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Effective from 3rd February, 1988[G.O. (P) 549/88/Fin.,
dt. 31-8-1988]

CHAPTER IX

LEAVE

SECTION 1 – EXTENT OF APPLICATION

61. Unless in any case it be otherwise distinctly provided, the rules in this Chapter apply to all officers to whom these service rules as a whole apply.

62. (1) Unless in any case it be otherwise distinctly provided by or under these rules, an officer transferred to a service or post to which these rules apply, from a service or post to which they do not apply, is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer:

Provided that in the case of an officer who holds a substantive, officiating or temporary post on the day previous to the one on which these rules come into force, the maximum limit of accumulation of earned leave specified in Rule 78 shall not apply during the period of the first five years from the date of his appointment to the service or from that of the commencement of these rules whichever is later and such an officer may be allowed during the said period of five years to avail himself of the accumulated leave to his credit:

Provided further that on the expiry of the said period of five years the leave at the credit of the officer in excess of the normal maximum limit of accumulation of leave laid down in Rule 78 shall lapse:

Provided also that he shall not earn leave during that period unless the accumulated leave at his credit falls below 180 days.

(2) Subject to the provisions contained in Rule 77(vi), the half pay leave to be carried forward will be the balance of furlough leave or leave on half average pay for which an officer is eligible on the date on which these rules come into force diminished by the leave on medical certificate taken before such date, under the old rules governing him.

63. (a) If an officer, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the Government and to such extent as the Government may decide, count his former service towards leave.

(b) An officer who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

Note 1.- The re-employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases, the service of the re-employed pensioner should be regarded as temporary and his leave during the period of re-employment regulated by the rules in Appendix VIII.

Note 2.- Resignation of public service even though it is followed immediately by re-employment entails forfeiture of past service and constitutes an interruption of duty. But resignation to take up another appointment does not constitute an interruption.

SECTION II – GENERAL CONDITIONS

64. The Government may issue orders specifying the authority by whom leave other than study leave and leave without allowances exceeding a period of four months at a time, may be granted. [G.O.(P)481/70/Fin., dt. 6-7-1970]

Effective from 6th March 1968.

The power to sanction leave without allowances exceeding a period of four months at a time will rest with Government. [G.O.(P)313/76/Fin., dt. 5-10-1976]

This amendment shall be deemed to have come into force with effect from 14th November 1966.

65. Leave cannot be claimed as a matter of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Note. - The nature of the leave due and applied for by an officer cannot be altered at the option of the sanctioning authority and while it is open to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

66. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When the day immediately preceding the day on which an officer's leave begins or immediately following the day on which his leave expires is a holiday or one of a series of holidays, the officer may leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays; provided that-

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of money other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of an officer to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the officer who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

Ruling

A restricted holiday enjoyed with the permission of the competent authority shall be treated as holiday for the purpose of this rule. [G.O.(P) 458/66/Fin., dt. 13-10-1966]

67. On condition that the departing officer remains responsible for the money in his charge, a competent authority may declare that proviso (a) under Rule 6 is not applicable to any particular case.

68. Unless the competent authority in any case otherwise directs -

- (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes effect from the first day after holidays; and
- (b) if holidays are affixed to leave, the leave is treated as having terminated on, 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 affixed.

The following procedure is prescribed when vacation or gazetted holidays are permitted to be prefixed or affixed to leave :-

- Note 1.-(i) When they are prefixed to leave, the officer proceeding on leave will report before leaving the station, or if for urgent reasons the leave is granted during vacation or gazetted holidays, as soon as it is granted that he will cease to discharge the duties of his post with effect from the end of vacation or holidays. The relieving officer will then assume the duties of the post at the end of the vacation or holidays in the ordinary course.
- (ii) When a vacation or holidays are affixed to leave, the officiating officer will be relieved in the ordinary way before the vacation, or holidays, and the officer on leave will return at the end of the vacation or holidays, but will be regarded as having assumed the duties of the post with effect from the commencement of the vacation or holidays.
- (iii) Except in cases covered by (i) and (ii) above, transfer of charge certificates should be signed by both the relieved and relieving officers on the day on which charge is transferred.

[G.O. (P) 482/82/Fin.,
dt. 26-8-1982]

- Note 2.-(i) When a Government Servant is certified medically unfit to attend office, holiday(s) if any immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and
- (ii) When a Government Servant is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s) if any, preceding the day he is so certified shall be treated as part of the leave.
- (iii) Except in cases covered by (i) and (ii) above, transfer of charge certificates should be signed by both the relieved and relieving officers on the day on which charge is transferred.

[G.O.(P) 482/82/Fin.,
dt. 26-8-1982]

The note shall be deemed to have come into force with effect from 26th August 1982.

Ruling No. 1

A restricted holiday enjoyed with the permission of the competent authority shall be treated as holiday for the purpose of this rule.

[G.O.(P)458/66/Fin.,
dt. 13-10-1966]

Ruling No.2

There is no objection to an officer in a vacation Department being permitted to suffix holiday (s) to leave and also to enjoy the vacation in continuation of the holiday so suffixed to leave.

[G.O.(P) 109/81/Fin.,
dt. 9-2-1981]

- 69.** An officer on leave may not take any service or accept any employment without obtaining the previous sanction of the authority empowered to fill up the post held by him.

Note: This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by the rules under Chapter XI.

- 70.** All orders recalling an officer to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the officer is entitled to no concession. But if it is compulsory he is entitled to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw Travelling Allowance under rules made in this behalf for the journey, but to draw until he joins his post, leave salary only.

71. No officer who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the following form from a Medical Officer not below the rank of an Assistant Surgeon or the Director of Indigenous Medicine.

Signature of applicant

We, the members of a Medical Committee

I, Civil Surgeon/Assistant Surgeon of

Registered Medical Practitioner of

Director of Indigenous Medicine

do hereby certify that I / we have carefully examined ABC of the Department, whose signature is given above and find that he has recovered from his illness and is now fit to resume duties in Government Service. I/we also certify that before arriving at this decision I / we 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/our decision.

Place:.....

Date:.....

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 asked to issue the above certificate(s).

Note. - If the officer on leave is not a Gazetted Officer the authority under which the officer will be employed on return from leave may, in its discretion accept a certificate signed by any registered medical practitioner. For this purpose original certificate(s) of the case should be prepared in duplicate, one copy being retained by the officer concerned.

72. (1) An officer on leave may 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) an officer on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

Note 1. - No formal cancellation of the unexpired portion of leave is necessary when an officer returns to duty before the expiry of his leave. The cancellation will be effected by the Audit Officer in the case of Gazetted Officers and by the Head of office in the case of non-gazetted officers.

Note 2. - (a) and (b) [Deleted]

[G.O.(P) 645/81/Fin.,
dt. 13-10-1981]

Ruling

When the officer proceeds on leave from the post in which he is re-employed and avails of the refused leave during the period of re-employment or after, the leave salary would be same as would have been admissible in the normal course but for re-employment reduced by the amount of pension and/or pension equivalent of gratuity and other retirement benefits.

[G.O.(P) 218/68/Fin.,
dt. 15-5-1968]

Government Decision

Initial pay on re-employment should be fixed at the minimum stage of the time-scale of pay prescribed for the post in which an individual is employed.

[G.O.(P) 426/64/Fin.,
dt. 20-6-1964

&

G.O.(P) 218/68/Fin.,
dt. 15-5-1968]

In cases where it is felt that the fixation of initial pay of the re-employed officer at the minimum of the timescale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re-employed subject however to the proviso to Rule 119, Part III of these rules.

Effective from 20th June 1964.

Note 2.-(c) The leave salary of an officer who is permitted during leave preparatory to retirement before attaining the age of superannuation, or during leave under Rule 75 to take up employment under any other Government under a private employer or employment payable from a local fund, will also be restricted during such employment as in (b) above.

73.

Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave except leave under Appendices XII A, XII B and XII C. However, leave under Appendices XII A and XII C may be granted in combination with or in continuation of the leave under Appendices XII A and XII C.

[G.O.(P)1002/97/Fin.,
dt. 6-11-1997]

This amendment shall be deemed to have come into force with effect from 12th April 1984.

Ruling

The eligibility for leave is determined with reference to the eligibility on the date on which an officer proceeds on leave.

[G.O.(P) 309/76/Fin.,
dt. 29-9-1976]

74.

Vacation may be taken in combination with or in continuation of any kind of leave, provided the total duration of vacation and earned leave taken together, 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 Rules 78 and 79. The combination of earned leave and commuted leave will be limited to 240 days. There will be no limit on the half-pay leave that can be availed of at a time on medical certificate or private affairs. This will apply even when such leave is taken preparatory to retirement.

Government Decision No. 1

It is permissible to allow a vacation to intervene between two periods of leave. Similarly vacation may be prefixed or suffixed to leave or both prefixed and suffixed. The only restriction is that the total duration of vacations and earned leave together should not exceed the amount of earned leave due and admissible to the officer under Rules 78 and 79, Part I, Kerala Service Rules and that the duration of the total period of vacation, earned leave and commuted leave taken together shall not exceed 240 days.

[Circular No. 90/63/Fin.,
dt. 16-12-1963]

Government Decision No. 2

Special casual leave may be combined with vacation, but in such cases combination of special casual leave with ordinary casual leave will not be permitted.

[G.O.(P) 216/76/Fin.,
dt. 24-7-1976]

75.

No leave shall be granted beyond the date on which an officer must compulsorily retire:

[G.O. (P) 645/81/Fin.,
dt. 13-10-1981]

The provisos, the explanations and the Notes 1 to 7 omitted with effect from 13th October 1981.

76. Any leave granted under these rules may be retrospectively commuted into any other kind of leave admissible to the officer at the time the original leave was granted:

Provided that earned leave shall not be commuted into leave of a different kind, *except as provided in the Note below Rule 1, Appendix XII C.

[G.O.(P) 1002/97/Fin.,
dt. 6-11-1997]

*This amendment shall be deemed to have come into force with effect from 12th April 1984.

SECTION III – GRANT OF LEAVE

77. In these rules :-

- (i) 'Ordinary leave' includes earned leave, halfpay leave, commuted leave, leave not due and leave without allowances.
- (ii) 'Special leave' includes disability leave, study leave, maternity leave and hospital leave.
- (iii) 'Earned leave' means leave earned in respect of periods spent on duty.
- (iv) 'Half-pay leave' means leave earned in respect of completed years of service.
- (v) 'Earned leave due' means the amount of privilege leave/earned leave to the credit of an officer under the rules previously in force on the day immediately preceding the date on which these rules came into force plus the earned leave calculated as prescribed in these rules diminished by the amount of earned leave taken after the date on which these rules came into force.
- (vi) 'Half-pay leave due' means the amount of half-pay leave calculated as prescribed in Rule 83 for the entire service diminished by the amount of leave on private affairs and leave on medical certificate taken before these rules came into force and half-pay leave taken on or after the date:

Provided that in the case of officers who are given credit for the halfpay leave admissible to them as on the date of coming into force of these rules in accordance with the provision contained in Rule 62 (2), the half-pay leave according to these rules will be calculated only on the service rendered from the date on which these rules come into force:

Provided also that where such leave on private affairs and leave on medical certificate already availed of is in excess of the period of half-pay leave due, reckoned under this rule as on the date on which these rules come into force, such excess shall be wiped off,

- (vii) 'Commutated leave' means leave taken under Rule 84.
- (viii) 'Officer in permanent employ' means an officer who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended.
- (ix) 'Completed years of service' and 'one year's continuous service' mean continuous service of the specified duration under the Government of Kerala and include periods spent on duty as well as on leave including leave without allowances.

Ruling

The period of leave without allowances availed of under Appendix XIA for taking up employment will be excluded in reckoning completed years of service for purposes of calculating half-pay leave to be earned under Rule 83 Part I Kerala Service Rules.

[G.O.(P) 1171/87/Fin.,
dt. 30-12-1987]

Government Decision No.1

Under Article 195, Travancore Service Regulations and Article 130 (4) of the old leave Rules in the Cochin Service Regulations, privilege leave on half salary can be granted in case of urgent necessity to an officer serving in a vacation department who enjoys the benefit of vacation. As the privilege leave is not earned but only granted in cases of urgent necessity, neither credit towards leave on this account need be made in the leave account of the officer as on 1st November 1959 under Kerala Service Rules for such leave already availed of prior to 1st November 1959 reduced from the half-pay leave admissible under Rule 77 (vi), Kerala Service Rules.

[Fin, CR.17422/60,
dt. 30-3-1960]

Furlough on average salary taken prior to 1st November 1959 is to be reduced from the halfpay leave by twice the amount of such leave for purposes of Rule 77 (vi) Kerala Service Rules.

Government Decision No.2

According to G.O.(MS) 101, dated 22nd January 1958 of the Madras Government, the benefit of Rule 27 of the Madras Leave Rules, 1933 to certain approved probationers stand extended upto 31st December 1962. In the case of those officers allotted from Madras, governed by Madras Leave Rules and who were eligible for the above concession and who have opted to be governed by the Kerala Service Rules from 1st November 1959, the accrued leave reckoned on the basis of the concession but not availed of by them on 1st November 1959 will be treated as leave standing to their credit for purposes of Rule 77 (v) Kerala Service Rules.

[G.O.(MS) 477/60/Fin.,
dt. 11-10-1960]

78.

The earned leave admissible to an officer in permanent employ is one-eleventh of the period spent on duty, provided that he will cease to earn such leave when the earned leave due amounts *240 days.

*This amendment shall be deemed to have come into force with effect from 1st July 1986.

[G.O.(P) 837/92/Fin.,
dt. 4-11-1992]

79.

Subject to the Provisions of Rules 65 and 75 the maximum earned leave that may be granted at a time to an officer shall be *180 days.

* This amendment shall be deemed to have come into force with effect from 18th May 1991.

[G.O.(P) 908/97/Fin.,
dt. 24-10-1997]

Exception.- In the case of an officer applying for leave preparatory to retirement, the maximum earned leave that may be granted at a time shall be *240 days.

*This amendment shall be deemed to have come into force with effect from 1st July 1986.

[G.O.(P) 837/92/Fin.,
dt. 4-11-1992]

80.

Earned leave is not admissible to an officer in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

Ruling

Officers undergoing training in institutions which have

regular vacations and who enjoy vacations of those institutions, will be treated as officers serving in a vacation department for the purpose of Rule 80 Part I, Kerala Service Rules.

81. The earned leave admissible to an officer in permanent employ serving in a vacation department, in respect of any year in which he is prevented from availing himself of the full vacation, is such proportion of 30 days as the number of days of vacation not taken bears to the full vacation.

If in any year the officer does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of Rules 78 and 79 above.

Note 1. - A vacation department is a department or part of a department to which regular vacations are allowed during which the officers serving in the department are permitted to be absent from duty.

Note 2. - The Principal, the Superintendent, the entire office staff, sergeant (if any) and the gardeners of the following institutions will be treated as non-vacation officers with effect from the dates specified against each:

- | | | |
|--|---|-----------|
| 1. Government Arts Colleges | : | 1.11.1959 |
| 2. Law Colleges, Training Colleges and Physical Education Colleges | : | 8.3.1960 |
| 3. Engineering Colleges and Polytechnics | : | 13.6.1960 |
| 4. Junior Technical Schools | : | 18.5.1963 |

The Teaching staff in the Hindi Teachers' Training Institutes at Trivandrum and Trichur will be treated as non-vacation officers with effect from 4th June 1970.

[G.O.(P) 205/72/Fin.,
dt. 16-6-1972]

The headmasters of schools and non-teaching staff of the schools under the Director of Public Instruction will be treated as non-vacation officers with effect from the date noted against each:-

[G.O. (P) 39/73/Fin.,
dt. 5-2-1973]

Headmasters of schools :

9.6.1969

Non teaching staff :

22.4.1960

Exception. - The Superintendents of the Junior Technical Schools attached to the Polytechnics at Kannur, Calicut and Trichur will be treated as vacation officers.

G.O.(P) 78/70/Fin.,
dt. 29-1-1970.

This amendment shall be deemed to have come into force with effect from 1st April 1967.

The Senior Agricultural Officer/Veterinary Surgeon and Attenders in High Schools where Vocational Higher Secondary Courses were introduced, will be treated as non-vacation officers with effect from 13th August 1984.

[G.O. (P) 95/89/Fin.,
dt. 24-2-1989]

The Assistant Director of Fisheries and Attenders in the High Schools where Fisheries have been introduced as vocational subject, will be treated as non-vacation officers with effect from 28th May 1986.

[G.O. (P) 95/89/Fin.,
dt. 24-2-1989]

Note 3. - The term "Year" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty in a vacation department.

Note 4. - When an officer is transferred from a vacation department to a non-vacation department, his period of service in the former will, for the purpose of calculation of leave, be considered to have terminated with effect from the close of the last vacation enjoyed by him.* [But if the transfer is effected during the course of vacation, he will be deemed to have been transferred to the non-vacation department on the close of the vacation which he has partly enjoyed and he will be credited with

proportionate amount of earned leave under this rule for the period of vacation which he was prevented from enjoying on account of such transfer]. When an officer is transferred from a non-vacation to a vacation department, his period of service in the latter will be held to have commenced from the date of expiry of the last vacation previous to such transfer.

* This amendment shall be deemed to have come into force with effect from 6th August 1982.

[G.O.(P) 409/82/Fin.,
dt. 6-8-1982]

Government Decision

The above Note shall apply to appointments of Government Officers in a vacation Department through the Public Service Commission while working in non-vacation Department in the course of the academic year and vice versa.

[G.O.(P) 573/81/Fin.,
dt. 2-9-1981]

Note 5. - The Library staff of Arts and Science, Training and Law Colleges shall be treated as non-vacation staff.

[G.O.(P) 553/75/Fin.,
dt. 11-12-1975]

This amendment shall be deemed to have come into force with effect from 7th November 1974.

Note 6. - The Heads of Nursery Schools shall be treated as non-vacation staff.

[G.O.(P) 230/76/Fin.,
dt. 3-8-1976]

This amendment shall be deemed to have come into force with effect from 11th February 1976.

Note 7. - In the case of an officer of non-vacation department sent on deputation for training to an institution having regular vacation, his eligibility for earned leave shall be decided as follows:-

(i) if the officer is not permitted to enjoy the vacation and is retained by the institution for duty, and if the head of the institution so certifies, the officer shall be considered as on duty during that period and earned leave for that period shall be admissible to him in accordance with the provisions of Rules 78 and 79.

(ii) if the officer enjoys only part of the vacation, deduction of earned leave will be in such proportion of 30 days as the number of days of vacation enjoyed bears to the full vacation.

[G.O.(P) 887/80/Fin.,
dt. 21-11-1980]

Effective from 1st July 1975.

Ruling No. 1

An officer serving in a vacation department when put in full additional charge of the duties of a post in a non-vacation department shall be considered to have been denied the benefit of vacation if that charge arrangement falls within a vacation period.

[G.O. (P) 366/70/Fin.,
dt. 27-5-1970]

Ruling No. 2

Teachers deputed for training under the Summer School Training Programme during vacation shall be considered to have been prevented from availing themselves of the vacation provided such period of training has been treated as duty under Rule 12 (7).

[G.O. (P) 366/70/Fin.,
dt. 27-5-1970]

Ruling No. 3

Teaching staff who are N.C.C. Officers in Colleges, Polytechnics and Schools, when detailed to undergo training or refresher course or for duty in connection with the conduct of N.C.C. training or refresher course, during periods of vacation, will be treated as on duty and allowed the benefit of earned leave under the above rule.

[G.O.(P) 364/72/Fin.,
dt. 16-8-1972]

The ruling shall be deemed to have come into force from 15th February 1972.

Ruling No.4

Teaching Staff attending the work of Valuation and Tabulation of S.S.L.C. and Higher Secondary Public Examination during vacation shall be considered to have been prevented from availing themselves of the vacation and such period will be treated as duty and allowed the benefit of earned leave under the rule.

[G.O.(P) 3113/98/Fin.,
dt.15-12-1998]

82. *Half-pay leave*.- Half-pay leave as provided in Rule 83 may be availed of on private affairs or on medical certificate.
83. The half-pay leave admissible to an officer in permanent employ in respect of each completed year of service is 20 days.
84. *Commuted Leave*.- Commuted leave not exceeding half the amount of half-pay leave due may be granted to an officer in permanent employ. When Commuted Leave is granted twice the amount of such leave shall be debited against the half-pay leave due.

[G.O. (P) 540/87/Fin.,
dt. 20-6-1987]

Ruling No. 1

[Deleted]

[G.O. (P) 685/87/Fin.,
dt. 19-8-1987]

Ruling No. 2

[Deleted]

[G.O. (P) 685/87/Fin.,
dt. 19-8-1987]

85. *Leave not due*.- Save in the case of leave preparatory to retirement leave not due may be granted to an officer in permanent employ for a period not exceeding 360 days during his entire service out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. This will be debited against half-pay leave which the officer earns subsequently. Leave not due should be granted *[only when no other leave with allowance is available at credit of the officer and if the authority empowered to sanction leave] is satisfied that there is a reasonable prospect of the officer returning to duty on the expiry of the leave and earning an equal amount of half pay leave thereafter.

*[G.O.(P) 409/77/Fin.,
dt. 24-10-1977]

Note 1.- Where a Government servant who has been granted leave not due under this rule, applies for permission to retire voluntarily, the leave not due shall, if the permission is granted, be cancelled.

Note 2.- Except as provided in Note 1, leave not due when granted should in all cases (subject to the officer's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

Government Decision

A question has been raised whether in cases where the officers whose credit in half-pay leave account results in a minus balance on 1st November 1959 can be granted a further period of 360 days leave not due under Rule 85, Part I, Kerala Service Rules. This has been examined by Government and they consider that in view of the second proviso to the amendment to clause (vi) of Rule 77, Part I, issued in G.O.(P) 261/Fin., dated 23rd May 1960, the half-pay leave availed of prior to 1st November 1959 in excess of the half-pay leave reckoned under Kerala Service Rules has been wiped off. Therefore such officers should be treated as leaving a nil balance of half-pay leave on 1st November 1959 and they should get the same consideration in regard to the grant of leave not due as in the case of those who had not enjoyed half-pay leave in excess of what is admissible under Kerala Service Rules. The Government accordingly direct that officers whose credit on half-pay leave account results in a

[G.O.(Ms) 524/60/Fin.,
dt. 7-11-1960]

'nil' balance on 1st November 1959 consequent on the wiping off of the excess half-pay leave already available shall be eligible for a further period of 360 days, leave not due under Rule 85, Part I, Kerala Service Rules, provided they otherwise satisfy the requirements of the rules.

86. The provisions of Rules 78, 80, 81, and 83, apply also to an officer not in permanent employ except that in respect of the first year of service the earned leave admissible is 1/22 of the period spent on duty:

Provided that no earned leave shall be admissible to such an officer in a vacation department in respect of the first year of his service.

Note 1.-The leave of an officer appointed as a probationer (for a certain period before confirmation of his appointment) will be regulated under the rules prescribed for permanent officers. 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 beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of the authority competent to appoint him.

Note 2. -Whenever the rate of earning leave changes, the fraction in the earned leave accumulated at the earlier rate should be rounded off to the nearest day i.e., fraction below half should be ignored and that of half and more should be reckoned as a day. *Similarly, the fraction, if any, in the leave earned in accordance with the provisions of the first paragraph of Rule 81 by an officer serving in a vacation department should also be rounded off to the nearest day.

*[G.O.(P) 230/67/Fin.,
dt. 20-6-1967]

Ruling

When a full-time teacher is appointed to a part-time post, the leave earned by him prior to becoming part-time cannot be granted to him while holding the part-time post. Such leave may, however, be granted when he is reappointed to a full-time post.

[G.O.(P) 275/65/Fin.,
dt. 5-7-1965]

- 86A. Notwithstanding anything contained in Rules 84, 88 (ii) and 90, an officer not in permanent employ who has completed three years of continuous service shall be eligible for (i) commuted leave and (ii) leave without allowances as would be admissible to him if he had held his post substantively.

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

88. *Leave without allowances.*- (i) Leave without allowances may be granted to any officer in special circumstances-

- (a) when no other leave is by rule admissible, or
- (b) when other leave is admissible, but the officer concerned applies in writing for the grant of leave without allowances.

- (ii) Except in the case of an officer in permanent employ, the duration of leave without allowances shall not exceed 3 months on any one occasion.

Exception 1.-When a period of suspension is retrospectively treated as leave without allowances by the revising or appellate authority the limitation of admissible leave without allowances to three months to officers not in

permanent employ will not apply.

Exception 2.-The limitation in sub-rule (ii) shall not apply to the grant of leave without allowances regulated by the rules in *Appendices XIIA, XIIB and XIIC.

[G.O.(P) 654/95/Fin.,
dt.10-10-1995]

[G.O.(P) 953/86/Fin.,
dt. 27-12-1986]

*[G.O.(P) 1002/97/Fin.,
dt. 6-11-1997]

Section IV- Commutation Of Leave With Retrospective Effect

89. (i) The authority which granted leave to an officer can commute it retrospectively into leave of a different kind which may be admissible but the officer concerned cannot claim it as a matter of right:

*Provided that earned leave shall not be commuted into leave of a different kind †except as provided in the Note below Rule 1, Appendix XIIC .

*Effective from 22nd November 1971.

†This shall be deemed to have come into force with effect from 12th April 1984.

†[G.O.(P)1002/97/Fin.,
dt. 6-11-1997]

- (ii) Commutation of one kind of leave into another automatically carries with it the drawal of arrears of leave salary or recovery of amounts overdrawn.
- (iii) Commutation of leave with out allowances taken during temporary service when no other leave was due, into earned leave on confirmation without interruption of service, by giving retrospective effect to the benefit of Rule 87 would be irregular and not in accordance with the intention of Government. The real intention of Rule 87 is to provide only for a retrospective recalculation of leave at credit on the date of confirmation with a reduction on account of the earned leave already taken. Except for the carry-forward of the recalculated credit on confirmation, leave earned and taken should be a closed chapter at that point and no readjustment of any leave taken is automatically permissible as a consequence of such recalculation. The closed chapter may however properly be reopened, for instance, to correct a miscalculation of leave earned or taken or to readjust leave earned and taken when confirmation is ordered with retrospective effect or at the discretion of the sanctioning authority to convert leave of any one kind already taken into leave due of any other kind admissible at the time leave was originally taken.

Government Decision

When confirmation is given retrospectively with effect from a date earlier than the date on which leave was already sanctioned, such leave can be commuted and readjusted as provided in Rule 89 (iii). Such cases do not come within the purview of the ruling under Rule 11. What has changed is only the status of the officer and not the rule in force at the time the leave was sanctioned. The position will be clear from the following illustration:-

Illustration

Entry in service of an officer- 1st November 1960.

Date of his confirmation - 1st November 1961 (orders issued on 1st November 1962).

Leave without allowances taken at any time during the period from 1st November 1960 to 31st October 1961 cannot be retrospectively commuted into any other kind of leave. But leave earned and taken after 1st November 1961 can be retrospectively commuted.

[G.O. (P) 204/66/Fin.,
dt. 17-5-1966]

- 90.** In addition to any leave which may be admissible to him, an officer in temporary employ, who contracts tuberculosis and undergoes treatment in a recognised sanatorium or under a qualified T.B. Specialist or a Civil Surgeon or who is suffering from leprosy and undergoes treatment in a recognised Leprosy institution or under a Civil Surgeon or a Specialist in Leprosy, recognised as such *or who is suffering from cancer and undergoes treatment in a recognised Cancer Institute or under a Civil Surgeon or a Specialist in cancer or who is suffering from mental disease and undergoes treatment in a recognised Mental Hospital or under a Civil Surgeon or a Specialist in mental disease may be granted leave without pay upto a maximum period of 18 months [including 3 months leave without allowances authorised under Rule 88 (ii) above] on any one occasion subject to the following conditions:-

*[G.O. (P) 570/78/Fin.,
dt. 11-7-1978]

- (i) the officer is likely to continue in service till his return to duty;
- (ii) the leave without allowances shall be granted subject to the production of a certificate from the Medical Officer-in-charge of the Sanatorium or qualified T.B. Specialist or a Civil Surgeon * or a Specialist in Leprosy, Cancer or Mental disease as the case may be specifying the period for which leave is recommended; and
- (iii) the medical officer in recommending leave shall bear in mind the provisions of Rule 115.

- 90A.** (a) A Government officer, whether gazetted or non gazetted, drawing a basic pay not exceeding †Rs.2500 per mensem who is granted leave without allowances for the treatment of T.B., *Leprosy, Cancer or Mental disease may be granted an ex-gratia allowance equal to 35 per cent of the basic pay he was drawing immediately before the commencement of the leave, subject to a maximum of †Rs.875 and minimum of †Rs.580 per mensem. **In respect of cases relating to treatment of cancer and mental diseases, the Rule shall be deemed to have come into force with effect from 11th July 1978 and in respect of other cases, with effect from 1st July 1978.

*[G.O.(P) 570/78/Fin.,
dt. 11-7-1978]

**This amendment shall be deemed to have come into force with effect from 1st July 1978.

[G.O.(P) 373/83/Fin.,
dt. 7-7-1983]

†This shall be deemed to have come into force with effect from 1st March 1992.

[G.O.(P)149/96/Fin.,
dt. 30-1-1996]

- (b) The allowance will be admissible only when the officer is not eligible for any other leave with allowances.
- (c) The allowance will be granted irrespective of whether the patient undergoes treatment as an inpatient or as an outpatient under the direction of a Civil Surgeon.
- (d) The payment of the allowance will be made only on the production of a certificate issued by the Medical Officer-in-charge of the Sanatorium/Hospital or by one not below the rank of a Civil Surgeon to the effect that the patient has been under his treatment for T.B., *Leprosy, Cancer or Mental disease during the period for which the allowance is claimed.

*[G.O.(P) 570/78/Fin.,
dt. 11-7-1978]

- (e) The allowance in the case of an officer in temporary employ will be limited to a maximum period of 18 months and that in the case of a permanent employ to a maximum period of 36 months in all during his entire service.

Note 1.- The concession of leave without allowance upto eighteen months will be admissible also to an officer who for want of accommodation in any recognised Sanatorium *or Cancer Institute or Mental Hospital at or near the place of his duty receives treatment at his residence under a recognised *Tuberculosis Specialist, Leprosy Specialist, Cancer Specialist or Mental Disease Specialist 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.

*[G.O. (P) 570/78/Fin.,
dt. 11-7-1978]

Note 2.-The leave without allowances under this rule will be admissible only to those officers who have been in continuous Government service for a period exceeding one year.

Note 3.-The lists of recognised *Tuberculosis Institutions, Leprosy Institutions, Cancer Institutions and Mental Hospitals are given in Appendix V.

*[G.O.(P) 570/78/Fin.,
dt. 11-7-1978]

Government Decision

Recoveries on advances such as 'Onam Advance', 'Advance Pay on transfer', etc., need not be made from the ex-gratia allowance admissible under this rule. Such recoveries may be postponed till such time as the subordinate is fit to rejoin duty or effected from any other amounts payable to the subordinate, otherwise.

[G.O.(P) 159/63/Fin.,
dt. 2-4-1963]

Ruling

The payment of ex-gratia allowance in the case of leave without allowances for treatment of T.B/Leprosy taken in continuation of other kinds of leave may be regulated on the basis of the pay drawn by the officer immediately before the commencement of the combined spell of leave.

[G.O.(P) 454/68/Fin.,
dt. 20-8-1968]

91. Officers with a continuous officiating or temporary service of two years or more, will be granted in addition to any leave which they are eligible for, leave under this rule for obtaining superior qualifications (e.g., B.A. and B.L.), provided, however, that the two years minimum service will not be insisted on in the case of temporary or officiating officers belonging to the Scheduled Castes and Scheduled Tribes. Such leave will not, however be given for broken periods but will cover the entire period of the course concerned. In cases of failure, extension of leave will be granted to cover the further period required for the completion of the course of study.

Note 1.-[Deleted]

[G.O.(P) 204/76/Fin.,
dt. 15-7-1976]

Note 2.- The term 'superior qualifications' occurring in the above rule denotes only such of the qualifications as on acquisition 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.

Ruling No. 1

The time limit imposed by Rule 88 (ii) above will not apply to leave for securing higher qualifications granted under this rule.

Ruling No. 2

The term "course" occurring in the above rule denotes a course of study/training covering a specified academic period

culminating in a public examination, the success in which will qualify the candidate for a degree/diploma/certificate or for admission to another course and includes the training at the Pre-examination Training Centres for I.A.S and other All India Service Examinations.

Government Decision

Leave under this rule can be sanctioned by the authority competent to sanction eligible leave and leave without allowances. Study leave under Rule 99, Part I, can be sanctioned only by Government.

[Circular
No.46858/Rules -
1/62/Fin.,
dt. 30-10-1962]

- 91 A.** Officers with a continuous officiating or temporary service of 5 years or more may be granted in addition to any leave to which they are eligible for, leave for undergoing Post-graduate Courses in the sphere of their duties which are primarily of benefit to the State, such as Post-graduate Courses for teachers, Engineers and Doctors. The leave shall be granted only with due regard to the usefulness of the higher studies to the public service.

[G.O.(P) 204/76/Fin.,
dt. 15-7-1976]

SECTION V- LEAVE SALARY

- 92.** An officer on earned leave is entitled to leave salary equal to, -
- (i) full (duty) pay i.e., pay admissible had he been on duty during the period of leave;
 - (ii) dearness allowance applicable to the above duty pay; and
 - (iii) such other compensatory allowances as are admissible under the rules during the period of leave:

*Provided that where an officer is promoted during the period he is on earned leave the monetary benefit of promotion shall be given only from the date on which he assumes charge of the post, if there is change of duties.

*[G.O.(P) 452/79/Fin.,
dt. 4-5-1979]

Effective from 1st April 1973.

Note. - See Explanation and Notes below Rule 93.

This amendment shall be deemed to have come into force with effect from 1st April 1973.

[G.O.(P) 491/75/Fin.,
dt. 24-10-1975]

- 93.** An officer on half pay leave or leave not due is entitled to leave salary equal to, -
- (i) half of duty pay, i e., half of the pay admissible had he been on duty during the period of leave;
 - (ii) dearness allowance applicable to the amount admissible under clause (i) above:

Provided that where an officer is promoted during the period he is on half pay leave the monetary benefit of promotion shall be given only from the date on which the officer assumes charge of the post, if there is change of duties.

[G.O.(P) 452/79/Fin.,
dt. 4-5-1979]

Effective from 1st April 1973.

Exception. - A non-gazetted officer whose pay before proceeding on leave, does not exceed *Rs.2000 in the revised scale of pay ordered in G.O. (P) 600/93/Fin., dated 25th September 1993 shall be entitled to dearness allowance which would have been admissible had he been on duty, which together with the leave salary so admissible, is subject to a minimum of sixty-five percent of the pay and dearness allowance while on duty. The excess over the actual leave salary in such

[G.O.(P) 149/96/Fin.,
dt. 30-1-1996]

cases shall be termed as special leave allowance.

*This shall be deemed to have come into force with effect from 1st March 1992.

and

(iii) "House Rent Allowance", for the first four months of leave.

Explanation.- For the purpose of Rule 92 and this rule, period of duty shall be deemed to be the period of duty in a post during which the officer would have drawn the pay in the timescale of that post but for his proceeding on leave.

In the case of officiating appointments, a certificate of continuance in the same post but for leave should be furnished to the Audit Officer along with the sanction noted in the Service Book and the bill claiming the leave salary.

Note 1.- Special pay granted in lieu of higher timescale of pay for additional and/or higher responsibilities attached to a post may be drawn during periods of leave if the officer would have continued in that post after the expiry of leave. The officer who records certificate to the above effect in the leave salary bill may do so only after proper verification. The special pay sanctioned for specially arduous nature of work or for work in addition to normal duties attached to his post or charge allowance will not be admissible during periods of leave unless the officer discharges the work for which the special pay is sanctioned.

Note 2.- In the case of non-gazetted officers who elect to remain in the pre-revised scale, the monetary limit for the purpose of the Exception to Rule 93 shall continue to be Rs. 290 which was fixed with effect from 1st July 1968, and the amount of leave salary together with the dearness allowance is not subject to any minimum till such date as on which they come over to the revised scale of pay ordered in G.O. (P) 91/74/Fin., dated 5th April 1974.

Note 3.- The 'Special Allowance' sanctioned to the Police Personnel and corresponding categories in the Fire Force, Prison, Forest, Excise and Vigilance Departments shall be payable during periods of all kinds of leave with allowances. But the drawal of the allowance during periods of leave shall be restricted to the first four months of leave.

[G.O.(P) 245/81/Fin.,
dt. 21-4-1981]

This amendment shall be deemed to have come into force with effect from 28th January 1980.

- 94.** An officer on commuted leave is entitled to leave salary equal to twice the amount of the pay admissible under Rule 93 (i) and dearness allowance applicable to the pay so admissible.

[G.O. (P) 491/75/Fin.,
dt. 24-10-1975]

This amendment shall be deemed to have come into force with effect from 1st April 1973.

- 95.** An officer on leave without allowances is not entitled to any leave salary.

SECTION VI-OVERSTAYAL

- 96.** In the case of an officer governed by these leave rules who remains absent after the end of his leave, the period of such overstayal of leave is, unless the leave is extended by the competent authority treated as follows:-

(i) as half pay leave to the extent such leave is due, whether the overstayal is supported by a medical certificate or not;

* (ii) leave without allowances to the extent of the period of half pay leave due falls short of the period of overstayal.

*[G.O.(P) 703/64/Fin.,

The officer is not entitled to leave salary during such overstayal of leave not covered by an extension of leave by competent authority.

dt. 1-10-1964]

Note: - Wilful absence from duty after the expiry of leave will be treated as misbehaviour for the purpose of Rule 21, Part I.

96A.

Where a Government servant not in permanent employ fails to resume duty on the expiry of the maximum period of leave without allowances granted to him or where such a Government servant who is granted a lesser amount of leave without allowances than the maximum amount admissible remains absent from duty for any period which together with the leave without allowances granted exceeds the limit upto which he could have been granted such leave under these rules, he shall, unless the Government, in view of the exceptional circumstances of the case otherwise determines, be removed from service after following the procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.

[G.O. (P) 254/70/Fin.,
dt. 27-4-1970]

SECTION VII - SPECIAL DISABILITY LEAVE

97.

- (1) Subject to the conditions hereinafter specified, special disability leave may be granted to an officer 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.

[G.O. (P) 481/70/Fin.,
dt. 6-7-1970]

Effective from 6th March 1968.

- (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. But the Government, if they are satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself is more than three months after the occurrence of its cause.
- (3) The period of leave granted shall be such as is certified by the medical attendant of the officer to be necessary. It shall not be extended except on the certificate of the medical attendant of the officer and shall in no case exceed 24 months.
- (4) Such leave may be combined with leave of any other kind.
- (5) Such 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) Such leave shall be counted as duty in calculating service for pension and shall not be debited against the leave account.
- (7) Leave salary during such leave shall be granted—
- (a) for the first four months of any period of such leave including a period of such leave granted under clause (5) of this rule as under Rule 92, and
- (b) for the remaining period of any such leave, as under Rule 93.
- (8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4 (1) (d) of the said Act.

98.

The application of the provisions of Rule 97 may be extended to an

officer who is disabled by injury accidentally incurred in *or in consequence of the due performance of his official duties or in consequence of his official position, or 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.

*[G.O. (P) 353/76/Fin.,
dt. 19-11-1976]

Effective from 6th March 1968.

[G.O. (P) 481/70/Fin.,
dt. 6-7-1970]

The grant of this concession is subject to the further conditions :-

- (1) that the disability, if due to disease must be certified by the medical attendant of the officer to be directly due to the performance of the particular duty ;
- (2) that, if the officer has contracted such disability during service, it must be, in the opinion of the Government, so exceptional in character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of a leave; and
- (3) that the period of absence recommended by the medical attendant of the officer may be covered in part by leave under this rule and in part by other leave, and that the amount of special disability leave granted on full pay i.e., pay admissible had he been on duty during the period of leave may be less than four months.

Note. - Disability leave is admissible to temporary officers also.

[G.O. (P) 491/75/Fin.,
dt. 24-10-1975]

This amendment shall be deemed to have come into force with effect from 1st April 1973.

SECTION VIII – STUDY LEAVE

99.

Leave may be granted to officers on such terms as the Government may by general order prescribe to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. The detailed rules framed under this rule are given in Appendix VI.

Note. - For rule regarding the grant of leave without allowance for study purposes in the case of officers not in permanent employ, see Rule 91.

SECTION IX - MATERNITY LEAVE

100.

A competent authority may grant to a female officer, maternity leave on full pay for a period of 90 days from the date of its commencement.

[G.O.(P)96/81/Fin.,
dt. 5-2-1981]

This amendment shall be deemed to have come into force with effect from 29th July 1980.

Note 1. - Maternity leave is also admissible to temporary female officers under this rule.

Note 2. - [Deleted]

[G.O.(P)96/81/Fin.,
dt. 5-2-1981]

Note 3. - The female candidates undergoing pre-appointment stipendiary training may be allowed leave for maternity purpose to the extent envisaged under this rule on full rate of stipend admissible. The benefit of this leave may also be granted in the case of miscarriage/abortion subject to the same conditions as laid in Rule 101 below.

[G.O.(P) 308/74/Fin.,
dt. 20-9-1974]

This amendment shall be deemed to have come into force with effect from 1st August 1973.

Note 4.- Maternity leave under this rule and Rule 101 shall be admissible to provisional female recruits continuing in service beyond one year provided they would continue in service but for proceeding on such leave.

[G.O.(P) 825/80/Fin.,
dt. 31-10-1980]

This amendment shall be deemed to have come into force with effect from the 2nd July 1969.

Ruling

The expression 'full pay' occurring in the above rule means pay as admissible to an officer under Rule 92, Part I, Kerala Service Rules.

[G.O.(P) 413/90/Fin.,
dt. 7-8-1990]

101 . Leave under Rule 100 above may also be granted to female officers in cases of miscarriage including abortion subject to the condition that the leave does not exceed six weeks and application for the leave is supported by a certificate from the medical attendant.

102. Maternity leave may be combined with leave of any other kind but leave applied for in continuation of the former may be granted only if the request be supported by a medical certificate:

*Provided that no medical certificate shall be necessary for grant of any leave for a period not exceeding sixty days in continuation of maternity leave.

*Effective from 5th June 1978.

[G.O.(P) 428/79/Fin.,
dt. 24-4-1979]

Note-Regular leave in continuation of maternity leave may also be granted to a female officer on her producing a medical certificate to the effect that the new born baby requires personal attention of the mother and her presence by the side of the baby is absolutely necessary.

Explanation—The kinds of leave coming under regular leave mentioned in the Note are Earned Leave, Half Pay Leave, Leave Not Due and Leave Without Allowances only.

SECTION X—HOSPITAL LEAVE

103. A competent authority may grant hospital leave to officers of the following classes 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.—

(a) Police Officers of rank not higher than that of Head Constable and Fire Service Personnel of and below the rank of Leading Fireman, including Driver, Mechanics and Fireman Drivers.

(b) Forest subordinates, other than clerks in receipt of pay not exceeding *Rs.1520

*This amendment shall be deemed to have come into force with effect from 1st March 1992.

[G.O.(P) 149/96/Fin.,
dt. 30-1-1996]

(c) Head warders or warders, male or female, of jails or lunatic asylums and Matrons of the Jails Department.

(d) Subordinates employed in Government Laboratories.

(e) Subordinates of other departments employed in the working of Government machinery.

(f) Last grade employees of all departments.

(g) Guards and Preventive Officers of the Excise Department, and

- *(h) Government Servants drawing a pay of Rs. 120 or less per mensem who serve as Home Guard Volunteer.
- *[G.O. (P) 143/68/Fin.,
dt. 16-4-1968]
- Note1.- Hospital leave will be granted only on production by the employee concerned of a medical certificate from his authorised medical attendant to the effect that the leave recommended is necessary to effect a cure and a certificate from his head of office to the effect that the illness or injury was directly due to risk incurred in the course of official duties.
- [G.O.(P) 308/85/Fin.,
dt. 29-5-1985]
- Note 2.-Hospital leave is admissible to temporary employees also under this rule.
- Note 3.-Hospital leave will be granted to the officers coming under clause (h) above only in cases of injuries sustained while on duty as Home Guard Volunteers and only if the application is supported by a certificate from the Commandant General, Home Guards, to the effect that the injury was sustained by the employee while on active duty as a Home Guard Volunteer. This will be in addition to the certificate prescribed in Note 1 above.
- [G.O.(P) 143/68/Fin.,
dt. 16-4-1968]
104. Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary (1) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and (2) equal to leave salary during half pay leave, for the remaining period of any such leave. In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4 (1) (d) of the said Act.
- [G.O. (P) 320/75/Fin.,
dt. 17-7-1975]
105. [Omitted]
- [G.O. (P) 522/67/Fin.,
dt. 4-12-1967]
106. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible.

Government decision

A register in the form, given below will be maintained by all Heads of Departments and offices showing the various kinds of special leave (e.g., special disability leave, hospital leave, maternity leave, study leave, leave not due, commuted leave, etc.) granted to Government servants from time to time to facilitate the check by the local audit parties as to whether the conditions for the grant of the leave have been fulfilled in individual cases, by the authorities competent to sanction the leave.

Register for recording particulars of special kinds of leave e.g., maternity leave, special disability leave, hospital leave, leave not due, etc.							
Name and designation of the officer	Nature of leave	Period		Particulars of sanction		Initials of authority competent to attest entries in the Service Book	Remarks
		From	To	No.	Date		
1	2	3	4	5	6	7	8

[G.O. (P) 337/60/Fin.,
dt. 2-7-1960]

SECTION XI – LEAVE TO PART-TIME OFFICERS

- 107.** A Law Officer, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government may be granted leave as follows:-
- Leave on full pay during vacation of the Court within whose jurisdiction he serves, provided that no extra expense is hereby caused to Government. Such leave will be counted as duty.
 - Leave on half pay for not more than three months once only in his service after three years of duty.
 - On medical certificate, leave on half-pay upto a maximum of six months at any one time, provided that two years of duty must intervene between any two periods of leave on medical certificate.
 - On the conditions prescribed in Rule 88 leave without allowances.
- 108.** Leave under any one of the clauses of Rule 107 may be combined with leave under any other clause.
- 109.** An officer remunerated by honoraria may be granted leave on the terms laid down in Rules 107 and 108 provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government and that during leave of the kind contemplated by clause (b) of Rule 107 the whole of the honoraria is paid to the person who officiates in his post.
- 110.** Leave of the following kinds may be granted to an apprentice:-
- On medical certificate, leave on leave salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.
 - Leave without allowances under Rule 88.

SECTION XI A - LEAVE TO RADIATION WORKERS

- 110 A.** Rules for the grant of leave to radiation workers in the State Medical Service are given in Appendix XII. [G.O.(P) 92/68/Fin., dt. 6-3-1968]

SECTION XI B - LEAVE FOR TAKING UP EMPLOYMENT ABROAD OR WITHIN INDIA

- 110 B.** Rules for the grant of leave without allowances for taking up employment abroad or within India are given in Appendix XII A. [G.O.(P) 953/86/Fin., dt. 27-12-1986]

This amendment shall be deemed to have come into force with effect from 16th December, 1983.

SECTION XI C - LEAVE FOR THE PURPOSE OF STUDY FOR THOSE INELIGIBLE FOR LEAVE UNDER RULE 88 OR RULE 91 OF PART I

- 110 C.** Rules for the grant of leave for study purpose for those ineligible for leave under Rule 88 or Rule 91 of Part I are given in Appendix XII B. [G.O.(P) 654/95/Fin., dt. 10-10-1995]

This amendment shall be deemed to have come into force with effect from 18th September 1984.

SECTION XI D – LEAVE FOR JOINING SPOUSE

- 110 D.** Rule for the grant of leave without allowances for the purpose of joining spouse are given in Appendix XIIC. [G.O.(P) 1002/97/Fin., dt. 6-11-1997]

This amendment shall be deemed to have come into force with effect from 12th April 1984.

SECTION XII - CASUAL LEAVE

- 111.** Rules regarding Casual Leave to Officers are given in Appendix VII.

SECTION XIII - PROCEDURE RELATING TO LEAVE

- 112.** A leave account shall be maintained for each officer.
Note— Leave account of a Gazetted Officer will be maintained by the Audit Officer. The leave account of a non-gazetted officer will be maintained by the Head of the Office in which he is employed.
- 113.** An application for leave or an extension of leave must be made to the authority competent to grant such leave or extension in Form No. 13.
- 114.** Leave to officers on foreign service in India will be sanctioned by the foreign employer. [G.O. (P) 228/76/Fin., dt. 2-8-1976]
- 115.** Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the officer concerned will never be fit to resume his duties. In such cases the opinion that the officer is permanently unfit for Government service should be recorded in the Medical Certificate.
- 116.** Every certificate of a medical committee or a medical officer recommending the grant of leave to an officer must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the officer under the terms of his contract or of the rules to which he is subject.

117. Before an officer can be granted leave or an extension of leave on medical certificate, he must obtain a certificate in the following form from such medical authority as the Government may by general or special order prescribe.

Medical Certificate

[G.O.(P)430/73/Fin.,
dt. 20-11-1973]

.....
(Signature of the applicant)

I (Name) after careful personal examination of the case hereby certify that (Name and official address) whose signature is given above, is suffering from and that I consider that a period of absence from duty of with effect from is absolutely necessary for the restoration of his/her health.

Signature of Medical Officer.....

Registration No.

Part of Registration

System of Medicine

Note 1.-The possession of a certificate as prescribed in this rule does not in itself confer upon the officer concerned any right to leave.

Note 2.-The nature and probable duration of the illness should be specified.

Note 3.-This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to desire when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

Note 4.-No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the officer under the terms of his contract or of the rules to which he is subject.

Note 5.-Reciprocal arrangements have been entered into with the Mysore Government to the effect that officers including police personnel of one State while staying in the other will be examined free of cost by a Medical Board or a Medical Officer employed under the Government of the State concerned for purposes of grant or extension of leave and fitness to resume duty on the expiry of leave. A medical requisition from the competent authority will be required before the medical examination is conducted.

Government Decision

For the purpose of this rule, the Medical Certificates issued by the following medical authorities will be accepted provided that the certificates are in accordance with the provisions of the above rule :-

[G.O.(P)512/61/Fin.,
dt. 27-12-1961]

1. Medical Officers of Government not below the rank of an Assistant Surgeon.
2. Private Medical Practitioners of Modern Medicine registered in Part A of the register of Modern Medicines.
3. Ayurveda Physicians and Homeopathic Doctors attached to Government Hospitals and Dispensaries.

4. Private Practitioners of Indigenous Medicines registered in Class A of the Register of Indigenous Medicines; and
5. Private Homeopathic Practitioners registered in Class A of the Register of Homeopathic Medicines.

Notwithstanding anything contained herein, in the case of applications for 'leave not due' under Rule 85, Part I, Kerala Service Rules, Medical Certificate granted by the authorities mentioned in items 1 and 3 alone shall be accepted.

- *118.** (a) In the case of certificate issued by an Assistant Surgeon, Ayurvedic Physician or Homeopathic Doctor attached to a Government Hospital or Dispensary or a private Practitioner of ****Modern, Indigenous or Homeopathic Medicine**, the authority competent to sanction leave may at its discretion, secure a second medical opinion by requesting a Civil Surgeon, District Indigenous Medical Officer or the Chief Medical Officer, **†Department of Homeopathy** as the case may be, to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.
- *[G.O.(P) 118/65/Fin.,
dt. 3-4-1965]
- * [G.O. (P) 405/76/Fin.,
dt. 28-12- 1976]
- † [G.O. (P) 192/76/Fin.,
dt. 8-7-1976]
- (b) It shall be the duty of the Civil Surgeon, the District Indigenous Medical Officer or the Chief Medical Officer, ***Department of Homeopathy** as the case may be, to express an opinion, both as regards the facts of the illness and as regards the necessity for the amount of leave recommended. For this purpose, he may require the applicant to appear either before himself or before a Medical Officer nominated by him.
- *[G.O.(P) 192/76/Fin.,
dt. 8-7-1976]
- (c) If the authority competent to sanction leave has doubts about the second medical opinion also he may refer the case to the Medical Board, constituted by the Director of Health Services on requisition.
- 118 A.** When the competent authority has genuine doubts about the fitness of an officer, it may refer him to a single man Medical Board or the standing Medical Board, for expert medical opinion. If the medical report is that the officer is not physically fit or mentally sound, the officer may be deemed to have entered on eligible leave from the date of the medical report, even if the officer does not put in a leave application. If he does not produce a certificate from the Medical Board that he is physically fit or mentally sound and has been cured of his illness within a period of five years from the date on which he was deemed to have entered on leave, he may be deemed to have retired on invalid pension. If the actual date of retirement of the officer falls within this period of five years he shall retire on that date.
- Note*—Eligible leave means leave due and admissible to an officer and the order of sanctioning this leave will be earned leave and half-pay leave *or commuted leave. If there is no eligible leave, leave without allowance will be granted to regularise the period of absence.
- [G.O. (P) 233/76/Fin.,
dt. 4-8-1976]
- *[G.O. (P) 839/92/Fin.,
dt. 4-11-1992]
- 119.** In support of an application for leave, or for an extension of leave, on medical certificate, from an officer of the last grade, the authority competent to grant the leave may accept such certificate as it may deem sufficient.
- 120.** No leave may be granted to a Gazetted Officer until a report as to the admissibility of the leave has been obtained from the audit officer.
- 121.** In cases where all applications for leave cannot, in the interest of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take

into account the following considerations :-

- (a) The officer who can, for the time being, best be spared.
- (b) The amount of leave due to the various applicants.
- (c) The amount and character of the service rendered by each applicant since he last returned from leave.
- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in public interest.

122. (i) When a medical authority has reported that there is no reasonable prospect that a particular officer will ever be fit to return to duty, leave should not necessarily be refused to such officer. It may be granted, if due, by a competent authority on the following conditions:-

- (a) If the medical authority is unable to say with certainty that the officer will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a Medical Board.
- (b) If an officer 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 that the amount of leave as debited against the leave account together with any period of duty beyond the date of the medical authority's report does not exceed six months.

(ii) An officer who is declared by a medical authority to be completely and permanently incapacitated for further service shall—

- (a) If he is on duty, be invalidated 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 (i) above he shall be invalidated from service on the expiry of such leave; and
- (b) if he is already on leave, he is invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (i).

123. Leave shall not be granted to an officer whom a competent authority has decided to dismiss, remove or compulsorily retire from Government service.

124. An officer 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. He must report his return to duty and await orders.

Government Decision No. 1

Whenever an order sanctioning leave to an officer is issued and communicated, it should contain directions as to where the officer should rejoin duty on the expiry of the leave, any change that may take place in the position of the officer during the period of leave being also communicated to the authorities concerned under intimation to the Accountant General wherever necessary.

[Circular No. Fin., R.A.
33409/60, dt. 8-8-1960]

Government Decision No. 2

An officer on leave should intimate sufficiently early his intention of rejoining duty after leave so as to avoid any possible delay in the issue of posting orders in time.

[G.O.(P) 558/62/Fin.,
dt. 12-11-1962]