

NOTE ON KERALA SERVICE RULES Part I

Upto February 2011

I. Introduction

The Kerala Service Rules were issued by the Governor of Kerala under the powers conferred on him by the proviso to Article 309 of the Constitution of India, and published under Notification No.Fin/CR.57702/59 dated 10th November 1959 in the Kerala Gazette Extra Ordinary No. 67 dated 12th November 1959. Later, on 17th September 1968, Kerala Legislative Assembly passed 'Public Service Act-19', for the conditions of service of Government employees and since then the Kerala Service Rules have been governed by that Act.

KSRs are divided into three parts.

Part I	Rules 1 to 159	-	General conditions of service and rules on Pay, Leave, Joining Time, and Foreign Service
Part II	Rules 1 to 116	-	Travelling Allowance Rules, and
Part III	Rules 1 to 151	-	Pension Rules

Rules under Parts I and II are given effect to from 01-11-1959 and those in part III from 01-11-1956. The present Pension Rules, viz, Simplified Pension Rules, are in force from 14-11-1966.

II. Powers reserved by the Government

1. to decide whether the rules are applicable to a particular person;
2. to delegate powers to subordinate officers for the application of rules;
3. to make any rule;
4. to dispense with or relax the requirements of any rule in an individual case

5. to regulate the terms and conditions for the grant of compensatory allowances from time to time;
6. to determine the standard rent of Government buildings to be recovered from occupants;
7. to remit (to give up) pension contribution in respect of an officer transferred on Foreign Service;
8. to permit an officer on foreign service to receive pension or gratuity from foreign employer;
9. to modify the rules and to give final interpretation in case of doubt [R.4,7,9&11];
10. to exempt a person from producing certificate of physical fitness at the time of first joining duty R13.
11. to fix the Head Quarters and sphere of duty of an officer. R 46 & 47 PII.
12. to grant Leave Without Allowance in excess of 120 days at a time. R. 64;
13. to grant Leave for Study Purpose under rules in Appendix XII B;
14. to grant LWA for taking up other employment in the country or abroad as per Appendix XII A, and that for meeting spouse under rules in Appendix XII C;
15. to cancel unavailed portion of leave granted under App. XII A or XII C;
16. to send a person on foreign service-R 140 (b);
17. to re-employ a person discharged on pension or gratuity. R. 92 P III;
18. to grant Family Pension to the parents of a deceased government servant/ deceased pensioner-R 90 (6A) 5 P III.

III. General conditions of Service

a. Punctuality (R 13 &14)

1. No person may be appointed to a post in Government Service without his producing a Medical Certificate of health (R.13). But Government may dispense with production of Medical Certificate in individual cases and exempt any specified class of officers from the operation of this rule. The five categories of persons exempted (Note 3 to R 13) are:
 - i. an officer recruited through a competitive examination who had to undergo a medical examination in accordance with regulations prescribed for appointment to service under government;
 - ii. an officer in service other than the Last Grade appointed in a temporary vacancy of less than six months' duration;
 - iii. an officer in the Last Grade appointed in a temporary vacancy of less than 12 months' duration;
 - iv. a temporary officer who has already been medically examined in one office, if transferred to another office without a break in service subject to the provision of note 2 to R 13;
 - v. a retired officer reemployed immediately after retirement.
2. The whole time of a Government Servant is at the disposal of the Government. R.14.
3. Every officer must attend his office punctually. For every three late attendance, each upto one hour, without permission the person will forfeit a day's casual leave. Late attendance without permission for less than three days at the end of a calendar year will be ignored. If there is no casual leave to be forfeited, disciplinary action may be taken against the person concerned (notes 1-2 to R.14.). No eligible leave shall be forfeited in the absence of casual leave at credit. (Note 2 to Rule 14)

Rule 14 A reintroduced as per GO(P) No.212/2005/Fin dated 11/05/2005.

The period of unauthorized absence of an officer on account of participation in strike shall be treated as 'Dies-Non'. During the period of 'Dies-Non' he shall not be eligible for pay and allowance and the period shall not be counted for admissibility of earned leave. The period shall be counted for increment and Half pay Leave. It will not be counted for probation.

Comment questions

- a) A person, who is appointed in the last grade category in a temporary vacancy for a period of 9 months, has not been admitted to duty for want of certificate of his health. (See sub rule 3 under note 3 to R 13 - action irregular).
- b) A Lower Division Clerk put in 2 years' service in the Police Department has not brought with him certificate of his health when he reported for joining duty as Secretariat Assistant as per the advice of PSC. (See sub rule 4 under note 3 to 13 – action correct).
- c) As there was no casual leave at the credit of an upper division clerk, it was ordered to forfeit one EL for his three late attendance (See note 2 to R 14-CL alone shall be forfeited; action incorrect).
- d) It was ordered by a Head of Office to bring forward 2 late attendance of a clerk in his office, to the next year since there was no casual leave at the credit of the clerk at the end of that calendar year. (See note 1 to R 13; LA less than 3 days at the end of a calendar year will be ignored; action not correct).

b. Lien (R.15-18)

1. Lien is the title to hold a permanent post substantively R.12(18).

2. Two or more persons cannot be appointed substantively to the same permanent post at a time R.15 (a)
3. One person cannot hold lien in more than one post at a time. R.15 (b)
 - i. An officer cannot be appointed on permanent basis to a post on which another person has a lien. R. 15 (c)
 - ii. An officer ceases to hold lien previously acquired, when he acquires lien in a second post. R. 16
 - iii. Lien once acquired will remain:
 - a) while performing duty in that post.
 - b) while on foreign service
 - c) while on leave
 - d) while holding a temporary or officiating post
 - e) during joining time unless the transfer is on an appointment on substantive basis
 - f) while under suspension; and
 - g) while undergoing training. R. 17
4. Government may suspend the lien-
 - a. when a permanent officer is appointed on substantive basis to a post in another cadre
 - b. when an officer having lien is appointed on substantive basis to a higher post in the regular line of promotion
 - c. When an officer having lien is appointed permanently to a post where another person has suspended lien. R 18.

IV. Increment(R. 31 to 33 & 37 B)

1. An annual increment is a rise at prescribed rate to basic pay, granted once in 12 months.
2. From 01-04-1974 increment is granted from the first day of a month in which it falls due. R 31.
3. Increment accruing consequent on declaration of probation shall be drawn only with effect from the date of completion of probation; but, subsequent increments shall be drawn on the first day of month in which they fall due. (GD 2 to R 31 & R 37B).
4. When an efficiency bar is prescribed in a time scale of pay, the increment next above the bar shall not be given without the specific sanction of the competent authority. R.32.
5. An officer shall not be eligible to draw his first increment until he subscribes to the State Life Insurance Scheme within a period of one year from the date of his entry in service. (R22A r/w note 3 R.31 incorporated as per GO (P) No.511/2004/Fin dated 2/11/2004 and G.O.(P) No.229/2006/Fin dated 24/03/2006)
6. Following are reckoned as qualifying services for the grant of an increment. R.33.
 - a) All duty periods in a post at the same stage of pay on a time scale.
 - b) Services in another post with the same pay on the same/identical time scale
 - c) Period of deputation
 - d) Period of leave including LWA on MC and LWA up to 60 days without MC in continuation of maternity leave or Child Adoption Leave.

- e) Period of in-service training
 - f) Period of joining time.
 - g) Period of suspension treated as duty or eligible leave other than LWA.
 - h) Period of dies-non
 - i) Previous service when reappointed after thrown out for want of vacancy in the same post or another post carrying the same/identical time scale of pay.
7. Periods not counted for granting increment.
- a) LWA taken by teachers for completion of training courses such as B.Ed, Hindi Teacher's Training, Language Teacher's Training and TTC [G.O. (p) 217/05/Fin dated 11-05-05].
 - b) Provisional service regularized on or after 1-10-1994.
 - c) Period of suspension not treated as duty, or that treated as LWA.
 - d) LWA without MC. beyond 60 days in continuation of maternity leave or Child Adoption Leave.
 - e) Previous service if re-employed after resignation, removal or dismissal and period of permanent withholding of increment.
 - f) Service in a lower post.
 - g) Officiating service in a higher post, if not certified, "would have continued in the lower post, but for promotion."
 - h) Period of training, if pay of the officiating Post is not drawn during the training.
8. If there are series of increment bar, the first order will be given effect to first, and making the position right, the next order.

a. Stagnation increment in force from 01-07-1988

This is the increment granted to an officer who reaches the maximum of his scale of pay. From 01-07-2009 the maximum pay due to such increments should not go above Rs. 59,840/-.

Only five increments are allowed under this category. The first four increments as annual and the fifth one as biennial at the rate of increment last drawn. This will be treated as personal pay and counted for DA, HRA and retirement benefits. This will also be counted for fixation of pay on promotion to higher posts and to time-bound higher grade; but no refixation.

Additional Points

- i. Increment date is permanently changed when any leave not counting for increment availed, is ending in another month.
- ii. Even if there is a part of the aforesaid leave (not counting for increment) in a month, the increment due will be granted from the first date of that month.
- iii. No formal sanction for the drawl of regular increment is necessary (Art 78 KFC)
- iv. In the case of the first appointment or promotion the first increment will be drawn before completing 12 months, if the date of joining duty is other than the first day of the month.
- v. Increase in pay consequent on the accrual of increment during leave is to be paid during the leave period itself, except in the case of LWA.
- vi. The order of postponement of increment has only prospective effect, ie, it will affect only the increment due after the order is issued.

- vii. The order of postponement of increment is applicable only in the scale of pay the officer was holding at the time, and not in a lower or higher scale
- viii. If there are series of increment bar, the first order shall be given effect to first and then given effect to the next order one by one, after the position is set at right.

Comment question

The period of probation of a clerk in the Health Services Department, who joined service on 14-9-2001 with a period of probation of 2 years, has been declared to have completed satisfactorily in time. His first increment was granted from 14-09-2002 and the second increment from 14-09-2003. (See R 31,33 & 37 B. First increment was to be granted from 1-9-2002)

b. Fixation of Pay

During the entire service of a Government servant, there may occur six occasions to fix his pay, as shown below:

- i. At the time of his first joining duty. R 26
- ii. When promoted or appointed to a higher post. R.28, 37 (a) & 28 A
- iii. When scale of pay is revised. R 30.
- iv. When the post of an officer is upgraded. Ruling 2 to R.30 read with cir. dated, 20-06-00 or as per R 28, 37(a) and 28 A as the case may be. As per 8th Pay Revision Order, pay should be fixed under R.28A; but no refixation.
- v. When transferred to a post carrying lower or equivalent scale of pay. Note 1 to R 28 & R 37 (b)
- vi. At the time of time bound grade promotions. (As per various GOs)

1. Fixation Rules when promoted or appointed to a higher post.

There are three rules for this fixation, viz. 28,37 (a) and 28 A.

2. Application of Rule 28

This rule is applied when the promotion or appointment to the higher post is on a substantive basis.

Rule 28 allows only one benefit, viz. initial substantive pay. This initial pay is fixed at the stage of the higher time scale of pay next above the pay in the lower post. Since the person acquires lien in the higher post by virtue of his substantive appointment, there will be no refixation. On completion of one year Q.S. he will get his first increment in the new post. From 26-3-2006 this rule is applied in all **substantive** promotion/appointment from a lower post to higher post where the minimum of higher scale exceeds Rs.20,700/-. (This limit has been revised as Rs.36140/- w.e.f 1.07.2009 vide G.O (P) No.85/2011/Fin. dated 26.02.2011)

Mr.'A' drawing a substantive pay of Rs.25400/- in the scale of pay of Rs.23200-550-25400-600-26600-650-31150 from 1-07-2007 was promoted to the next higher post with a scale of pay of Rs.25400-600-26600-650-33100 on 15-10-2007 on a substantive basis. His pay in the new post is to be fixed and first increment granted as follows : (a case prior to 1.07.09)

Date	Pay in the lower post 23200-550-25400-600 -26600-650-31150	Pay in the higher post 25400-600-26600-650 -33100	Benefit & rules
01-07-07	Rs.25400	--	--
15-10-07	-----	Rs.26000	Initial substantive pay R.28
01-10-08	-----	Rs.26600	1 st increment R 31 & 33

Note: The aforesaid principles are accepted in the 9th Pay Revision Order also. Hence, the method is still in force.

C. Application of Rule 37(a) w.e.f 26/03/2006. (See G.O (P) No.227/07(54)/Fin dated 31/05/2007).

From 26-03-2006 this rule is applied in the case of all "**officiating**" promotions/appointment to a higher post where the minimum of the higher scale exceeds Rs.20700/-, applying the following principles. (The aforesaid limit has been enhanced to Rs.36,140/- w.e.f 1.07.2009)

1. Pay in the higher post shall be fixed in the scale of pay to that post at next stage above the pay in the lower post.
2. On the date of accrual of increment in the lower post, if the pay in the lower post becomes equal to the pay in the higher post, the pay in the higher post will be fixed at the next stage in the higher scale of pay as stepping up.
3. Next increment in the promoted post will be allowed on completion of one year service from that date (see illustration (i) below)
4. If the pay in the lower post on accrual of increment is less than the pay in the higher post, the pay in the higher post will remain without stepping up. In such case increment in the higher post shall be allowed on completion of one year from the date of promotion. (see illustration (ii) below)

Illustration (i) (a case prior to 1.07.2009)

An officer drawing pay of Rs.23200 from 1/07/2005 in the scale of pay Rs.20700-500-23200-550-25400-600-26600 is promoted on an officiating basis to a higher post on Rs.23200-550-25400-600-26600-650-31150 w.e.f.15/04/2006. His pay in the higher post till getting first increment will be fixed as below.

Date	Pay in the lower post 20700-500-23200-550- -25400-600-26600	Pay in the Higher Post 23200-550- 25400-600-26600- 650-31150	Nature of benefit
1-07-2005	Rs. 23,200	-	-
15-04-2006	(Rs. 23,200)	Rs. 23750	Initial offg. Pay
1-07-2006	(Rs. 23,750)	Rs. 24300	Stepping up
1-07-2007	(Rs.24, 300)	Rs. 24850	1st Increment

Illustration (ii) (a case prior to 1.07.2009)

If the officer in the illustration (i) was drawing a basic pay of Rs.21700 from 1-07-2005, his pay in the post of promotion will be fixed as below.

Date	Pay in the Lower Post 20700-26600	Pay in the higher Post 23200-31150	Nature of benefit
1-07-2005	Rs.21700	-	-
15-04-2006	(Rs.21700)	Rs.23200	R 37 (a)
1-07-2006	(Rs.22200)	Rs.23200	-
1-04-2007	(Rs.22200)	Rs.23750	1st Increment R 31 & 33

Note : The afore cited principles are accepted in the 9th Pay Revision order also. Hence the method is still in force.

D. Rule 28 A and its application

This rule was introduced w.e.f. 03-02-1962. This is applicable to both substantive as well as officiating promotion/appointment from a lower post. From 29-06-1983 to 30-06-04 in all cases where the minimum pay of the lower time scale does not exceed the amount as shown below, (Sl. Nos.1 to 6) and from 26-3-2006 on the basis of minimum of higher scale, this rule is applied:

1.	From 29-06-1983 to 30-06-1983	-	Rs.1,300	} Minimum of lower scale of pay
2.	From 01-07-1983 to 30-06-1988	-	Rs.2,100	
3.	From 01-07-1988 to 29-02-1992	-	Rs.2,640	
4.	From 01-03-1992 to 28-02-1997	-	Rs.3,900	
5.	From 01-03-1997 to 30-06-2004	-	Rs.12,600	
6.	From 01-07-2004 to 25.03.2006	-	Rs.20,700	
7.	From 26.3.2006 to 30.06.2009		Rs.20,700 minimum of higher scale	
8.	From 01.07.2009 onwards		Rs.36140 minimum of Higher scale.	

Fixation Method

- Take pay in the lower post.
- Add one admissible increment in the lower post (Notional increment)
- Total will be notional pay.
- Then fix at the stage in the higher scale of pay next above that Notional pay. (The pay fixed should never be equivalent to or lower than the Notional pay).

E. Rule 28A for Regular Promotion including Ratio Based Promotion w.e.f 26.03.2006

From 26.3.2006 for fixation of pay as per Rule 28 (A) an option system is introduced vide G.O.(P)No.227/07/54/Fin. dated 31.5.2007.This is as follows: (also see G.O.(P) No. 630/2010/Fin. dated 25.11.2010 dand G.O.(P) No.85/2011/Fin. dated 26.02.2011)

1. Fix initial pay in the higher post as per the provisions of Rule 28A Part I KSRs.
 2. No refixation is allowed in the higher scale consequent on change of pay in the lower scale.
 3. Next increment in the higher time scale of pay will fall due only on completion of 12 months from the date of initial fixation.
 4. Promotee will be given opportunity to elect the date on which his pay is to be fixed in the higher time scale of pay under Rule 28A. Two options indicated below will be available to the promotee for this purpose.
- Option (a): Pay will be fixed in the higher time scale of pay, on the date of promotion, under Rule 28A.Next increment in the higher time scale will fall due only on completion of one year from the date of such fixation of pay (see illustration A)
- Option (b): Pay on the date of promotion will be initially fixed at the 'stage' of the higher time scale of pay next above the pay in the lower time scale of pay. Thereafter fixation under Rule 28A will be allowed, based on the pay in the lower post on the date of increment in the lower post. Next increment will fall due only on completion of one year from the date of fixation of pay under Rule 28A. If the fixation of pay under Rule 28A on the date of option does not make any change to the pay in the higher time scale, the pay of the promotee will remain at the

same stage till completion of one year from the date of initial fixation (date of promotion) of pay in the higher time scale. Next increment will be allowed on completion of one year from the date of initial fixation in the higher time scale of pay. (see illustration-B)

Illustration – A (a case prior to 1.07.2009)

An officer drawing a substantive pay of Rs.7990/- in the scale of Rs. 6680-160-7480-170-7990-200-9590-240-10790 from 1-07-2005, was promoted to the next higher post on a regular basis on 15-04-2006 on Rs.8390-200-9590-240-10790-280-11910-340-13270. If he has opted fixation of pay under Rule 28A Part I KSRs in the date of promotion, his pay will be fixed as below.

Date	Pay in the lower Post 6680-160-7480-170-7990-200-9590-240-10790	Pay in the Hr.post 8390-200-9590-240-10790-280-11910-340-13270	Nature of benefit
1-07-05	Rs.7990	-	-
15-04-06	(Rs.7990)	Rs.8390	initial pay, Rule28A
1-07-06	(Rs.8190)	Rs.8390	No refixation
1-04-07	(Rs.8190)	Rs.8590	Ist increment, R 31 & 33 Part I KSRs

Illustration-B

If the officer in illustration-A has opted fixation under Rule 28A on the date of increment in the lower post, the pay in the promoted post will be fixed as below.

Date	Pay in the Lr.Post 6680—10790	Pay in the Hr.Post 8390—13270	Nature of benefit
1-07-05	Rs.7990	-	-
15-04-06	(Rs.7990)	Rs.8390	initial pay
1-07-06	(Rs.8190)	Rs.8590	fixation under Rule28A
1-04-07	(Rs.8190)	Rs.8590	-
1-07-07	(Rs.8390)	Rs.8790	Ist increment R 31& 33 Part I KSRs

Note : The same principle is still in force.

G. Important points on fixation of pay

1. Pay fixed in the higher post should not be lower than or equivalent to the pay in the lower post.
2. Notional increment is allowed only under Rule 28A.
3. Pay once drawn in a post shall not be reduced on a subsequent occasion after a reversion.
4. Broken period will be reckoned for granting increment.
5. Special pay granted instead of higher time scale of pay will be counted for fixation of pay, provided the person has been drawing it for a minimum period of three years on the date of promotion.
6. Initial fixation alone is allowed in the case of appointment to higher post through PSC while working in a lower post.
7. The rate of biennial increment is to be treated as the rate of annual increment for reckoning notional increment
8. The rate of increment last drawn will be the rate of notional increment when promoted/appointed while drawing maximum of a time scale of pay.

9. Initial fixation alone is allowed when promoted to a post in the parent department while working in an ex-cadre post.
10. Rule 28 A is applied in all cases where Rule 28 or 37(a) is not applicable.
11. When the pay fixed comes to above the maximum of the scale of pay of higher post, it should be limited to the maximum of that scale.
12. If promoted to more than one post on the same date, or given promotion direct to the higher post without officiating in the intermediary post, pay in the higher post will be fixed after giving notional fixation in the intermediary post
13. If there is personal pay in the lower post, pay in the higher post will be fixed ignoring the personal pay. The PP will be decreased by the increased amount of pay.
14. Since 30/9/93 stagnation increments are to be reckoned for fixing pay in regular as well as time bound promotions.

VII. Combination of appointments (for charge allowance)

A. Charge arrangements are classified into three:

1. To officiate in a higher post while working in a lower regular post. R53

(b)(1)

- i. The period should exceed 14 working days and should not exceed three months.
- ii. Pay-higher, as if promoted on an officiating basis.
- iii. Charge allowance @ 7% of the minimum of the lower time scale w.e.f. 01-04-2005.
- iv. Compensatory allowance only one, but the larger. If one post alone has that allowance, it will be granted.

2. To hold full additional charge of one or more other posts. R. 53 (b) (2)

- i. The period should be in excess of 14 working days and should not be in excess of three months.
- ii. Pay as admissible in the lower regular post.
- iii. Charge allowance @ 7% of the minimum of each higher time scale w.e.f. 01-04-2005.
- iv. Compensatory allowance only one; but the larger. If one post alone has that allowance, it will be granted.

3. To be in charge of current duties of one or more higher posts. R.53(b) (3)

- i. The period should be in excess of one month and should not be in excess of three months.
- ii. Pay-that is in the lower regular post.
- iii. Charge allowance @ 4% of the minimum of each higher time scale of pay w.e.f. 01-04-2005.
- iv. Compensatory allowance, if any, in the original post.

B. Classification of posts for charge arrangements as per Rule 53 A

1. Posts not in the same office, establishment or line of promotion or cadre, where duties and responsibilities are clearly independent - eligible for charge allowance.
Eg: A Joint Secretary to Government holding charge of the post of Head of Department.
2. Post in the same office, establishment or line of promotion or cadre.

- (a) When the additional post is subordinate to the regular post. No charge allowance.
Eg: A Superintendent of Police holding the charge of a Dy SP/ASP
- (b) When the additional post is of equivalent and of same rank as that of the regular post.
- (i) Additional charge arrangements are made in respect of different territorial jurisdictions.
Eg: Revenue Divisional Officer of one Dist/Division holding charge of another Dist/Division. Charge allowance is admissible.
- (ii) Additional charge arrangements in respect of posts in the same office and of the same rank. If the duties of the additional posts are the same as those in the original post, no charge allowance.
Eg: One superintendent is in charge of another Superintendent.
- (iii) If the additional charge arrangements are in the same office and the responsibilities attached to the posts are indivisible, charge allowance is admissible.
Eg: Dy. Director of Animal Husbandry (Key Village) holding the charge of Dy. Director of Animal Husbandry (Extension)
- (iv) When the additional post is superior to the regular post and carries a higher scale, charge allowance is admissible.
Eg: A Junior Superintendent is holding charge of Senior Supdt.

Note : All India Service officers, State Service officers and judicial officers in the scale of Secretary to Government and above are not eligible for charge allowance.
(see G.O (P)No.76/2007/Fin dated 27/02/2007)

VIII. Suspension and Subsistence Allowance. R 55

A. An officer under suspension is eligible to subsistence allowance as detailed below.

- i. An amount equal to half pay leave salary as if the person is on HPL instead of suspension.
- ii. DA admissible to the above
- iii. Any other compensatory allowance received by the person at the time of suspension (Restricted to 180 days)
- iv. Special allowance as per Rule 93.

Note: Reduced rate of subsistence allowance from 2nd year onwards contemplated in the rule has been cancelled vide G.O. (p) 330/97/Fin dated 06-03-1997.

B. Compulsory deductions from subsistence allowance (note 2 (a) U/R 55)

- a. Income tax and Super tax
- b. House rent and allied charges
- c. Repayment of loans and advances taken from Government.
- d. Recoveries due to co-operative societies, &
- e. Subscriptions to FBS and GIS

C. Optional deductions from subsistence allowance (Note 2(b) U/R 55)

- a) Premia due to SLI and PLI
- b) Refund of advances taken from GPF. (written consent is compulsory)

D. Deductions not to be made (note 2 (c) U/R 55)

- a) Subscription to GPF
- b) Court attachment
- c) Recovery of loss sustained to Government

E. If the period of suspension is later treated as LWA, the subsistence allowance already drawn need not be refunded. G.O (P) No.386/07/Fin. dated 24.8.07 and G.O (P) No.633/10/Fin. dtd. 25.11.2010.

IX. Leave

Leave means permitted absence from duty.

A. General conditions:

1. The Government are the Sanctioning Authorities for the grant of Leave Without Allowance exceeding 4 months at a time, LWA for study purpose (R.110 C-app. XII B), LWA to take up other employment (R. 110B-App.XII A) and LWA for joining spouse (R.110D-App.XII C). All other kinds of leave are sanctioned by the competent departmental authorities. R.64.
2. Leave cannot be claimed as a right. In exigencies of service, the sanctioning authority may at his discretion, refuse or revoke the leave of any description. R.65.
3. The nature of the leave due and applied for by an officer cannot be altered at the option of the sanctioning authority. Note under R.65
4. Holidays and restricted holidays can be prefixed or suffixed to leave. R 68 read with Note 1 below it.
5. An officer when entered on leave on MC may be allowed to join duty after producing Medical Certificate of fitness. Note 2 to R 68.
6. Any kind of leave other than LWA under App. XII A, XII B, and XII C may be combined with.
7. Vacation may be availed in combination with or in continuation of any kind of leave R.74.
8. The maximum amount of leave, in combination or otherwise, granted at a time shall not exceed 5 years.R.24
9. LWA under App XII A and XII C shall not be granted exceeding 5 years at a time. On expiry of that, further extension may be considered.R.24 A
10. Any kind of leave, except EL, can be commuted into any other kind of leave (R.76 & 89). But, EL sanctioned to join spouse can be retrospectively commuted into LWA under App.XII.C
11. An officer on leave may not return to duty before the expiry of leave unless he is permitted to do so .R.72
12. An officer on leave should intimate sufficiently early his intention of joining duty after the leave, enabling to issue posting orders in time. R.124.

B. Classification of Leave

Leave is classified into ordinary leave and special leave.

1. **Ordinary leave:** This is the leave earned by a Government servant in proportion to his/her duty or service. A leave account is maintained. Every leave except LWA availed shall be debited against the leave at credit.
Earned Leave, Half Pay Leave, Commuted Leave, Leave Not Due and Leave Without Allowance are coming under this category.
2. **Special leave:** This is the leave granted to a particular person in a special circumstance. No leave account is necessary. Disability leave, Maternity leave, Child Adoption Leave and Hospital leave are the four types of special leave.

C. Five kinds of ordinary leave.

1. **Earned Leave: R. 78, 79, 86, 86A & 87**

All permanent employees are earning EL at the rate of one day for every eleven days on duty. Non-permanent employees are earning this leave at the rate of one day for every 22 days on duty for the first year and after that @ 1/11. When the person is confirmed in that cadre, the EL calculated @ 1/22 will be regularized @ 1/11. From 27/2/2007 all non permanent employees who have completed 3 years' continuous service are eligible to recalculate their EL @ 1/11 for the first year.

The maximum amount of EL that can be at credit at a time shall not be in excess of 300 days w.e.f. 01-11-1998. The maximum amount of EL that can be granted at a time shall not be in excess of 180 days. But, in the case of leave preparatory to retirement, it can be granted upto 300 days. During a financial year 30 days EL can be surrendered in a block for leave salary. For terminal surrender it will be upto 300 days.

EL Salary:

Full pay, if the person had been on duty+Dearness Allowance to that pay + compensatory allowances as admissible (No HRA if occupying Government Quarters)+special pay as admissible. If promoted during EL, monetary benefit of promotion shall be granted only from the date on which charge is assumed. (See Rules 92&93)

2. **Earned leave for those persons enjoying vacations. R.80, 81, & 86.**

- i) Those persons who are eligible for regular vacations are not eligible for EL, if they are enjoying full vacation. But, if they are prevented from enjoying vacation in full they will earn EL under formula $n/v \times 30$, where 'n' represents the number of days prevented from enjoying and 'v' total period of vacation.
- (ii) If in any year (actual duty period of 12 months and not calendar year) an employee is not enjoying the vacation, EL is earned for that year @ 1/11.
- (iii) Teaching staff attending valuation and tabulation work of SSLC and HSC Public examinations during vacation shall be considered to have been prevented from enjoying full vacation and they earn EL at proportionate rate as per R 81.
- (iv) The EL admissible to an officer in permanent employee in the vacation department, who is prevented from availing himself of vacation in full and whose actual period of duty is less than one year due to superannuation, shall be calculated in such a proportion applying the formula $\frac{N}{V} \times 30 \times \frac{\text{Days of actual duty}}{365/366}$

(G.O.(P) No. 75/2010/Fin. dated 18-02-2010)

3. **Half pay leave R. 82 & 83**

This leave is earned at 20 days for each completed year of service. HPL is granted either on private affairs or on Medical Certificate.

Completed year of service includes periods spent on duty, periods of leave including LWA on MC, periods of suspension treated as duty / leave other than LWA and dies-non. (LWA availed for other employment under APP. XII A, LWA for joining spouse under APP.XII C, LWA for study purpose under APP. XII B and LWA specially ordered not to count for service benefits, are not earning HPL).

HPL is not earned for fraction of a year. It is granted without any limit.

Half Pay Leave Salary. R.93

Leave salary will be equal to half of the pay, the officer would get, had he been on duty during the period of leave. It includes an increment that falls due during the period of HPL. When an officer is promoted during the HPL, the monetary benefit of promotion shall be granted only from the date on which he assumes charge of the post, if there is change of duties.

Dearness Allowances during HPL will be based on leave salary actually drawn. But, in the case of NGOs whose pay before proceeding on leave does not exceed Rs. 10,790 w.e.f. 01-04-2005 in the revised scale of pay, the DA will be what would have been admissible to him had he performed duty; ie, full DA. In such cases leave salary and DA shall not be less than 65% of the amount of pay and DA while on duty.

4. Commuted Leave. R.84 & 86 A

This is a conversion of HPL into full pay leave. Twice the amount of HPL will be debited for each commuted leave. All permanent employees and those who have completed three years of continuous service are eligible for this leave. No MC is necessary for the grant of this leave from 23-12-1982.

Leave Salary will be twice the amount of pay admissible on HPL and DA to that amount.R.94.

5. Leave Not Due R. 85

This is HPL granted in advance. Only permanent employees are eligible to avail this leave. This is granted only when no other leave is at credit and the Leave Sanctioning Authority is satisfied that there is reasonable prospect of the employee returning to duty on the expiry of the leave and earning an equal amount of HPL thereafter for adjusting the leave granted. During the entire service the maximum amount of LND should not exceed 360 days out of which 180 days may be granted without MC and it should not exceed 90 days at a time. The remaining 180 days should be on medical certificate.

6. Leave Without Allowance/ Extraordinary Leave * R. 64, 86A & 88

This leave is granted to an officer in regular employment, when there is no other leave at credit or there is leave at credit, but applies for LWA. Non-permanent employees with less than 3 years service are eligible to LWA upto 3 months at a time. This is granted on MC or otherwise. This is also granted:

- i. for regularizing the period of suspension. R 88(ii)
- ii. for treatment of TB, Cancer or mental disease. R. 90.
- iii. for obtaining superior qualification. 91
- iv. for taking up other employment APP.XIIA or for joining with spouse under App. XII C
- v. for study purpose-APP XII B

Period of LWA exceeding 4 months requires sanction of the Government. R 64.

(LWA taken by teachers for the completion of training courses such as B.Ed, Hindi Teacher's Training, LTT and TTC shall not be reckoned as qualifying service). LWA under Rule 88 otherwise than on MC, ie. Private/ personal/ domestic and for regularizing the unauthorized absence / suspension will not to be reckoned for granting increment, higher grade, pension or for accumulation of EL. (Govt. Circular No. 72/2005 / Fin dated 30/12/2005.

* **7. Extraordinary Leave** : Ordinary leave is the leave that earned in proportion to duty or service. But, LWA which is included in the category of ordinary leave, is not earned. Therefore, this is otherwise termed as Extraordinary leave.

D. Five Kinds of Special Leave

1. Disability Leave.R. 97

This leave is granted to an officer who is disabled by injury intentionally inflicted or caused in or in consequence of due performance of his official duties or in consequence of his official position. It shall not be granted unless the disability manifests itself within three months of the occurrence to which it is attributed and the person disabled acts with due promptitude in bringing it to the notice of the sanctioning authority with the support of MC.

The Maximum period is 12 months in ordinary course and 24 months in special circumstance for one disability.

This can be combined with other kind of leave.

Leave Salary: For the first four months at the rate of EL salary and for the remaining period at the rate of salary for HPL. R. 104.

2. Maternity Leave R.100, 101 & 102

From 1-04-2009 this leave is granted to female Government Servants on full pay for a maximum period of 180 days R.100.

Female recruits through PSC who join duty within 180 days from their date of delivery (other than on account of miscarriage) shall, on joining, be granted from the next day the balance of M/L admissible as on the date of joining duty subject to the following conditions.

- (a) Holidays/Vacation falling immediately after the date of joining service cannot be prefixed to the leave.
- (b) A certificate from the medical officer who attended the delivery showing the date of delivery along with medical certificate of health as prescribed in Rule 13 Part I KSRs should be produced.

This is also granted in the case of miscarriage including abortion for a period not exceeding six weeks and for hystrectomy (uterus removal) for 45 days. R. 101.

This leave can be combined with any other kind of leave and MC is not necessary for such leave not exceeding 60 days in continuation. LWA without MC upto 60 days will be counted for granting increment. R. 102. Leave salary as admissible for EL under R.92.

3. Child Adoption Leave R. 102 A

Adoptive mothers with less than 2 surviving children are eligible for 180 days leave similar to maternity leave from the date of legal adoption of a child upto one year of age till the child reaches one year of age. Any other eligible leave can be combined with this leave similar to the case of maternity leave. Benefits are similar to that of maternity leave. LWA for 60 days in continuation can be sanctioned without MC similar to maternity leave. In continuation other leave can also be granted with the support of medical certificate if deemed necessary to look after the adopted child.

4. Paternity Leave : G.O.(P) No.85/11/Fin dated 26.2.11. Paternity Leave for 10 days each for two children will be sanctioned to serving male employees at the time of delivery of their wives.

5.Hospital Leave R.103

This leave is granted to the categories of Government Servants specified under the rule while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties.

This is granted for treatment either at hospital or at home.
The duration will be as suggested by the attending Medical Officer.
Leave salary as for Disability leave. (R 104)

5.Comment on the following: -

- a) On 1-7-2004 an officer requested for converting 30 days EL availed of by him in April 2004 into HPL. (See R 76 & 89. EL shall not be commuted Hence irregular)
- b) A Permanent officer who is due to retire on superannuation on 1-8-2003 has applied for 40 days Leave Not due from 1-3-2003 as there was no EL or HPL at his credit. Considering his ability and devotion, it was granted (See R 85; Cannot earn HPL. Hence irregular).
- c) An officer not in permanent employ has applied for 20 days EL on completion of 200 days duty. It was granted after satisfying the purpose for which it was applied, (See R 86 will earn EL at 1/22. Hence irregular)
- d) An officer applied for 15 days EL, which was admissible. But, as the leave sanctioning authority wanted to punish for his frequent absence, LWA for 15 days was sanctioned to him. (See note under R.65. Action irregular)
- e) A temporary clerk who had put in 2 years service was granted LWA for 5 months (See R 88 (ii) and 88 A.LWA upto 3 months can be granted. Hence irregular).
- f) A clerk in the office of the City Police Commissioner, Thiruvananthapuram met with a scooter accident and one of his legs was fractured. He was granted hospital leave for 4 months. (See R 103 clerk is not eligible to hospital leave, and that leave is granted while undergoing medical treatment for illness or injury, if such illness or injury is directly due to the risk incurred in the course of official duty. Hence also the above action is irregular.
- g) Commuted leave for 15 days is granted to an officiating clerk who has put in 2 years service. (see R.86A. CML can be granted only to permanent officers and officers having 3 years continuous service. Hence irregular)
- h) EL and LWA were sanctioned as leave for study purpose to a clerk for technical course of study in a polytechnic. (See note 2 to R 91 sanction irregular)
- i) The balance of EL of a full time teacher at the time of his appointment to a part-time post was allowed to be surrendered. (See ruling to R.86, the action is irregular. When a full time teacher is appointed to a part-time post, the EL at credit can be granted only when he is reappointed in the fulltime post).

E. Some other Leave

1. Commutation of Leave R. 76&89

This is conversion of one kind of leave into another kind with retrospective effect, provided EL shall not be commuted into leave of a different kind except the EL availed for meeting spouse as provided in Note. 1 of Appendix XII C.

Commutation of one kind of leave into another kind automatically carries with it the drawal of arrears of leave salary or recovery of amounts overdrawn.

2. Leave for obtaining superior qualifications-R 91

Officers with a continuous officiating or temporary service of two years or more, will be granted, in addition to any leave to which they are eligible, leave under this rule for obtaining superior qualifications like BA, BL etc. But this two-year service is not insisted upon in the case of employees belonging to SCs/STs. Such leave will not be given for broken periods, but will cover the entire period of the course concerned. Extension of leave will be granted to cover the further period required for the completion of the study.

'Superior qualifications' mentioned above are intended to enhance the usefulness of the Government servant concerned as a member of the service or will improve his prospects in the service of which he is a member.

In circular No. 24780/ R4/ 99 Fin dated 22-04-1999, it has been directed by Government, to specify in the leave sanctioning order under R 88&91 whether the LWA so granted will count for service and retirement benefit.

Leave under R 91 can be granted by the authority competent to sanction eligible leave and LWA.

3. Leave to officers appointed for limited periods and provisional employees.

Where the appointment is for one year or less, earned leave on full pay calculated at 1/11 of the period spent on duty may be granted subject to a maximum of 15 days on MC. If there is no EL at credit, HPL up to 15 days on MC, subject to the condition that the leave period of the two kinds does not exceed one month in the term of service of the concerned. If the officer serves in the vacation department, EL is not admissible. If absolutely necessary, HPL on MC, not exceeding 1/11 of the time spent on duty, subject to a maximum of 15 days during the term of service. (See G.O. (p) 740/70 Fin dated 20-11-1970 and Appendix VIII).

The leave of provisional recruits shall be regulated by Appendix VIII. (See G.O. (p) 216/05/Fin dtd 11/05/05)

4. Leave for Full Time Contingent Employees

Permanent FTC employees are eligible for EL and HPL as regular employees. LWA as admissible to regular employees, if they have completed 3 years continuous service, and to those with less than 3 years service, the duration of such leave shall not exceed 3 months at a time.

5. Leave for Part Time Contingent Employees

EL is earned at 1/22 of duty. EL to be granted in a year shall not exceed 15 days. Maximum EL at credit shall not be in excess of 120 days. EL at credit when promoted shall be carried over. 30 days EL can be surrendered in a year. Terminal surrender of EL up to 120 days is allowed. LWA under special circumstances for a maximum period of 120 days in a calendar year, maternity leave for 3 months, and leave for miscarriage or abortion for six weeks, are also admissible. Casual leave 20 days similar to regular employees.

X. Joining Time R 125-138

A. This is the time allowed to join a new post or place on transfer. This is admissible:

- a) When transferred while on duty; and
- b) When transferred while on leave.

The item (b) above is further classified:

I. on return from earned leave

II. on return from leave other than EL when the person has no sufficient information about his new appointment.

B. How granted

1. When there is no change of office or building: No joining time
2. For less than 8 km of distance from old station: One day
(when relieved from the old station on the AN of Saturday, Sunday the next day is counted as the day for this purpose. R 126)
Note: A transfer shall be held to involve a change of station, only when the distance between two places is 8 km or more.
3. For a distance of 8 km and above:
 - a) Preparation time: 6 days
 - b) Journey time as below:
 - (i) Rail- for every 500 km and fraction-1 day each
 - (ii) Road- for every 150 km and fraction-1 day each
 - (iii) Air- Actual time required for the journey (Part of a day is treated as one day)
 - (v) Ocean steamer- for every 350 kms or part there of - 1 day each
 - (vi) River steamer – for every 150 kms or part there of – 1 day each
 - (vii) Other public conveyance – for every 25 km or part – 1 day each
4. Sundays are excluded for the calculation of joining time in ordinary course. But for maximum period of 30 days, Sundays are included. R.127
5. Normally holidays are included in the Joining time. But, when holidays follow joining time, joining time is deemed to have been extended to cover such holidays. R. 127.
6. When transferred while on transit, a second preparation time will not be allowed. R.130
7. When transfer is subsequently cancelled, the period from the date of relief and rejoining duty has to be treated as joining time. R.130
8. When transferred while on EL, the person has to join duty at the new place, only after the expiry of leave and admissible joining time. If he joins duty at the new station, before the expiry of leave, the availed portion of EL will be reduced by the admissible amount of joining time. R.132.
9. When joining time is combined with vacation, the person may join duty only at the end of vacation. R.132
10. Normally, joining time is not allowed in the case of transfer, at request. But journey time under item (3) above will be allowed. Note below. R. 136
11. As per rule 15 part II KSRs, a journey on transfer is held to begin or end at the actual residence of the officer concerned. Hence for the calculation of joining time, the distance of journey can be reckoned from residence to residence. But, it is to be noted that a government servant shall reside within 15 km of distance from his Head Quarter.

C. Exercise:

An officer working in Thiruvananthapuram was transferred to Malappuram and relieved of his duties from the old station on the afternoon of 4th October (Monday) 2004. Distance: from his residence to central railway station, Thiruvananthapuram 11 km (rd), Thiruvananthapuram to Tirur 373 km (Rail) Tirur to Malappuram 29 km (road).

Ans: Preparation time : 6days

Journey time:

- a)
- b) for rail journey of 373 km -1 day
- c) for road journey of 40 km (11+29) -1

S	M	T	W	TH	F	S
	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20			

He will join duty at Malappuram on the FN of 14th. (R 125-127)

D. Comment

- a. Mr. X was transferred to an office at a distance of 6km from the office where he was working. He was relieved on 6th (Saturday) morning. He joined duty at the new office on 8th (Monday) morning. (See R 126 and GD to R.137. He should have joined duty in the new office on the afternoon of 6th (Saturday) itself. His action was irregular).
- b. An officer was transferred from Kasargode to Thiruvananthapuram (580 km rail) and was relieved on the afternoon of 9th (Friday). He reported for joining duty in the new office on the forenoon of 20th Tuesday. (See R 125-127. Correct action)

Foreign Service R 140-155

A. An officer is said to be in Foreign Service, when he is receiving his pay and allowances from a source other than the consolidated Fund of India or of a State. R 12(9)

B. Conditions:

1. No officer may be transferred to Foreign Service against his will. But Government can transfer an officer to a body wholly or substantially owned and controlled by Government. R. 140(a)
2. Government are the authorities to transfer an officer to Foreign Service. R. 140(b)
3. No officer shall remain in Foreign Service for more than 5 years at a time.
4. The duties to be performed during Foreign Service are such as those rendered by an officer of the Government.
5. Foreign service begins from the date of relinquishment of charge in the Government Service. R. 144.
6. Foreign service ends on the day he rejoins duty in Government service. R. 154.
7. No deputation allowance is allowed from 22-7-1997.
8. Pension contribution @ 15% and leave salary contribution @ 10 % respectively of the maximum of the scale of pay of the officer should be remitted to Government as cost of service.
9. No leave salary contribution will be realized for an officer on deputation to an institution owned or controlled by the Government.

C. Comment

- a. A Deputy Secretary in the Government Secretariat was transferred to KSEB on deputation against his will (See rule 140 (a)-action is in order)
- b. An officer was sent to Foreign Service as per orders of the Head of the Department. He was allowed to join duty back in Government service by the same authority after 6 years (See rules 140(b) and R. 24. Government order is necessary for the appointment in Foreign Service and for the readmission to Government Service. Maximum period of FS at a time shall not be in excess of 5 years. Hence the actions are irregular).

[Prepared by

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