52 of these rules, leave salary during study leave is admissible equal to the pay (without allowances other than dearness allowance) that the Government Servant drew while on duty immediately before proceeding on such leave instead of half pay leave as at present. In respect of the Government Servants who are already on study leave on 1st October 1977, the leave salary will be regulated by the rules in force at the time the leave was sanctioned and the benefit of leave salary equal to the pay drawn immediately before proceeding on such leave shall be given in cases where the study leave commences on or after 1st October 1977 under the provisions of these rules.

3. Those Allocated Government Servants who have retained their unit leave rules, have been allowed an option either to retain the same or to come over to these rules. The option provided in this regard *vide* rule 2 (2) of the rules shall be exercised by an allocated Government Servant within three months from the date of publication of these Rules in the M. P. Rajpatra (*i.e.*, within three months from 9th September 1977) failing which the Government Servant shall automatically be governed by these rules from the date of coming into force of these rules. The form of option appended to this memo, duly filled in, may be submitted by the Government servant concerned, if necessary, to the Head of his office with a copy to the leave sanctioning authority within the prescribed time limit, which should be kept with his service book/record duly attested by the Head of Office/leave sanctioning authority.

4. The leave sanctioning authorities should carefully examine the request for the grant of leave under these rules made by a Government Servant to ensure that the spirit of the rules is properly observed and the leave can be refused, if necessary, by exercising the discretion vested in them *vide* rule 6 of these rules.

5. These rules are priced publication and the required number of copies of the rules can be had from the Government Press.

By order and in the name of the Governor of Madhya Pradesh,

V. K. PANDIT,
Special Secretary to Government.

No. 825/2916/77/R-I-IV, Bhopal, dated the 21st September, 1977.

Copy forwarded to :—

The Secretary/Military Secretary to the Governor, Madhya Pradesh,
Bhopal,

The Secretary, Public Service Commission, Madhya Pradesh, Indore,

The Controller, Government Printing and Stationery, Madhya Pradesh,
Bhopal,

The Vigilance Commissioner, Madhya Pradesh, Bhopal,

The Under Secretary (Superintendence)/Under Secretary (G.A.D.
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All Finance Officers/Accounts Officers/Treasury Officers,

for information.

(ii) Copy forwarded to the Accountant General, Madhya Pradesh, Gwalior/
Bhopal, for information.

(iii) Copy forwarded to the Secretary, Vidhan Sabha, Madhya Pradesh,
Bhopal, for information.

(iv) Copy forwarded to the Registrar, High Court of Madhya Pradesh,
Jabalpur, for information.

H. N. SONI,
Under Secretary to Government.

FORM OF OPTION

(Vide para. 3 of the memorandum)

I, belonging to the former.....

..... State hereby opt for the Leave Rules
which were applicable to me immediately prior to 1st October 1977.

Signature.....

Designation

Office/Department.....

Date

Station

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GOVERNMENT OF MADHYA PRADESH

FINANCE DEPARTMENT

Bhopal, the 4th August 1977.

D. No. 650/989/77/R-I/IV.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh, hereby makes the following rules, namely :—

CHAPTER I—PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Madhya Pradesh Civil Services (Leave) Rules, 1977.

(2) They shall come into force on the 1st day of October, 1977.

2. *Extent of application.*—(1) Save as otherwise provided in these rules, these rules shall apply to all Government servants who are in service on the date of coming into force of these rules and who are appointed to the civil services and posts in connection with the affairs of the State, but shall not apply to :—

- (a) Persons in casual or daily rated or part time employment ;
- (b) Persons paid from contingencies ;
- (c) Persons employed on work-charged establishments ;
- (d) Persons employed on contract except when the contract provides otherwise ;
- (e) Persons in respect of whom special provisions have been made by or under the provision of the Constitution or any other law for the time being in force ;
- (f) Persons serving under a State Government Department on deputation from the Central Government or any other source, for a limited duration ;
- (g) Members of the All India Services.

(2) (a) Those allocated Government servants, permanent or temporary, who have opted to retain the leave rules applicable to them immediately before 1st November, 1956, may elect to continue to be governed by those rules, if they wish to retain the same or may come over to these rules.

(b) The option under sub-rule (a) shall be exercised by an allocated Government servant within three months from the date of publication of these rules. The option once exercised shall be final and if it is not exercised within the prescribed period, the Government servant shall automatically be governed by these rules from the date of coming into force of these rules.

3. *Definitions.*—(1) In these rules, unless the context otherwise requires :—

- (a) 'Allocated Government servant' means a person in the service of a former State allocated or deemed to have been allotted to serve the State of Madhya Pradesh, under the provisions of section 115 of the States Reorganisation Act, 1956, and continued in the service of the new State ;

- (b) "completed year of service" or "one year's continuous service" means continuous service of specified duration under the State Government and includes the period spent on duty as well as on leave including extra-ordinary leave ;
- (c) "date of retirement" or "date of his retirement" in relation to a Government servant means the after noon of the last day of the month in which the Government Servant attains the age prescribed for retirement under the terms and conditions governing his service ;
- (d) "Foreign service" means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State or the Consolidated Fund of a Union Territory.
- (e) "Form" means a form appended to these rules ;
- (f) "Government servant in quasi-permanent employ" means a Government servant who may be declared or deemed to be as Quasi-permanent under the M. P. Government servants (Temporary and Quasi-permanent Service) Rules, 1960 ;
- (g) "Government servant in permanent employ" means a Government servant who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended ;
- (h) "Vacation Department" means a department or part of a department to which regular vacations are allowed during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in Fundamental Rules shall have the meanings respectively assigned to them in Fundamental Rules.

4. *Government servants on temporary transfer or on foreign service.*—(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to Central Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with U. N. agencies within or outside India) or on temporary transfer to the Armed Force of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

5. *Transfer from services or posts governed by other Leave Rules.*—Unless it be otherwise provided in these rules, a Permanent Government servant to whom these rules do not apply :—

- (a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer ; and
- (b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in rule 25.

The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the Department or the Government from which the Government servant is transferred.

CHAPTER II—GENERAL CONDITIONS

6. *Right to leave.*—(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

7. *Regulation of claim to leave.*—A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

8. *Effect of dismissal, removal or resignation on leave at credit.*—(1) Any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the State Government but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

9. *Commutation of one kind of leave into another.*—(1) At the request of a Government servant the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him when leave was granted, but the Government servant cannot claim such commutation as a matter of right.

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess, shall be recovered or any arrears due to him shall be paid.

NOTE.—Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of rule 30.

10. *Combination of different kinds 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.

Explanation.—Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

11. *Maximum amount of continuous leave.*—Unless the Governor, in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

12. *Acceptance of service or employment while on leave.*—(1) A Government servant (other than a Government servant who has been permitted a limited private practice or who has been permitted to under-take casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement or leave granted beyond the date of retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as Accountant, consultant or legal or medical practitioner without obtaining the previous sanction of—

(a) The Governor, if the proposed service or employment lies elsewhere than in India; or

(b) the authority, empowered to appoint him, if the proposed service or employment lies in India.

(2) No Government servant while on leave, other than leave preparatory to retirement or leave granted beyond the date of retirement, shall ordinarily be permitted to take up any other service or employment.

(3) No Government servant while on leave preparatory to retirement shall be permitted to take up private employment. If, however, a Government servant on leave preparatory to retirement is permitted to take up employment under any local authority or a Corporation or Company wholly or substantially owned or controlled by the State Government, or a body controlled or financed by the State Government, the leave and the employment shall run concurrently and he shall be paid leave salary in addition to his pay on such employment.

(4) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement, for employment during such leave in any post under the State Government in or out side India, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) above shall be treated as leave refused and subject to the provisions of rule 34 it may be granted from the date of retirement of the Government servant.

(c) No leave shall be earned in respect of any period of employment during leave preparatory to retirement.

(5) Where a Government servant is on leave beyond the date of retirement as provided in rule 34 and is employed during such leave in any post under the State Government or under a local body his leave shall run concurrently with such employment, and he shall be paid leave salary in addition to his pay on such employment.

(6) In cases covered by sub-rule (3) and (5) the Government servant shall also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary taken into account in calculating the allowances.

CHAPTER III—GRANT OF AND RETURN FROM LEAVE

13. *Application for leave.*—(1) An application for leave or for an extension of leave must be made to the authority competent to grant such leave or extension in Form 1.

(2) Applications for leave on grounds other than ill health should be made at least three weeks before such date. This limit would, however, be six weeks if the leave applied for is preparatory to retirement. The authority competent to grant leave may accept belated application at its discretion.

14. *Leave account.*—A leave account shall be maintained in Form 2 for each Government servant by the Head of Office.

15. *Verification of title to leave.*—No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

16. *Leave not to be granted in certain circumstances.*—Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

17. *Grant of leave on Medical Certificate to Government servant.*—(1) An application for leave on medical certificate, made by a Government servant, shall be accompanied by a medical certificate in Form 3 given by an Authorised Medical Attendent or a Registered Medical Practitioner, defining as clearly as possible the nature and probable duration of the illness.

(2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the Medical Certificate.

(3) The authority competent to grant leave may, at its discretion, secure a *second medical* opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a medical officer nominated by himself.

(5) The grant of a medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave, the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, at its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

18. *Leave to a Government servant who is unlikely to be fit to return to duty.*—(1) When a medical authority has reported that there is no reasonable prospect that the Government servant will ever be fit to return to duty, *leave shall not necessarily be refused to such Government servant.*

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions :—

(i) If the medical authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority ;

(ii) if a Government servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed six months.

(2) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall,—

(a) If he is on duty, be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority, if however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave.

(b) If he is already on leave, be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

19. *Commencement and termination of leave.*—Except as provided in rule 20 leave ordinarily begins on the day of which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

20. *Combination of holidays with leave.*—(1) Except in cases where for administrative reasons the leave sanctioning authority has specifically withheld the permission for prefixing and/or suffixing holiday(s) to leave, when the day, immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave expires is holiday or one of a series of holidays the Government servant can leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays.

(2) In the case of leave on medical certificate, if the day on which a Government servant is certified medically fit for re-joining duty happens to be a holiday, the day shall be suffixed to his medical leave, and such day(s) shall not be counted as leave.

(3) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the day after the holidays.

(4) If holidays are suffixed to leave, the leave is treated as having terminated and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

21. *Intimation of Leave at credit.*—The order sanctioning earned leave/half pay leave to a Government servant shall indicate the balance of such leave at his credit.

22. *Recall to duty before expiry of leave.*—A Government servant while on leave if recalled to duty before expiry of the leave, he shall be entitled :—

(a) 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 :—

(i) travelling allowance under rules made in this behalf for the journey ; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

(b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive—

(i) 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, at the same rate at which he would have drawn it but for recall to duty ;

(ii) a free passage to India ;

- (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter ;
- (iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

23. *Return from leave.*—(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 4.

(4) (a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him leave and await orders.

NOTE.—A Government servant who has been suffering from tuberculosis may be allowed to resume duty on the basis of Fitness Certificate which recommends light work for him.

24. *Absence after expiry of leave.*—(1) Unless the authority competent to grant leave extends the leave, Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

CHAPTER IV.—KINDS OF LEAVE DUE AND ADMISSIBLE

25. *Earned leave for Government servant serving in Departments other than vacation Department.*—(1) (a) A Government servant who is serving in a Department other than vacation Department shall be entitled to 30 days earned leave in every calendar year.

(b) The leave account of every Government servant shall be credited with earned leave in advance in two instalments of 15 days each on 1st January and 1st July every year.

(c) The leave at the credit of a Government servant at the close of the previous half year shall be carried forward to the next half year subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 180 days.

(d) A period spent on foreign service shall count as duty for purpose of this rule, if contribution towards leave salary is paid on account of such period.

(2) Subject to the provision of sub-rule (3) the maximum earned leave that may be granted at a time to a Government servant shall be 120 days.

(3) Earned leave may be granted to a Government servant exceeding a period of 120 days but not exceeding 180 days if the entire leave so granted or any portion thereof is spent out side India, Bangladesh, Burma, Ceylon, Bhutan, Nepal 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 the aforesaid limit of 120 days.

26. *Calculation of earned leave in respect of newly appointed Government servants and those resigns or retires :—*(1) Earned leave shall be credited to the leave account of a newly appointed Government servant at the rate of $2\frac{1}{2}$ 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.

(2) (a) The credit for the half year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of $2\frac{1}{2}$ days per completed calendar month up to the date of retirement or resignation.

(b) When a Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of $2\frac{1}{2}$ days per completed calendar month in which he is removed or dismissed from service or dies in service.

(3) If a Government servant has taken Extra-ordinary leave in a half year the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by $\frac{1}{10}$ th of the period of Extra-ordinary leave subject to a maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day *i.e.*, fraction below half should be ignored and that of half or more should be reckoned as a day.

27. *Earned leave for persons serving in vacation Department.*—(1) A Government servant 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.

(2) The earned leave admissible to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of 30 days earned leave as the number of days of Vacation not taken bears to the full vacation.

If in any year he does not avail himself of the vacation, earned leave is admissible to him in respect of that year in accordance with the provisions of rule 25.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under this rule, provided that the total duration of the vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of Earned leave due and admissible to the officer at a time under rule 25 :

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 210 days.

If, however, the entire spell of leave or portion thereof is spent elsewhere than in India, Bangladesh, Burma, Ceylon, Bhutan, Nepal and Pakistan, the maximum limit shall be 240 days subject to the condition that portion spent in India, Burma, Ceylon, Bangladesh, Bhutan, Nepal and Pakistan is not more than 210 days.

Explanation.—For the purpose of this rule, the term 'Year' shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a vacation Department.

NOTE.—(1) 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 orders 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.

NOTE.—(2) 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.

28. *Half pay leave.*—(a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service.

NOTE.—Completed year of service means continuous service for one year under the Government of Madhya Pradesh and includes period spent on duty as well as leave including half pay leave and extra-ordinary leave.

(b) The half pay leave due may be granted to a Government servant on medical certificate or on private affairs. Such leave on medical certificate shall be given on production of a medical certificate from such medical authority as Government may by general or special order prescribe in this behalf and for a period not exceeding that recommended by the medical authority. Such medical leave shall not be granted unless the authority competent to sanction leave is satisfied that there is a reasonable probability that the Government servant will be fit to return to duty on its expiry. Half pay leave on private affairs also shall not be granted unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry or unless it is included in the grant of leave expressed to be preparatory to retirement.

29. *Commuted leave.*—(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate only to a Government servant subject to the following conditions :—

- (i) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
- (ii) No commuted leave may be granted unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry.
- (iii) Commuted leave shall not be granted preparatory to retirement.
- (iv) Half pay leave up to maximum of 180 days may be allowed to be commuted during entire service (without production of medical certified) where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the 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 Government servant for further service or in the event of his death.

NOTE.—Commuted leave may be granted at the request of the Government servant even when earned leave is due to him.

30. *Leave not due.*—(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant subject to the following conditions :—

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry.
- (b) Leave not due shall be limited to the half pay leave he is likely to earn thereafter.
- (c) Leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate.
- (d) Leave not due shall be debited against the half pay leave the Government servant may earn subsequently.

(2) (a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service 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 :

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

31. *Extra-ordinary leave.*—(1) Extra-ordinary leave may be granted to a Government servant in special circumstances—

- (a) When no other leave is admissible.
- (b) When other leave is admissible, but the Government servant applies in writing for the grant of extra-ordinary leave.

(2) Unless the Governor in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extra-ordinary leave on any one occasion in excess of the following limits—

- (a) Up to 3 months without medical certificate ;
- (b) Up to 6 months with medical certificate for common ailments, where the Government servant has completed one years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extra-ordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules.
- (c) Up to eighteen months where the Government servant who has completed one year's continuous service is undergoing treatment for—

(11)

- (i) Cancer, or for Mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon, Staff Surgeon or a Specialist in such disease.
- (ii) Pulmonary tuberculosis or pleurisy or tubercular origin, in a recognised sanatorium.

of extra-ordinary leave up to eighteen months shall be
of permanent servant suffering from pulmonary
receives treatment

- (i) Cancer, or for Mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon, Staff Surgeon or a Specialist in such disease.
- (ii) Pulmonary tuberculosis or pleurisy or tubercular origin, in a recognised sanatorium.

NOTE.—The concession of extra-ordinary leave up to eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy or tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that 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.

- (iii) Tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or a Staff Surgeon.
- (iv) Leprosy in a recognised leprosy institution or a by a Civil Surgeon or Staff Surgeon or a Specialist in Leprosy Hospital recognised as such by the State Administrative Medical Officer concerned.

- (d) Twenty-four months where the leave is required for the purposes of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months extra-ordinary leave under sub-rule (2) (a) above] and executes bond in Form 5 to serve the State Government for a period of three years after return to duty failing which he would be required to pay a penalty of Rs. 1,000.

(3) The authority competent to grant leave may commute retrospectively periods of absence without leave into extra-ordinary leave.

(4) No Extra-ordinary leave beyond the period of four months in one spell shall be sanctioned to a Government servant, whether temporary or permanent, without prior concurrence of Government in Finance Department.

32. *Leave to probationer, a person on probation and on apprentice.*—(1)

(a) A probationer shall be entitled to leave under these rules if he has held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend—

- (i) beyond the date on which the probationary period as already sanctioned or extended expires, or
- (ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) An apprentice shall be entitled to—

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extra-ordinary leave under rule 31.

33. *Leave preparatory to retirement.*—(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, i.e., 180 days together with half pay leave due, subject to the condition that such leave extends up to and includes the day preceding the date of retirement.

NOTE.—The leave granted as leave preparatory to retirement shall not include extra-ordinary leave.

(2) (a) Where a Government servant who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement the decision to grant or refuse leave shall be taken by foreign employer with the concurrence of the lending Authority under the State Government.

(b) In case the leave is so refused to the Government Servant in public interest, it may be availed of by him to the extent admissible under rule 34 from the date of his retirement.

(c) In case the Lending Authority under State Government is not agreeable to the refusal of leave preparatory to retirement; it shall be granted to the Government servant and if the foreign employer needs the services of the Government servant during that period, the Government servant may be re-employed by that employer concurrently with leave preparatory to retirement and leave salary regulated in accordance with the provision of rule 12.

34. *Leave beyond the date of retirement.*—(1) Except as provided hereinafter, no leave shall be granted to a Government servant beyond the date of his retirement.

(2) Where a Government servant has, in sufficient time, before the date of his retirement :—

(a) formally applied for leave due as preparatory to retirement and the leave has been refused in whole or in part, or

(b) ascertained in writing from the authority competent to grant leave that such leave if applied for would not be granted,

on account of exigencies of public service, then he may be granted from the date of retirement the amount of earned leave so denied increased by the amount of earned leave earned by him during the period between the date on which leave preparatory to retirement was to commence and the date of retirement and decreased by such leave, if any, availed of during the same period, subject to the maximum limit of 120 days :

Provided that a Government servant whose service has been extended in the interest of the public service beyond the date of his 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 would have been granted to him under the preceding proviso, had he retired on the date of retirement,

(ii) after 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 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 25, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

(3) The grant of leave under this rule except under clause (i) of sub-rule (2) regarded as terminal leave and shall not be construed as extension of service.

35. Leave or extension of leave on medical certificate shall not be granted to a Government servant after the date on which he is pronounced by a medical committee to be completely and permanently incapacitated for further service.

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 retire or the date on which his duties finally cease, he has either formally applied for leave as leave 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.

36. *Leave Salary.*—(1) A Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

NOTE.—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 leave salary.

(2) 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).

(3) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).

(4) A Government servant on extra-ordinary leave is not entitled to any leave salary.

(5) In the case of a person to whom the Employees State Insurance Act, 1948 applies, leave salary admissible during leave, other than earned leave, shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

(6) (a) If, in the case of a Government servant who retires or resigns from service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any overdrawn.

(b) Where the quantum of earned leave already availed by a Government servant who is dismissed or removed from service or who dies while in service is in excess of the leave credited under clause (2) (b) of rule 26 the over payment of leave salary shall be recovered in such cases.

(7) A Government servant who is granted leave beyond the date of retirement as provided under rule 34, shall be entitled during such leave to leave salary as admissible under this rule, reduced by the amount of pension and pension equivalent of other retirement benefits.

37. *Drawal of leave salary.*—The leave salary payable under these rules shall be drawn in rupees in India.

CHAPTER V—SPECIAL KINDS OF LEAVE OTHER THAN STUDY LEAVE

38. *Maternity leave.*—(1) A female Government servant may be granted maternity leave by an authority competent to grant leave for a period which may extend up to the end of 90 days from the date of its commencement. In the case of 'abortion' or 'miscarriage' maternity leave may also be granted to a female Government servant; but the extent of the leave granted should be limited to the period recommended by the appropriate medical authority subject to a maximum six weeks from the date of occurrence of the event, provided that no leave under this rule shall be granted to a female Government servant who has three or more surviving children.

Note—The abortion induced under Medical Termination of Pregnancy, Act 1971, should also be considered as a case of 'abortion' for the purposes of this rule.

- (1) Such leave is not debited against the leave account. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (2) Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation should be supported by a medical certificate.
- (3) Leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

39. *Special disability leave for injury intentionally inflicted.*—(1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by an Authorised Medical Attendant and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7), be debited against the leave account.

(7) Leave salary during such leave shall,—

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5); be equal to leave to leave salary while on earned leave ; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave.

(8) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

40. *Special disability leave for accidental injury.*—(1) The provisions of rule 39 shall apply also to a Government servant, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of the due performance of his duties or in consequence of his official position by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions—

- (i) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty ;
- (ii) that, if the Government servant has contracted such disability during service otherwise than with an military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character ; and
- (iii) that the period of absence recommended by an Authorised Medical Attendant may be covered in part, by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

40-A. *Power to grant special disability leave.*—All cases relating to the grant of special disability leave under rules 39 and 40 shall be referred to Government in Finance Department by the Administrative Department concerned.

41. *Hospital leave.*—(1) Appointing authority may grant hospital leave to:—

- (a) Peons and guards of all departments in permanent employ ;
- (b) Process servers.

While under treatment for illness or injury in hospital or dispensary or while receiving medical aid as an outdoor patient at the station or headquarters of the district in which they are serving. Such leave may, without reference to the allowance paid to the substitute, be granted on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary.

(2) Hospital leave may also be granted at the discretion of the sanctioning authority to the Government servants specified below on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary, while they are under medical treatment for illness or injury in a hospital or dispensary or while receiving medical aid as an outdoor patient at the station or headquarters in which they are serving provided always that such illness or injury is directly due to risks incurred in the course of their official duties and is certified not to have been caused by irregular or intemperate habits.

- (a) Forest subordinates, other than clerks ;
- (b) Chief Headwarders, head-warders or warders, male or female, and orderlies of the Jail Department ;
- (c) Head warders or warders, male or female of Lunatic Asylums ;

- (d) Matrons of the Jail Department;
- (e) Subordinates employed in Government Laboratories;
- (f) Subordinates employed on the working of Government machinery;
- (g) Government servants on fixed rates of pay employed in Government Presses;
- (h) Ward coolies and compounders, whether permanent or temporary employed in Veterinary Dispensaries;
- (i) Compounders employed in the Jail Department.

(3) In the case of Police Officers of rank not higher than head constable, hospital leave may be granted at the discretion of the sanctioning authority on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary while they are under medical treatment for illness or injury in a hospital or dispensary, or while receiving medical aid as an outdoor patient at the station or headquarters in which they are serving, provided always that such illness or injury is certified not to have been caused by irregular or intemperate habits.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.

NOTE.—In the case of Police Officers of rank not higher than head constables hospital leave may also be allowed to intervene between two periods of leave of other kinds.

(5) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

CHAPTER VI.—STUDY LEAVE

42. *Conditions for grant of study leave.*—(1) Subject to the conditions specified in these rules, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or Specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted :—

- (i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to the sphere of duties of the Government servant; and

(ii) for the purpose of study connected with the frame work or back-ground of public administration, subject to the conditions that—

(a) the particular study or study tour should be approved by the authority competent to sanction study leave; and

(b) the Government servant should be required to submit on his return, a full report of the work done by him while on study leave.

(iii) for the studies which may not be closely or directly connected with the work of the Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless:—

(i) It is certified by the Administrative Department that the proposed course of study or training shall be of definite advantage from the point of view of public interest;

(ii) It is for prosecution of studies in subjects other than academic or literary subjects, and

(iii) the Economic Affairs Department of the Government of India Ministry of Finance agree to the release of foreign exchange involved in the grant of study leave, if such leave is out of India.

(4) Study leave shall not ordinarily be granted to a Government servant—

(i) who has rendered less than 5 years service under the Government; or

(ii) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(5) Study leave shall not be granted to Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

43. *Authorities competent to sanction study leave.*—(1) Study leave may be granted to a Government servant by the administrative departments of the State Government after obtaining prior concurrence of Finance Department in each individual case.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the conditions that the concurrence of the department or the establishment to which he is permanently attached is obtained before the leave is granted.

44. *Maximum amount of study leave that may be granted at a time and during the entire service.*—The maximum amount of study leave which may be granted to a Government servant shall be—

(i) Ordinarily twelve months at any one time which shall not be exceeded save for exceptional reasons; and

(ii) twenty-four months (inclusive of study leave granted under any other rules) in all during his entire service.

45. *Combination of study leave with leave of other kinds.*—(1) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extra-ordinary leave involve a total absence of more than twenty eight months from the regular duties of the Government Servants.

(2) A Government servant granted study leave in combination with any other kind of leave may, if he so desires commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave.

NOTE.—The limit of twenty-eight months of absence prescribed in sub-rule (1) includes the period of vacation.

46. *Regulation of study leave extending beyond course of study.*—When the course of study falls short of study leave sanctioned, the Government servant shall resume duty on the conclusion of the course of study, unless the previous assent of the authority competent to sanction leave to treat the period of short fall as ordinary leave has been obtained.

47. *Admissibility of allowances in addition to leave salary.*—No allowance of any kind other than the dearness allowance shall be admissible to a Government servant in respect of the period of study leave granted to him.

48. *Grant of Travelling Allowance.*—A Government servant shall not ordinarily be paid travelling allowance but the Governor may in exceptional circumstances sanction the payment of such allowance.

49. *Cost of fees for study.*—A Government servant granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Governor may sanction the grant of such fees :

Provided that in no case shall the cost of fees be paid to a Government servant, who is in receipt of scholarship or stipend from whatever source, or who is permitted to receive or retain in addition to his leave salary, any remuneration in respect of part-time employment.

50. *Execution of Bond.*—Every Government servant in permanent employ who has been granted study leave or extension of such leave shall be required to execute a bond as given in Form 6 or Form 7, as the case may be, before the study leave or extension of such leave granted to him, commences. If study leave or extension of such leave is granted to a Government servant not in permanent employ, the bond shall be executed as given in Form 8 or Form 9 as the case may be.

51. *Resignation and retirement.*—(1) If a Government servant resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, cost of fees, travelling and other expenses, if any, incurred by the State Government only drawn by him for the period of study leave, together with interest thereon at Government rates for the time being in force on Government loans from the date of demand before his resignation is accepted or permission to retire is granted :

Provided that the Governor may order—

(a) that nothing in this rule shall apply to a Government servant who on return to duty from study leave is permitted to retire from service on medical grounds ;

- (b) that the amount required to be refunded under this rule shall, in case of a Government servant who on return to duty from study leave is permitted to resign from the service and take up employment, under a statutory or autonomous body or in any institution under the control of the Government, be reduced to an amount equal to the expenditure incurred by the Government in respect of the leave salary, study allowance, cost of fees and travelling and other expenses sanctioned to him during the period of study leave together with interest thereon.

(2) The study leave availed of by such a Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extra-ordinary leave. In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the Governor may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

52. *Leave salary during the study leave.*—(1) During study leave availed outside India, a Government servant shall draw leave salary equal to the pay (without allowance other than dearness allowance) that the Government servant drew while on duty with Government immediately before proceeding on such leave.

(2) (a) During study leave availed in India a Government servant shall draw leave salary equal to the pay (without allowance other than dearness allowance) that the Government servant drew while on duty immediately before proceeding on such leave.

(b) Payment of leave salary on full rate under clause (a), shall be subject to furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part time employment.

(c) The amount, if any, received by a Government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

53. *Counting of study leave for promotion, pension, seniority, leave and increments.*—Study leave shall count as service for promotion, pension and seniority. It shall also count as service for increments as provided in rule 26 of the Fundamental Rules.

54. *Debiting of study leave to the leave account.*—Study leave shall not be debited against the leave account of the Government servant concerned.

55. *Application for study leave.*—(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

CHAPTER VII—MISCELLANEOUS

56. *Interpretation.*—Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

57. *Power to relax.*—Where any Department of Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Department may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner, :

Provided that no such order shall be made except with the concurrence of the Finance Department.

58. *Repeal and saving.*—(1) On the commencement of these rules, every rule, regulation or order, including memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of, a Government servant, under the old rule, shall be deemed to have been done, taken earned, granted or accrued under the corresponding provisions of these rules.

(3) For the purposes of grant of leave under these rules, the powers delegated under the old rules shall continue to apply.

By order and in the name of the Governor of Madhya Pradesh,

N. BUCH, Spl. Secy.

FORM No. 1

(See Rule 13)

FORM OF APPLICATION FOR LEAVE

NOTE—Items 1 to 11 must be filled in by all applicants whether gazetted or non-gazetted. Item 12 may be filled in only when it is applicable to the Government servant concerned.

1. Name of applicant
2. Leave Rules applicable
3. Post held
4. Department, Office and Section
5. Pay
6. House rent allowance, conveyance allowance or other compensatory allowances drawn in the present post.
7. Nature and period of leave applied for and date from which required.
8. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave.
9. Ground on which leave is applied for
10. Date of return from last leave, and the nature and period of that leave
11. Leave address, if granted
12. I propose/do not propose to avail myself of leave travel concession for the block years during the ensuing leave.
13. Remarks and/or recommendation of the Controlling Officer.

Signature (with date) Designation.

14. Orders of the sanctioning authority

Signature (with date) Designation.

*If the applicant is drawing any compensatory allowance the sanctioning authority should state whether on the expiry of leave he is likely to return to the same post or to another post carrying a similar allowance.

FORM No. 2

(See Rule 14)

Name of Government servant.....Date of birth.....Date of commencement of continuous service.....Date of Quasi permanent...../.....permanent employment.....Date of retirement/resignation.....

EARNED LEAVE

Particulars of service in the calendar half-year		Completed months of service in the calendar half year	E. L. credited at the beginning of half year	No. of days of Extraordinary leave (Col. 33) availed of during the previous calendar half year	E. L. to be deducted (1/10th of the period in Col. 5)	Total E. L. at credit in days (Col. 4+11-6)
From	To					
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(22)

Half Pay Leave (on private affairs and on medical certificate.....)

Leave taken		Balance of E. L. on return from leave (Col. 7-10)	Length of Service		Credit of leave	
From	To	(No. of days)	From	To	Leave earned (in days)	Leave at credit (Col. 15+32)
(8)	(9)	(10)	(12)	(13)	(14)	(15)
						(16)

Leave taken		Leave taken		Commuted leave without Medical Certificate for studies certified to be in public interest (Limited to 180 days half pay leave converted into 90 days commuted leave in entire service)		Commuted leave converted into half pay leave twice of Col. 22 and 22C	
From	To	No. of days	From	To	No. of days		
(17)	(18)	(19)	(20)	(21)	(22)	(22A)	(23)
						(22B)	(22C)

including commuted leave and leave not due				Total of leave not due (Col. 26+29)		Total half pay leave taken (Col. 19+23+30)		Balance of half pay leave on return from leave (Col. 16-31)		Other kinds of leave taken	
Leave not due limited to 360 days in entire service on Medical Certificate		Otherwise than on Medical Certificate limited to 180 days		Total of leave not due (Col. 26+29)		Total half pay leave taken (Col. 19+23+30)		Balance of half pay leave on return from leave (Col. 16-31)		Other kinds of leave taken	
From	To	No. of days	From	To	No. of days						
(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 at the rate of 2½ days for each completed Month and the fraction of a day will be rounded to the nearest day.

Note 3.—The entries in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day, i. e. fraction below half should be ignored and that of half or more should be reckoned as a day.

Note 4.—Period of extraordinary leave should be noted in red ink.

Note 5.—The entries in 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 year 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.

FORM No. 3

(See rule 17)

MEDICAL CERTIFICATE FOR GOVT. SERVANTS RECOMMENDED
LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

Signature of the Government servant

I, after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... whose signature is given above, is suffering fromand I consider that a period of absence from duty of with effect from..... is absolutely necessary for the restoration of his/her health.

Authorised Medical Attendant,
.....Hospital/Dispensary
or other Registered Medical
Practitioner.

Dated

Note (1).—The nature and probable duration of the illness should be specified.

Note (2).—This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

Note (3).—Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a medical officer nominated by himself.

Note (4).—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government Servant.

(25)

FORM 4

[See Rule 23 (3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of Government servant

I,

Civil Surgeon/Staff Surgeon
Authorised Medical Attendant of

.....
Registered Medical Practitioner.

Do hereby certify that I have carefully examined Shri/Shrimati/Kumari whose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Civil Surgeon/Staff Surgeon
Authorised Medical Attendant
Registered Medical Practitioner.

Dated

Note.—The original medical certificate (s) and statement (s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate (s) and statement (s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

FORM 5

[See Rule 31 (2) (d)]

BOND FOR TEMPORARY GOVERNMENT SERVANTS GRANTED
EXTRAORDINARY LEAVE IN RELAXATION OF RULE 32 FOR
STUDY.

KNOW ALL MEN BY THESE PRESENT THAT I, Shri/Shrimati/Kumari S/o W/o D/o Shri resident of in tahsil of the District at present employed as in the Department (here-in-after called "the obligor") and (1) Shri Son of Shri and (2) Shri Son of Shri Sureties on his/her behalf do hereby jointly and severally bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Madhya Pradesh and his successors in office (hereafter called the "Government") on demand the sum of Rs. 1,000 (Rupees one thousand) only and if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

Date this day of one thousand nine hundred and

WHEREAS the Government has, on the request of the above bounden obligor granted him/~~her~~ regular leave, followed by extraordinary leave without pay and allowances, for period of.....months days with effect fromin order to enable him/her to study at

AND WHEREAS the Government *has appointed/may have to appoint* a substitute to perform the duties of..... during the period of absence of the obligor on extraordinary leave ;

AND WHEREAS it has been agreed between the above bounden Shri/Shrimati/Kumari..... and the Government that for the better protection of the interest of the Government, the said Shri/Shrimati/Kumari..... should execute such bond as above written and with such condition as is hereunder written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT IN THE event of the above bounden Shri/Shrimati/Kumari.....failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her or resigning the post within three years after rejoining for such period not exceeding a period of..... years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under the rules, the said obligor Shri/Shrimati/Kumari..... or his/her heirs, executors and administrators and/or the sureties their heirs shall forthwith pay to the Government on demand the said sum of Rs. 1,000 (Rupees one thousand only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans ;

AND upon his/her and/or the sureties aforesaid making such payment, the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the said obligor before suing the above and bounden sureties (1) Shri and (2) Shri..... or any of them for the amount due hereunder.

THIS BOND shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary be accordingly determined by the appropriate courts in India.

The stamp duty payable on this deed shall be borne by the Government.

IN WITNESS to the above written bond the condition therefore I, Shri/Shrimati/Kumari..... and Shri and Shri sureties have here unto set our hands this day..... day of..... one thousand nine hundred and

Signed and delivered by the above bounden in the presence of Signed and delivered by the surety above named Shri in the presence of Signed and delivered by the surety above named Shri..... in the presence of

Accepted
for and on behalf of the Governor of
Madhya Pradesh..

FORM 6

(See Rule 50)

**BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN
PERMANENT EMPLOY WHEN PROCEEDING ON STUDY
LEAVE.**

KNOW ALL MEN BY THESE PRESENTS THAT I resident of in the District of at present employed as in the Department/Office of do hereby bind myself and my heirs, executors and administrators to pay to the Governor of Madhya Pradesh (hereinafter called "the Government") on demand the sum of Rs. (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans, or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges, and expenses that shall or may have been incurred by the Government.

Signed and dated this day of one thousand nine hundred and Signature

Witness (1)

(2)

WHEREAS I am granted study leave by Government.

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service, without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. In the case of the breach of the conditions of this bond. The amount mentioned above shall be recovered as arrears of Land revenue.

AND upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Government of Madhya Pradesh have agreed to bear the stamp duty payable on this bond

Signed and delivered by in the presence of.....

Witness (1)

Accepted
for and on behalf of the Governor of
Madhya Pradesh.

FORM 7

(See Rule 50)

**BOND TO BE EXECUTED BY A GOVERNMENT SERVANT
IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION
OF STUDY LEAVE.**

Know all men by these presents that Iresident of in the District of at present employed as in the Department/Office of do hereby bind myself and my heirs, executors and administrators to the Governor of Madhya Pradesh (hereinafter called "the Government") on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this day of one thousand nine hundred and

Whereas I was granted study leave by Government for the period from to in consideration of which I executed a bond dated for Rs. (Rupees) in favour of the Governor of Madhya Pradesh.

And whereas the extension of study leave has been granted to me at my request until

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

Now the condition of the above written obligation is that in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. In the case of the breach of the conditions of this bond, the amount mentioned above shall be recovered as arrears of Land revenue.

And upon my making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

The Government of Madhya Pradesh have agreed to bear the stamp duty payable on this bond.

Signed and delivered by in the presence of.

Witness :—(1)

(2)

Accepted
for and on behalf of the Governor of
Madhya Pradesh.

FORM 8

(See Rule 50)

**BOND TO BE EXECUTED BY A GOVERNMENT SERVANT NOT IN
PERMANENT EMPLOY, WHEN, PROCEEDING ON STUDY LEAVE.**

KNOW ALL MEN BY THESE PRESENTS THAT We.....
resident of in the District of at present
employed as in the Department/Office of
herein after called the obligor and Shri son of ... of
..... (herein after called the sureties) do hereby jointly and
severally bind ourselves and own respective heirs, executors and administrators
to Pay to the Governor of Madhya Pradesh (hereinafter called "the
Government") on demand the sum of Rs. (Rupees)
together with interest thereon from the date of demand at Government rates for
the time being in force, on Government loans, or, if payment is made in a
country other than India, the equivalent of the said amount in the currency of
that country converted at the official rate of exchange between that country and
India AND TOGETHER with all costs between attorney and client and all
charges and expenses that shall or may have been incurred by the
Government.

Signed and dated this day of one
thousand nine hundred and Signature of the Obligor

Sureties (1)

(2)

Witness (1)

(2)

WHEREAS the obligor is granted study leave by the Government.

AND WHEREAS for the better protection of the Government the obligor
has agreed to execute this bond with such condition as hereunder is written ;

AND WHEREAS the said sureties have agreed to execute this bond as
sureties on behalf of the above bounden

NOW THE CONDITION OF THE ABOVE WRITTEN
OBLIGATION IS THAT in the event of the obligor Shri/Smt./Ku.....
failing to resume duty, or resigning from service or otherwise quitting service
without returning to duty after the expiry or termination of the period of
study leave or at any time within a period of three years after his return to duty
the obligor and the sureties shall forthwith pay to the Government or as may
be directed by the Government on demand the said sum of Rs.
(Rupees) together with interest thereon from the date of
demand at Government rates for the time being in force on Government loans.
In the case of the breach of the conditions of this bond, the amount mentioned
above shall be recovered as arrears of Land revenue.

And upon the obligor Shri and/or Shri
and/or Shri the sureties aforesaid making such payment the
above written obligation shall be void and of no effect otherwise it shall be and
remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri and Shri or any of them for amounts due hereunder.

Signed and delivered by the surety above named Shri
in the presence of

Signed and delivered by the surety above named Shri
in the presence of

The Government of Madhya Pradesh have agreed to bear the stamp duty payable on this bond.

Signed and delivered by the obligor above-named Shriin
the presence of

Signed and delivered by the surety above named Shri in
the presence of

Signed and delivered by the surety above named Shri in
the presence of

Accepted
for and on behalf of the Governor of
Madhya Pradesh.

FORM 9

(See Rule 50)

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT NOT IN
PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF
STUDY LEAVE

Know all men by these presents that we resident
of in the District of at present employed
as in the Department/Office of
(hereinafter called "the obligor") and Shri son of
of and Shri son of of
(hereinafter called the sureties) do hereby jointly and severally bind ourselves
and our respective heirs, executors and administrators to pay to the Governor
of Madhya Pradesh (hereinafter called "the Government") on demand the sum
of Rs. (Rupees) together with interest
thereon from the date of demand at Government rates for the time being in
force on Government loans or, if payment is made in a country other than
India, the equivalent of the said amount in the currency of that country
converted at the official rate of exchange between that country and India And
Together with all costs between attorney and client and all charges and expenses
that shall or may have been incurred by the Government.

Signed and dated this day of One
thousand nine hundred and

Whereas the obligor was granted study leave by the Government for the period from to in consideration of which he executed a bond dated for Rs. (Rupees) in favour of the Governor of Madhya Pradesh.

And whereas the extension of study leave has been granted to the obligor at his request until.

And whereas for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of the obligor Shri/Shrimati/Kumari failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government Loans.

In the case of the breach of the conditions of this bond, the amount mentioned above shall be recovered as arrears of Land revenue.

And upon the obligor Shriand or Shri and, or Shri the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue :

Provided Always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri and Shri or any of them for amounts due hereunder.

The Government of Madhya Pradesh have agreed to bear the stamp duty payable on this bond.

In witness thereof The Government servant above named has signed these presents the day month and year first above written.

Signed sealed and delivered by in the presence of :—

1.
2.

Accepted
for and on behalf of the Governor of
Madhya Pradesh.

ERRATA
To
M. P. CIVIL SERVICES (LEAVE) RULES, 1977

<i>S. No.</i>	<i>Page No.</i>	<i>Rule</i>	<i>Line</i>	<i>Incorrectly Printed</i>	<i>To be read as</i>
(1)	(2)	(3)	(4)	(5)	(6)
1	5	18	2	(1)	(1) (a)
2	6	19	2	of	on
3	8	(After 26 (4)	1	Not printed	27
4	11	32	1	on	an
5	13	35	1	Not printed	(Starting sentence) Except in respect of the cases covered by rule 18.
6	13	35	1-7	Explanation	Delete the Ex- planation
7	13	38	7	Not printed	'of' (between the words maximum and six)
8	14	Note below rule 38 (1)	1	(1) (2) (3)	(2) (3) (4)
9	14	39(6)	2-3	except the leave granted under the proviso to clause (b) of sub-rule (7)	This sentence should be deleted.
10	15	40-A	3	Not printed	add 'for concurrence' after the word 'Administrative Department con- cerned'.
11	20	55(2)	8	Studp	Study
12	22	FORM No. 2			FORM OF LEAVE ACCOUNT (Be- low Form No. 2 and above (see Rule 14)
13	22	FORM No. 2	4	(Col. 4+11—6	(Col. 4+11—6)
14	23	FORM No. 2	Line 1 in note 3.	helf	half
15	25	FORM No. 5	2 (In capital letters in the head- ing)	RULE 32	RULE 31

