

# Financial Handbook

Issued by Authority of the Government of the Uttar Pradesh

Volume II

Parts II to IV

The Uttar Pradesh Fundamental Rules, Subsidiary Rules, Delegations and Forms

Revised Edition

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## PREFACE

THE revised edition of the Financial Handbook, Volume II, now consists of four parts. Part I containing the Fundamental Rules applicable to government servants under the rule-making control of the Secretary of State has been published separately. The remaining Parts II to IV are now published together.

2. Part II contains the Uttar Pradesh Fundamental Rules made by the Governor under section 241 (2) (b) of the Government of India Act, 1935, and orders issued under these rules. It also contains the audit instructions issued by the Auditor General regarding the Fundamental Rules which are applicable equally to the Uttar Pradesh Fundamental Rules. These new rules apply to all government servants serving in connection with the affairs of the Uttar Pradesh whose conditions of service have been or may be prescribed by the Governor under the aforesaid section of the Act. In their application to such government servants these rules now supersede the Fundamental Rules (contained in the Financial Handbook, Volume II, 1936 edition) which hitherto applied to this class of government servants according to the declaration made in notification no. A-5822/X—303, dated November 14, 1930, and by virtue of section 276 of the above Act.

3. Part III contains the Subsidiary Rules which apply to government servants under the administrative control of this government including government servants under the rule-making control of the Secretary of State. They apply to government servants of the latter category only to the extent to which they are relevant to them by virtue of the provisions of section 247 (1) (b) of the government of India Act, 1935.

4. The delegations of powers made under the rules contained in Parts I to III and forms prescribed in connection with these rules will be found in Part IV of this volume. The delegations hitherto in force have been adapted suitably and re-arranged at certain places and a new form of leave account of government servants under the Uttar Pradesh Fundamental Rules has been prescribed.

5. The explanatory note which follows this preface describes certain important aspects of the rules contained in Parts II and III.

6. Any errors or omissions that may be noticed in this publication should be brought to the notice of the Finance Secretary to Government.

Lucknow:

February 1, 1942.

W. CHRISTIE,  
Secretary to Government,  
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**TABLE OF CONTENTS**  
**PART II**  
**UTTAR PRADESH FUNDAMENTAL RULES**

CHAPTER		Rules
I	Extent of application	001 1—7
II	Definitions	002 9
III	General conditions of service	003 10—18-A
IV		004 19—31,33, and 35—40
V	Additions to pay	005 44—48-B
VI	Combination of appointments	006 49
VII	Deputation out of India	007 50—51-A
VIII	Dismissal, removal and suspension	008 52—55
IX	Compulsory retirement	009 56
X	Leave	010 58—60,
		011 64—74,
		012 76-78,
		013 80—93,
		014 101 and 103—104
XI	Joining time	015 105—108-A
XII	Foreign service	016 110—117,
		017 119—127
XIII	Service under local funds	018 128—130
	THE SCHEDULE	019

**PART III**

**SUBSIDIARY RULES**

CHAPTER		Rules
I	Extent of application	<u>020</u> 1
I-A	Definitions	<u>021</u> 1-A
II	Treatment as duty of service under certain, circumstances	<u>022</u> 2—9
III	Certificate of fitness for Government service	<u>023</u> 10—17
III-A	Compensatory allowances	<u>024</u> 17-A—17-G
IV	Fixation and recovery of rent of residences	<u>025</u> 18—22-G
V	Acceptance of honoraria and fees	<u>026</u> 24—34
V-A	Acceptance of fees by medical officers of the Provincial and	<u>027</u> 34-A

	Subordinate medical services for services other than professional attendance	
VI	Authorities by whom leave may be granted	02835—37
VII	Combination of holidays with leave and joining time	02938—42-A
VIII	Medical certificate of fitness to be produced on return from leave	03043—45
IX	Procedure relating to leave	03180—131
X	Procedure relating to the maintenance of records of service	032134—142
XI	Vacation departments	033143—146
XI-A	Study leave rules	034146-A
XII	Drawal of compensatory allowances during leave training and compulsory waiting	035147—152-F
XIII	Maternity leave	036153—154
CHAPTER		Rules
XIV	Hospital leave	037155—156
XV	Leave earned by temporary and officiating service	038157—161-A
XVI	Leave admissible to part-time Law officers and government servants remunerated by fees, piece work or daily wages	039162—168
XVII	Leave earned by probationers and apprentices	040170 and 172
XVIII	Joining times	041173—184-A
XIX	Interest on overdue contribution	042185—186
XX	Rules made in connection with the Fundamental Rules	043187—208
APPENDIX A	(Containing the instructions issued by the Auditor General under Fundamental Rule 74).044	
APPENDIX B	(Containing model forms of agreement for employing government servants on contract).045	
	Memorandum of information for the guidance of government servants proceeding on leave out of India.	046ANNEXURE

## PART IV

### DELEGATIONS AND FORMS

#### Delegations

	Statement
Orders under rules 6 and 7 of the Fundamental Rules and the Uttar Pradesh Fundamental Rules in Parts I and II, respectively 047	
Lists of authorities declared to be heads of departments for purposes of the rules in Parts I to III	048 I
List of authorities who are empowered to exercise the powers of heads of departments in respect of certain matter	049 II
	Statement
Powers delegated to certain authorities under the Fundamental Rules and the Uttar Pradesh Fundamental Rules	050 III
Powers delegated to certain authorities under the Subsidiary Rules	050 IV

## FORMS

	Number of Form
Leave salary certificate for leave salary payable at the Home treasury	<a href="#">0512</a>
Leave salary certificate for leave salary payable in India	<a href="#">0532-B</a>
Colonial leave-salary warrant for officers of the Indian Civil Service and military officers in civil employ	<a href="#">0543</a>
Colonial leave-salary warrant for uncovenated services	<a href="#">0553-A</a>
The Accountant General's letter to a government servant proceeding on leave out of India	<a href="#">0564</a>
Information required by the Accountant General before the leave salary certificate can be drawn up	<a href="#">0575</a>
Certificate of leave	<a href="#">0587</a>
Report of actual sailing	<a href="#">0599</a>
Board for tempy. Government servants granted extraordinary leave for study in India or abroad	<a href="#">06010</a>
Leave account under the special leave rules	<a href="#">06111</a>
Leave account under the ordinary rules	<a href="#">06211-A</a>
Leave account under the Uttar Pradesh Fundamental Rules	<a href="#">06311-B</a> and <a href="#">11-C</a>
Medical certificate for leave	<a href="#">06412</a>
Service book	<a href="#">06513</a>
Service roll	<a href="#">06614</a>
	Number of Form
Memorandum of verification of service	<a href="#">06715</a>
<a href="#">INDEX068</a>	
<a href="#">Corrigenda-I069</a>	
<a href="#">Corrigenda-II070</a>	

## CHAPTER I—EXTENT OF APPLICATION

1. These rules may be called the Uttar Pradesh Fundamental Rules. They shall come into force with effect from April 1, 1942.

Nothing in these rules shall, however, be construed as affecting or invalidating any rules or orders made, or any rights, privileges or concessions accrued or granted to government servants, or any leave earned by them, or any pay or allowances fixed, under the rules in force immediately before the introduction of these rules, and all rules and orders and all such rights, privileges, concessions, leave, pay and allowances shall continue to remain operative in the same manner as they would have been operative under the said rules and shall, so far as may be, be deemed to have been made, earned or granted under the appropriate provisions of these rules.

2. These rules apply to all government servants the conditions of whose service have been or may be prescribed by the Governor under sub-section (2) (b) of section 241 of the Act.

3. and 4. [ \* \* \* ]

5. The power to make rules or issue general orders under these rules shall be exercised by the Governor in the manner prescribed by the rules made by him under sub-section (3) of section 59 of the Act.

6. The Governor may delegate to any subordinate authorities under his control, subject to any conditions which he may think fit to impose, any power exercised by him under these rules with the following exceptions:

(a) the power to make rules;

(b) powers under rules 6, 9 (6) (b), 44, 45-A, 45-C, 83, 108-A, 119, 121 and 127(c), and by the first proviso to clause (1) of rule 30.

(For delegations of powers made by the Governor under this rule and rule 7, see Part IV of this volume).

7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note—For powers delegated under these rules, see Part IV of this volume.

8. [ \* \* \* ]

## CHAPTER II—DEFINITIONS

9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the sense here explained:

(1) The Act means the Government of India Act, 1935.

(2) Except as provided otherwise in this subrule, average pay means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay:

Provided that—

In respect of any period spent on deputation out of India which has been declared by the Government to be under quasi-European conditions the pay which the government servant would have drawn if on duty in India shall be substituted for the pay actually drawn.

Exceptions—1. For the purpose of calculating the leave salary admissible to government servant recruited on or after 1st January, 1931, and before 1st January, 1936, the term "average pay" means either the average of the monthly pay earned during the three complete years immediately preceding the month in which the leave is taken or the average substantive pay of the government servant during the 12 complete months immediately preceding the month in which the leave is taken, whichever is greater.

2. For the purpose of calculating the leave salary admissible to government servant recruited on or after 1st January, 1936, the term "average pay" is defined in the explanation given under rule 87-A.

### Audit instruction regarding rule 9 (2)

1. According to the definition of "average pay" in this rule the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus, a government servant who has been on leave from 23rd March, 1922 to 22nd July, 1922, inclusive, is granted leave from 4th February, 1923. His average pay should be calculated on the pay earned for the periods 1st February, 1922 to 22nd March 1922, and 23rd July 1922 to 31st January, 1923. If, however, a government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced.

1-A. A civil government servant belonging to the India Army Reserve of Officers when called to Army service, or such a government servant belonging to the Indian Territorial Force while undergoing training with the force, is not a 'military officer' as defined in Fundamental Rule 9(16) (b)\* and in his case 'pay' as defined in Fundamental Rule 9(21)[\* \* \* ] does not include 'rank pay' received during the period of his Army service or training. In such cases the pay which the government servant would have received if he had not been called to Army service or training, and not the 'rank pay' actually drawn during the period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

2. In the case of a government servant on foreign service out of India lasting for more than 12 months who on reversion to Government service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service.

3. In the case of government servant of a vacation department, the vacation falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82 (b) and the emoluments drawn by the government servant during the vacation should be treated as pay drawn on duty, and should therefore be taken into account in determining his leave salary during the succeeding leave.

3-A. In the case of a government servant of a vacation department both prefixing and suffixing leave to a vacation, the leave-salary for the leave affixed should be calculated on the emolument drawn by the government servant during the twelve complete months preceding the commencement of his leave prefixed to the vacation.

3-B. In order to determine the pay which a government servant would have drawn, if on duty in India for the purpose of the proviso to Fundamental Rule 9 (2), vacation should be treated as equivalent of leave on average pay for the purposes of this proviso.

3-C. For an interpretation of the expression "pay which the government servant would have drawn if on duty in India" in the proviso to Fundamental Rule 9(2), see paragraph 2 of the Audit Instructions regarding Fundamental Rules 50 and 51.

4. The term "month" in this rule means "calendar month" as in rule 9(18).

5. Any Period of joining time taken either under clause (b) or under clause (c) of rule 105 during the preceding 12 month should be ignored in calculating average pay, as no "pay" is drawn in respect of such joining time.

(3) Barrister means a practicing barrister of England or Northern Ireland or a practicing member of the Faculty of Advocates in Scotland. It does not include a person who, though called to the Bar, has never practiced the profession of barrister.

(4) Cadre means the strength of a service or a part of a service sanctioned as a separate unit.

(5) Compensatory allowance means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

#### Audit instruction regarding rule 9(5)

The allowance granted to professors of medical colleges who are denied the privilege of private practice should be treated as compensatory allowance.

(6) Duty—(a) Duty includes—

\* In Part 1 of this Volume

(i) Service as a probationer or apprentice, provided that, except as otherwise provided in the special rules applicable to an appointment or service, such service is followed by confirmation.

(ii) Joining time.

(iii) Extra leave on average pay granted to a government servant undergoing treatment at an anti-rabic treatment centre.

(b) The Governor may issue orders declaring that, in circumstances similar to those mentioned below, a government servant may be treated as on duty:

(i) During a course of instruction or training in or outside India.

Order of the Governor regarding rule 9 (6) (b) (i).

Whenever government servants who are members of the Territorial army are called up for military duty in aid of civil power or for supplementing or supporting the regular armed forces during actual war, or are permitted to attend a course of instruction, their absence from their offices should be treated as duty for the purpose of civil leave and pension. If a government servant is on an incremental scale of pay, he will count his military service for increments in the time-scale of pay applicable to him in his civil post and also towards civil pension, in the same way as if he had put in that period of service in his appointment.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of the Government on passing through a course of training at a university, college or school in or outside India, during the interval between the satisfactory completion of the course and his assumption of duties.

(iii) When a Government servant after reporting for duty has compulsorily to wait for taking charge of a post for which he is in no way responsible, during the interval between the date of such report and the date on which he takes charge of his duties.

(iv) In the circumstances and subject to conditions stipulated in Fundamental Rules 83 and 83-A for the first six months of disability and their after provisions of aforementioned rules shall apply.

(For rules made by the Governor under this rule, see Part III of this volume, Chapter II.)

#### Orders of the Governor under rule 9 (6)

Mr. N, an executive engineer, while officiating as superintending engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on 25th August, 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, 1924, and it having been finally decided to post him as officiating superintending engineer, orders for his posting were issued on the 26th September, 1924. Mr. N, joined duty on the forenoon of the 4th October, 1924. The question arose how the period 26th August, 1924 to 3rd October, 1924, should be treated.

The circumstances of the case are similar to those referred to in Fundamental Rule 9 (6) (b) (iv) in as much as in both cases the essential point is the compulsory waiting by the government servant concerned for orders of Government posting him to a particular post. Accordingly, the Central Government with the concurrence of the Auditor General, ordered that the period of waiting in the case of Mr. N, and in other similar cases should be treated as duty as in the case mentioned in Fundamental Rule 9 (6) (b) (iv). The Governor has decided that the above ruling shall also apply to government servants under his rule-making power.

#### Order of the Governor under Fundamental Rule 9(6) (a)

The probationary service of ex-soldiers enlisted in the Police department will counts as duty.

#### Audit instructions regarding rule 9(6)

1. (a) The term "probationer" in Fundamental Rule 9(6) (a) (i) does not cover a government servant who holds substantively a permanent post in a cadre and is merely appointed on "probation" to another post. Such a government servant not being a probationer, the proviso in Fundamental Rule 9(6) (a) (i) does not apply to him, and the service rendered by him is duty for all purposes of the Fundamental Rules without any restriction or limitation.

(b) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.



(c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

2. Propriety of reckoning leave as 'duty' for the purposes of the Fundamental Rules—No leave can be treated as duty for the purpose of Fundamental Rules 61\* or for the purpose of any other Fundamental Rule unless the contrary is expressly stated therein.

(6-A) Fee means a recurring or non-recurring payment to a government servant from a source other than the Consolidated Fund of State or the Consolidated Fund of India, whether made directly to the government servant or indirectly through the intermediary of Government, but does not include—

(a) unearned income such as income from property, dividends and interest on securities; and

(b) income from literary, cultural, artistic, scientific or technological efforts, if such efforts are not aided by the knowledge acquired by the government servant in the course of his service.

(This amendment shall be deemed to have come into force with effect from April 6, 1974).

(7) Foreign service means service in which a government servant receives his substantive pay with the sanction of the Government (a) from any source other than the revenues of the Central or of a State Government or the Railway Board; or (b) from a company working a State railway.

(7-A) Government, unless the contrary is evident from the context, means "the Government of Uttar Pradesh."

\* In Part I of this Volume.

(7-B) Government servant for purposes of these rules, means a person appointed to a civil post or a civil service under the State Government in India, and serving in connexion with affairs of the Uttar Pradesh, whose conditions of service have been or may be prescribed by the Governor under section 241 (2) (b) of the Act.

NOTE—In the case of Subsidiary Rules made under these rules and under the Fundamental Rules in Part I this expression also all servants of the late secretary of State Services under the control of the Government to whom the Subsidiary Rules may be made applicable.

(7-C) Governor means the Governor of Uttar Pradesh.

(8) Subject to the provisions of section 136 of the Act—

(i) Revenues of the Federation include all revenues and public moneys raised or received by the Federation. Until the Federation is established, the term "revenues of the Federation" shall mean the Central revenues.

(ii) Revenues of the Province include all revenues and public moneys raised or received by the Uttar Pradesh Government.

(9) Honorarium means recurring or non-recurring payment granted to a government servant from the Consolidated Fund of a State or the Consolidated Fund of India as remuneration for special work of an occasional character.

(10) Joining time means the time allowed to government servant in which to join a new post or to travel to or from a station to which he is posted.

(11) Leave on average (or half or quarter average) pay means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

(12) Leave salary means the monthly amount paid by the Government to a government servant on leave.

(13) Lien means the title of a government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(14) Local fund means—

(a) revenues administered by bodies which by law or rule having the force of law come under the control of the Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave pension or similar rules; and

(b) the revenues of any body which may be specially notified by the Government as such.

#### Order of the Governor under rule 9 (14)

According to the decision given by the Government of India in consultation with the Comptroller and Auditor General of India in 1942, all Universities established by law are within the meaning of definition given in clause (a) above.

(15) [ \* \* \*

(16) [\* \* \*]

(17) Ministerial servant means a government servant of a subordinate service whose duties are entirely clerical and any other class of government servant specially defined as such by general or special order of the government.

#### Orders of the Governor regarding rule 9 (17)

1. The assistant secretaries to the Government in the Civil and Public Works Secretariate have been declared to be ministerial servants.

2. The Registrar of the Board of Revenue has been declared to be a ministerial government servant if previous to his promotion he was a member of the ministerial establishment of the Board's Office and not a member of the U. P. Civil Service.

3. The Deputy Registrar and the Assistant Registrar of the High Court at Allahabad [ \* \* \* ] have been declared to be ministerial servants.

4. Partition amins have been declared as ministerial servants.

(18) Month means calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

#### Audit instruction regarding rule 9(18)

In calculating a period of 3 months and 20 days from January 25, 3 months should be taken as ending on April 24, and the 20 days on May 14. In the same way the period from January 30 to March 2, should be reckoned as 1 month and 2 days because one month from January 30, ends on February 28.

A period of one month and 29 days commencing from the 1st January will expire, in an ordinary year (in which February is a month of 28 days) on the last day of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

(19) Officiate—A government servant officiates in a post when he performs the duties of a post on which another person holds a lien. The Government may, if they think fit, appoint a government servant to officiate in a vacant post on which no other government servant holds a lien.

(20) Overseas pay means pay granted to a government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

#### Orders of the Governor regarding the drawal of overseas pay under rule 9(20)

1. Where it is provided in the rules regulating conditions of appointment to any service or post, that the pay of the service or post shall include overseas pay, such overseas pay shall, unless it be otherwise expressly provided in such rules, be drawn only by a member of the service or an incumbent of the post whose domicile at the date of his first substantive appointment to such service or post was elsewhere than in Asia. Provided that no such government servant shall be entitled to overseas pay who, prior to such appointment, has, for the purpose of his appointment to a post under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege, claimed and been deemed to be of Indian domicile.

2. (i) The domicile of a person shall be determined in accordance with the provisions set out in the schedule\* to these rules.

(ii) No government servant who after his appointment to a service or post acquires a new domicile shall thereby lose his right to or become entitled to overseas pay.

(iii) A government servant who has been drawing overseas pay in good faith and whose domicile is challenged should receive a personal allowance equal to the amount of overseas pay hitherto drawn, the allowance to be absorbed in increments, from the date when his domicile is questioned, and should continue to enjoy such allowance in the event of an eventual adverse decision.

(21) Pay means amount drawn monthly by a government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Governor.

#### Orders of the Governor under rule 9(21) (iii)

Judicial pay and language pay have been declared to be pay.

## Audit instructions regarding rule 9(21)

1. If language allowances are lump sum allowances, they will be dealt with under rule 46. If they are recurring payment, they will fall under the head "pay" under rule 9(21).

2. [ \* \* \* ]

3. Pay drawn by civil government servants belonging to the India Army Reserve of Officers when called to Army Service or those belonging to the Indian Territorial Force while undergoing training with the Force.

See audit instruction no. 1-A regarding Fundamental Rule 9(2).

(22) Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.

\* See pages 164 to 166 of this Part.

(23) Personal pay means additional pay granted to a government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

Orders of the Governor regarding rule 9(23) (b)

1. No application for the grant of a compensatory personal pay should be entertained unless—

(a) the government servant's service has been consistently satisfactory and has been of a character superior to what is ordinarily expected of the incumbent of the appointment:

(b) the government servant is fit for promotion but there is no possibility of giving him any advancement in the near future; and

(c) the government servant has been at least five year on the same pay or if his pay is progressive, on the maximum pay of his appointment.

The mere fulfillment of the conditions mentioned above should not be regarded as securing a personal pay to a government servant as a matter of course, the purpose of the conditions being to enable obviously weak claims to be summarily rejected. No case for personal pay will be considered by the Government which is not of an entirely exceptional character.

2. The maximum of a grade is definitely fixed as being the maximum pay which it is justifiable to give to a man performing the duties of the post. The fact that one man, owing perhaps to luck in promotion, reaches the maximum of his grade some years before he is due to retire is not in itself a sufficient reason for increasing that maximum by the grant of personal pay. On the other hand, there is every reason why no personal pay should be given, because a man who reaches the maximum of his grade earlier than was intended when the grade was fixed should consider himself fortunate in being able to draw the maximum for so long a period in his service.

(24) Presumptive pay of a post, when used with reference to any particular government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

### Audit instruction regarding rule 9 (24)

The first part of the definition is intended to facilitate the use of the term in relation to a government servant who has been absent from post for some time but still retains a lien on it.

(25) Special pay means an addition of the nature of pay, to the emoluments of a post or of a government servant, granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility.

(This amendment shall be deemed to have come into force with effect from April 1, 1979).

### Audit instruction regarding the calculation of special pay in certain cases

When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows:

- (a) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay;
- (b) the special pay must be expressed and drawn wholly in rupees;
- (c) the sterling overseas pay should, for the purpose of calculating the special pay, be converted into rupees at the rate of 1 s. 6 d. to the rupee.

### Orders of the Governor regarding rule 9 (25)

1. There is no inter-dependence between special pay and compensatory allowance; they are essentially different. Where the cost of living, for example, would justify the grant to a government servant of a compensatory allowance he should not be rendered ineligible for such allowance simply because he has already been granted special pay in recognition of the duties and responsibilities of the post; and, if the attachment of special pay to a post is justified under the terms of these rules, it should not be subject to reduction because for reasons substantially different a compensatory allowance as defined in rule 9 (5) is subsequently granted.

2. In order that the Accountant General may see whether additions to pay, such as special pay and compensatory allowance, have been correctly classified, the reasons for granting such additions should be briefly recorded in the order conveying the sanction. Where it is not advisable to record the reasons in an open letter the reasons should be communicated confidentially to the Accountant General.

3. The following principles are laid down to govern the grant of special pay:

(1) (a) Special pay should be granted only when the conditions laid down in this rule apply strictly. It should not be given merely for the purpose of improving the prospects of a service or for the purpose of serving as a substitute for, or as an addition to, a selection grade of pay.

(b) The posts in the ordinary time-scale of a service will naturally vary in intensity and responsibility, but this is no ground ordinarily for granting special pays to the holders of the heavier charges. If owing to circumstances a junior government servant has to hold one of the more responsible regular charges, he is thereby given an opportunity or proving his fitness for higher posts.

(c) The placing of a government servant on special duty does not necessarily mean that his work becomes specially arduous or so increased in quantity and responsibility as to justify special pay. A government servant's posting is in the hands of the Government and he has no right to refuse a post which the Government in the cause of the public service allots to him. This applies also to government servants transferred by agreement between two Governments from one Government to another. A protest against a posting should be formally admitted only on the ground of loss of pay or prospects and even on these grounds the Government is the final arbiter.

(d) A comparison between the circumstances of one government servant and another or of one service and another should not necessarily be accepted as an argument for the grant or for the enhancement of special pay.

(2) It is not permissible to grant special pay because a place lacks amenities. Nor does a change of duties necessarily can note an increase of work or responsibility.

(26) \* \* \*

(27) Subsistence grant means a monthly grant made to a government servant who is not in receipt of pay or leave-salary.

(28) Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by the Governor under rule 9(21) (iii), to which a government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(29) Technical pay means pay granted to a government servant in consideration of the fact that he has received technical training in Europe.

(30) Temporary post means a post carrying a definite rate of pay sanctioned for a limited time.

(30-A) Tenure post means a permanent post which an individual government servant may not hold for more than a limited period.

NOTE — In case of doubt the Government may decide whether a particular post is or is not a tenure post.

(31) (a) Time-scale pay means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay formerly known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(32) Travelling allowance means an allowance granted to a government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

## CHAPTER III

### —GENERAL CONDITIONS OF SERVICE

10. Except as provided by this rule, no person may be substantively appointed to a permanent post in Government service without a medical certificate of health. The medical certificate shall be furnished in such form and should be signed by such medical or other officers as the Governor may, by general rule or order, prescribe. The Governor may, in individual cases, dispense with the production of a certificate, and may, by general order exempt any specified class of government servants from the operation of this rule.

(This amendment shall be deemed to have come into force on March 17, 1973).

#### Order of the Governor regarding rule 10

Once a person is asked to produce a medical certificate of fitness for entry into Government service and has actually been examined and declared unfit, it is not open to the appointing authority to use its discretion to ignore the certificate that has been produced.

(For rules made by the Governor under this rule, see Part III of this volume, Chapter III).

11. Unless in any case it be otherwise distinctly provided, the whole time of a government servant is at the disposal of the Government, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the revenues of the State or from a local fund or from the funds of a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.

12. (a) Two or more government servants can not be appointed substantively to the same permanent post at the same time.

(b) A government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.

(c) A government servant cannot be appointed substantively to a post on which another government servant holds a lien.

12A. Unless in any case it be otherwise provided in these rules, a government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

13. Unless his lien is suspended under rule 14 or transferred under rule 14-B, a government servant holding substantively a permanent post retains a lien on that post:

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

\*(d) while on leave, except on leave granted under rule 86 or 86-A, as the case may be; and

(e) while under suspension.

#### Orders of Governor regarding rule 13

Government servants who are appointed as officers of the Army in India Reserve of Officers, shall retain a lien on their permanent posts under the Government during the period for which they are called to service in the Defence Department.

14. (a) The lien of a government servant on a permanent post which he holds substantively shall be suspended if he is appointed in a substantive capacity:

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another government servant would hold a lien had his lien not been suspended under this rule.

(b) The Government may, at their option, suspend the lien of a government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a government servant's lien is suspended under clause (a) or (b) of this rule, the post may be filled substantively, and the government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTES—(1) This clause applies also if the post concerned is a post in a selection grade of a cadre.

(2) When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) but not under clause (b) of this rule.

(e) A government servant's lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(\*This amendment shall come into force with effect from April 1, 1965).

(f) A government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India, or on foreign service, or to hold a post in another cadre, provided that a suspended lien shall not revive because the government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India, or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years, or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

#### Orders of the Governor regarding rule 14



When it is known that a government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

14A. (a) A government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of rule 14, the suspended lien may not, except on the written request of the government servant concerned, be terminated while the government servant remains in Government service.

14B. Subject to the provisions of rule 15, the Government may transfer to another permanent post in the same cadre the lien of a government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

15. (a) a government servant may be transferred from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under rule 14.

(b) Notwithstanding anything to the contrary contained in these Rules, the Governor may in the public interest transfer a government servant to a post in another cadre or to an ex-cadre post.

(c) Nothing contained in clause (a) of this rule or in clause (13) of rule 9 shall operate to prevent the retransfer of a government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

16. A government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Governor may by order prescribe.

17. (1) Subject to any exception specifically made in these rules, and to the provisions of sub-rule (2) a government servant shall begin to draw the pay and allowance attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

Exception—A candidate from the Forest College, Dehra Dun, approved for appointment to the Uttar Pradesh Forest Service or to the Uttar Pradesh Subordinate Forest Service shall be allowed to draw the minimum pay of his appointment from the date following the date of his obtaining the prescribed certificate qualifying him for appointment to the service for which he has been approved and the period intervening between the date of the certificate and the date of taking over charge shall be treated as duty provided that he actually joins his appointment within ten days from the date of his certificate.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

Audit instructions regarding rule 17.

1. A government servant will be given to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day. The rule does not, however, apply to cases in which it is the recognized practice to pay a government servant at a higher rate for more important duties performed during a part only of a day.

2. \* \* \*

Orders of the Governor regarding rule 17(2)

The date of commencement of pay of government servants recruited in the United Kingdom on behalf of the Government shall be the date of embarkation for India, subject to their proceeding from the port of disembarkation to take up their duties without avoidable delay.

NOTE 1—The phrase "without avoidable delay" refers only to delay on the part of the government servant in reporting himself for duty (either at the headquarters of the Government or at the actual place of duty as the case may be) and not to delay caused by the Government deferring the issue of his posting orders either inadvertently or deliberately. The stipulation implied by the phrase should be regarded as fulfilled if the government servant reports for the duty within the period allowed by the joining time rules with only one day for preparation at the port of disembarkation.

NOTE 2—When a government servant recruited to a service or post under the Government on or after January 1, 1936, is prevented from proceeding at once from the port of disembarkation in India to take up his appointment he should be granted in respect of the period in excess of that mentioned in the preceding note leave on medical certificate on half average or leave on private affairs on half average pay as the case may require provided such leave is admissible to him. If no such leave be admissible, he should be allowed extraordinary leave without pay for the period in question. For the purpose of calculating the rate of leave salary, if any, admissible during the leave, the minimum of the Government servant's time-scale of pay (including overseas pay) should be treated as his average pay.

18. Unless the Government, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, a government servant ceases to be in Government employ.

18A. Subject to the provisions of sections 241 (3) (a) and 258 (2) (b) of the Act, a government servant's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and to leave by the rules in force at the time the leave is applied for and granted.

## CHAPTER IV—PAY

19. The Pay of a government servant shall not exceed the pay sanctioned by a competent authority for the post held by him. No special or personal pay shall be granted to a government servant without the sanction of the Government.

20. In respect of any period treated as duty under rule 9 (6) (b), a government servant may be granted such pay as Government may consider equitable but in no case exceeding the pay which the government servant would have drawn had he been on duty other than duty under rule 9(6) (b).

Audit instruction regarding rule 20

1. Deleted.

2. The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in Fundamental Rule 20, should be taken to mean "the pay which the government servant drew in the post which he held substantively" and "the pay which the government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the kind of "pay" to be drawn, and the expressions should therefore be held to include special pay, if any which the government servant drew in the post he held substantively or in an officiating capacity.

Orders of the Governor regarding rule 20

1. Government servants who belong to the Army in India Reserve of Officers when called up for training will receive the following emoluments:

(i) When proceeding to carry out their training direct from their civil appointments, the pay and allowances, which they would have drawn in their civil appointments but for the training for the whole period of absence on such training inclusive of the time spent in transit to and fro.

(ii) When proceeding to carry out their training while on leave in India, Burma, Ceylon, Great Britain or Northern Ireland, the civil leave pay and allowances which they would have drawn but for the training.

(iii) When proceeding to carry out their training on the expiry of leave out of India taken from their civil appointments but before rejoining their civil appointments for duty, joining time civil pay from the date of disembarkation in India to the date preceding that on which their training commenced and full civil pay for the period of actual training and the period spent in journeying to the place of their civil appointments.

(iv) Military pay and allowances for the period of actual training—

(a) The emoluments drawn under (i) to (iii) are debitable to the revenues of the State and that under (iv) to the Defence estimates. The latter shall not be required to bear any share of the leave and pension charges accruing in respect of the period that a government servant is undergoing training.

(b) Government servants who join the Army in India Reserve of Officers when employed on part-time military duty in peace time will get their civil pay only which will be charged to the revenues of the State.

2. (1) Government servants who have been permitted to join the Territorial Army will during the period of training and during the period spent in camp receive (in addition to pay and allowances which they might receive from the Defence Services Estimates), their civil pay and allowances.

(2) Government servants whose rates of pay at the time they are called up for military duty [vide orders of the Governor regarding Fundamental Rule 9(6)(b)(i)] are higher than the military pay and allowances to which they would be entitled in respect of military duty, would receive pay at the civil rates at which they would have drawn it if they had not proceeded on military duty and the difference between the civil pay and allowances and military pay and allowances shall constitute a charge against the ordinary head of expenditure to which civil pay of the individual concerned is debitable.

3. An officer of the Provincial Medical Service, who is in receipt of a special pay at the time of his deputation for training in jail administration, will not be entitled to draw the same during the period of his training except on the production of a certificate from the Director of Medical and Health Services, to the effect that but for his deputation the officer would have continued to draw the special pay.

4. The pay of government servants awarded foreign scholarships who under rule 9(6)(b) are treated as on duty during the tenure of the scholarships, shall be limited to the amount of the scholarship.

Exception—The above order does not apply to government servants who are granted Rockefeller Fellowships. Government servants selected for Rockefeller Foundation Fellowships should, as a rule, be granted the following terms:

(1) Pay that the scholars would have drawn had they remained on duty in India, subject to usual restrictions in hard currency areas. In case family allowance is granted by the Rockefeller Foundation, pay will not be admissible.

(2) No compensatory allowance will be admissible.

(3) Period of absence will be treated as duty and not as leave, except in the case of those who are granted family allowance. In such cases, the period of absence should be treated as extraordinary leave and, as required under Fundamental Rule 85, the consent of the scholar should be obtained in writing before such leave is granted.

(4) The stipend, travelling expenses and other allowances granted by the Rockefeller Foundation, other than the family allowance, will be admissible.

21. Time-scale of pay—Rules 22 to 29 inclusive and rule 31 apply to time-scales of pay generally.

22. The initial substantive pay of a government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:

(a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) when appointment to the new post is made on his own request under rule 15(a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided, both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), that if he either—

(1) has previously held substantively or officiated in —

(i) the same post, or

(ii) a permanent post or temporary post on the same time-scale, or

(iii) a permanent post, other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor under rule 9(21) (iii), which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increments in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

Exception—The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department, and (ii) sanctioned or a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

NOTES—(1) If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post, shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a)

(2) For the purposes of this rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Government may by order prescribe.

Auditor-General's decision under rule 22

(1) \* \* \* A government servant when appointed to a post substantively while officiating in it, is entitled to have his pay fixed a new under \* \* \* Fundamental Rule 22 with reference to his substantive pay at the time in respect of his old permanent post.

[Auditor-General's letter no. T-1176-A/170-34, dated September 11, 1934].

(2) The words 'the stage of the time-scale next above his substantive pay in respect of the old post' occurring in clause (a)(i) of this rule means the stage in the time-scale which is next in amount above his substantive pay, although the time-scale of the new post may carry only biennial increments.

Illustration—An officer in receipt of substantive pay of Rs. 350 in a permanent post in the scale of Rs. 275-25—500—E.B.—30—650—E.B.—30—800 was appointed to officiate in a post involving higher responsibilities in the scale of Rs. 350—350—380—380—30—590—E.B.—30—770—40—850. It was declared that the latter time-scale carrying biennial increments for the relevant stages, viz. Rs. 350 and Rs. 380. It was agreed that his substantive pay in the scale of Rs. 275—800 being Rs. 350 per mensem his officiating pay in the scale of Rs. 350—850 may be fixed at Rs. 380 instead of at the second stage of Rs. 350 per mensem.

#### Audit instructions regarding rule 22

1. Deleted.

2. When the next increment in the time-scale of either the new or the old post falls due, the government servant should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay and all connexion with the time-scale of his old post. The personal pay is given to a government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the government servant might draw less pay than he would have drawn had he remained in the old time-scale.

3. Deleted.

4. A time-scale may be of recent introduction whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another. If a government servant has held substantively or officiated in a post in the cadre or class prior to the introduction of a new scale and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

5. The expression "if he holds a lien on a permanent post" occurring in clause (a) of Fundamental Rule 22 should be held to include the lien on a permanent post to which a government servant is appointed in a provisional substantive capacity under Fundamental Rule 14(d), and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Fundamental Rule 22(a) should therefore be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a government servant in a post is thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

#### Orders of the Governor regarding rule 22

1. For the purpose of clause (a) of Fundamental Rule 22, a declaration as to the relative degrees of responsibility of two posts should be obtained from the appointing authority or the Government in the administrative department according as the posts are in the same or different departments.

2. A temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on the same or a different rate of pay is not the "same post" as the permanent post even though the duties remain the same, In other words in view of rule 9(30) the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the

pay of the permanent post if it is on a fixed rate of pay or to the minimum pay of the time-scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under provisions (1)(ii) and (1)(iii) to rule 22.

22-A. The initial substantive pay of a government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 22:

Provided that—

(a) if he is appointed to a post in another service which is reserved for the service to which he belongs, his initial pay shall be fixed at a stage which approximates as closely as possible to the initial pay which he would have drawn in the unreduced scale, and

(b) both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he either—

(1) has previously held substantively or officiated in—

(i) the same post prior or reduction of its time-scale, or

(ii) a permanent post or temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it, and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor under rule 9(21)(iii) which he would have drawn under rule 22 on the last such occasion if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions:

Provided further that the initial pay of a government servant who was in service on January 1, 1922, shall not be less than the initial pay admissible to him under rule 22.

22-B(1) Notwithstanding anything contained in these rules, where a government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed either in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay arrived at by notionally increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that the provisions of this rule shall not apply where a government servant holding a post in a substantive, temporary or officiating capacity and drawing pay in a pay scale the maximum of which exceeds Rs. 900 p.m., Rs. 1200 p.m. or Rs. 2050\* p.m. respectively in the scales introduced with effect from April 1, 1965, August 1, 1972, or July 1, 1979, is appointed in a substantive, temporary or officiating capacity to a post carrying higher duties or responsibilities:

Provided further that the provision of sub-rule (2) of Fundamental Rule 31 shall not be applicable in any case where the initial pay is fixed under this rule:

Provided also that where a government servant is immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post:

\* This amendment come into force with effect from January 1, 1984 vide Notification No. G-2-29/X—301-81 dated December 12, 1984.

Provided that if a government servant either:

(1) has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post or a temporary post on an identical time-scale, or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively, or in which he has previously officiated;

then proviso to Fundamental Rule 22 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

(2) (i) If as a result of fixation of initial pay under sub-rule (1) there arises an anomaly, namely, that the rate of pay admissible to a government servant on the higher post would exceed that of another government servant senior to him in the lower grade or scale and promoted earlier to another identical post the pay of the latter shall with effect from the date of promotion or appointment of the former be stepped up by the Government to an amount admissible to the former as pay fixed under sub-rule (1) subject, however, to the following conditions:

(a) the junior and the senior government servants belong to the same cadre and the posts to which they have been promoted or appointed are identical and in the same cadre;

(b) the time-scale of pay for the lower and higher posts in which the junior and the senior government servants are entitled to draw their pay is identical;

(c) the anomaly referred to above must have arisen as a direct result of the application of sub-rule (1) and not for any other reason;

Explanation—(1) If the government servant is allowed a higher pay to start within a time-scale regard being had to his having been previously in any other employment under government, and subsequently upon his promotion or appointment to the higher post, there is fixation made of initial pay under sub-rule (1), the anomaly resulting vis-a-vis the rate of pay admissible to the senior Government servant on the higher post shall not be deemed for purposes of this sub-rule to arise as a direct result of the application of this rule.

Explanation—(2) If a government servant has, on account of getting advance increment in his lower post, received more pay from time to time, than the senior government servant appointed or promoted earlier to the higher post and subsequently there is fixation of pay under sub-rule (1) in the case of the former, then also the



initial fixation of pay under sub-rule (1) shall not be deemed, for purposes of this sub-rule to arise as a direct result of the application of sub-rule (1).

(d) the senior government servant shall draw his next increment on completion of the requisite qualifying service with effect from the date of such stepping up of his pay.

(ii) The provisions of this rule shall apply also in case of promotion to an ex-cadre post if the government servant has been appointed in the time-scale of pay pertaining to the higher ex-cadre post without any condition being attached to the effect that while working on the higher ex-cadre post he shall draw any deputation allowance or special pay in addition to the pay in the time-scale for the lower post;

NOTE—1. The provisions of this rule shall not apply to cases of appointment from an ex-cadre post to a cadre post.

NOTE—2. In cases of appointment/promotion from one ex-cadre post to another ex-cadre post where the official opts to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre posts should be fixed under F.R. 22-B (1) with reference to pay in the cadre post only.

(iii) The pay of a government servant on reversion to his old lower post or to some other post in the same time-scale of pay shall be such as he will have actually drawn if he had not been promoted to the higher post. If the pay of a government servant has already been fixed under Fundamental Rule 27, then, on reversion, his pay will be re-fixed under Fundamental Rule 27 giving to him also, the benefit of his service rendered in the higher post according to Fundamental Rule 26 (c);

(iv) If a government servant is reverted from a higher post to such lower post, the time-scale of pay of which is higher than that of the post in which he drew his pay before being appointed to the higher post, then, in that case, the pay admissible to him on such intermediary post shall be fixed according to this rule.

22-C. Notwithstanding anything contained in these rules, where a Government servant who does not hold a lien on any permanent post is appointed either in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of lesser or same importance than those attached to the post held by him, and, in cases not covered by Fundamental Rules, 22, 22-B or 26(c), his initial pay in the time scale of the lower or the equivalent post shall be fixed at the stage arrived at by allowing over the minimum of the time-scale of such post one increment for each completed year of service rendered in the previous post provided that the pay so fixed shall not exceed—

(a) the pay last drawn in the previous post, and

(b) the maximum of the scale of the new post:

Provided further that where the new post is in an identical time-scale of pay, the pay of such Government servant shall be fixed at the stage last drawn in the previous post and service rendered in it at that stage shall count for increments in the scale of pay of the new post:

Provided further that where the new post is in an equivalent scale of pay, pay of such Government servant shall be fixed at the stage next below the pay last drawn and the difference will be made good by the grant of a personal pay under Fundamental Rule 9 (23) (b) which will be absorbed in future increments.

NOTE—The provisions of this rule shall not apply to cases of appointments from an ex-cadre post to a cadre post.

23. (1) The holder of a post the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

(2) Notwithstanding anything contained in sub-rule (1) above, a Government servant may, insofar as the option for the new scales of pay introduced with effect from April 1, 1965 is concerned, elect the said new scales of pay either from the aforesaid date or from the date of his next increment in the old scale of pay falling immediately after the said date, and the like option shall be separately available to him in respect of the post, if any, on which he may be officiating.

NOTE—Sub-rule (2) of F.R. 23 will also apply mutatis mutandis to cases of option for the new scales of pay introduced with effect from August 1, 1972 or July 1, 1979 subject to the condition that it will also apply to cases of option where a Government servant elects the new scales of pay from the date of his appointment falling between August 1, 1972 and March 7, 1973 or July 1, 1979 and September 30, 1981 respectively.

#### Audit instructions regarding rule 23

1. If the maximum pay of a post is altered with no change the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under rule 22(b) and not under rule 22(a), even though he may be holding the post substantively.
2. This rule applies to an officiating as well as to a substantive holder of a post.
3. The expression "subsequent increment on the old scale" in the proviso to rule 23 should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay.

#### Orders of the Governor regarding rule 23

In connection with the application of Fundamental Rule 23 and the Audit Instruction below it, a question was raised whether an official officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, could exercise, under Fundamental Rule 23, the option of retaining his officiating pay in old higher scale when all the posts of the different categories were on the same new scale from that date and no higher responsibility was involved.

The Governor has decided that the words "his old pay" occurring in the proviso to the rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of Fundamental Rule 23 and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the rule remains inoperative. Failure to exercise the option from whatever cause entails forfeiture of the benefit of the rule.

24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a government servant by the Government, or by any authority to whom the Government may delegate this power under rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

25. Where an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to a government servant without the specific sanction of the authority empowered to withhold increments.

#### Orders of the Governor regarding rule 25

1. On each occasion on which a government servant is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

2. The cases of all persons held up at the efficiency bar should be reviewed annually by the withholding authorities with a view to determine whether the quality of their work has improved, and generally whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removal of the bar.

26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:

(a) All duty in a post on a time-scale counts for increments in that time-scale:

Provided that, for the purpose of arriving at the date of the next increment in that time-scale the total of all such periods as do not count for increment in that time-scale, shall be added to the normal date of increment:

Provided further that increments falling due after the 1st of April, 1978, shall accrue on the first day of the month in which they would have accrued:

(b) (i) Service in another post, other than a post carrying less pay referred to in clause (a) of rule 15, whether in a substantive or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate shall count for increments in the time-scale applicable to the post on which the government servant holds a lien, as well as in the time scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended:

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a government servant was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India:

Provided that the Governor may, in any case in which he is satisfied that the extraordinary leave was taken for any cause beyond the Government servant's control or for prosecuting higher scientific and technical studies direct that extraordinary leave shall be counted for increments under clause (i) or (ii).

(The amendment shall be deemed to have come into force with effect from April 1, 1978).

(c) If a government servant, while officiating in a post or holding a temporary post in a time-scale of pay is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post or is appointed or re-appointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating

service in the higher post which counts for increment in the lower is, however, restricted to the period during which the government servant would have officiated in the lower post but for his appointment to the higher. This clause applies also to a government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

#### Audit instruction regarding rule 26 (c)

The intention of this rule is to allow the concession, irrespective of whether the higher post is within or outside the department to which the government servant belongs.

(d) (Deleted).

(e) Foreign service counts for increments in the time-scale applicable to—

(i) the post in government service on which the government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) the post in government service in which the government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service, and

(iii) any post to which he may receive officiating promotion under rule 113, for the duration of such promotion.

#### Orders of the Governor regarding rule 26

(i) A government servant, who has elected to remain under the leave rules contained in the Civil Service Regulations, is entitled to the benefit of Article 210 of those Regulations and in his case the application of that article has the effect of overriding the definition of the word "lien" in rule 9(13) for the purpose of the interpretation of that word in rule 26(b).

(ii) The practice of making appointments in a substantive capacity against temporary posts shall be discontinued altogether. Even those government servants who have already been appointed on temporary posts in a substantive capacity will be allowed to count the periods of leave for increments in such temporary posts only to the extent indicated in sub-paragraph (iii) below. The certificate on the lines indicated in that sub-paragraph will, however, not be necessary in such cases.

(iii) Periods of leave on average pay up to a maximum of four months, and earned leave up to a maximum of one hundred and twenty days, taken at a time shall count for increments in the scale attached to the post, whether permanent or temporary, in which a government servant was officiating at the time of proceeding on leave provided the appointing authority certifies in each case that the government servant concerned would actually have continued to officiate in the post but for his proceeding on leave, and the period of leave will count for increment only to the extent it is covered by the certificate. Joining time under rule 105(b) following leave should count for increments in the scale attached to the post, whether temporary or permanent, in which a government servant is officiating at the time of proceeding on leave and would have continued to officiate but for his proceeding on leave and joining time taken, if any, subject to the condition that leave on average pay/earned leave plus joining time does not exceed 4 months/120 days.

(iv) For the purpose of Fundamental Rule 26(c), the officiating and temporary service in the higher posts will include the period of leave which counts for increments in that post under sub-paragraph (iii) above.

(v) For the purpose of clause (c) of this rule, the officiating and temporary service in the higher post will also include the period of leave on average pay for four months or earned leave up to a maximum of 120 days taken at a time, provided it is certified by the appointing authority that the government servant concerned would have actually officiated in the lower post but for proceeding on leave from the higher post.

(vi) Under clause (b) of this rule, the periods of leave on average pay up to a maximum of four months and earned leave up to a maximum of 120 days taken at a time can count for increments in the time-scale applicable to the post in which a government servant was officiating at the time of proceeding on leave, if it is certified by the appointing authority that he would have continued to officiate in that post but for his proceeding on leave. The certificate envisaged in the rule may be furnished by competent authority, if necessary, in respect of more than one person for the same post and for the same period of leave, subject, of course, to other considerations namely, their continuance otherwise in the post in question.

#### Audit instructions regarding rule 26

1. A period of overstay of leave does not count towards increments under the Fundamental Rules.
2. If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.
3. In the case of a government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the government servant draws during the period and will count for increment in the same post under clause (a) of the rule.
4. In the case of a government servant who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.
5. Although joining time taken under Fundamental Rule 105 (b) and (c) is treated as duty under Fundamental Rule 9(6)(a)(ii), it cannot be treated as duty for the purposes of increment in an officiating post inasmuch as only leave-salary is drawn for the period. This restriction will not, however, apply to the joining time under sub-clause (i) of rule 105 (b), provided the leave on average pay/earned leave plus joining time availed of does not exceed 4 months/120 days and it is certified that the government servant would have continued to officiate but for his proceeding on leave and joining time.
27. An authority may grant a premature increment to a government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

#### Orders of the Governor regarding rule 27

The authorities subordinate to the Government to whom power has been delegated to create temporary posts subject to certain limitations regarding rates of pay, period, etc. can under the above rule grant premature increments to holders of temporary posts created by them. Under rule 7, however, the Government have decided that such subordinate authorities as have been empowered to create temporary posts shall not grant premature increments to the holders of such posts unless they are specially authorized by the Government to do so and then only to such extent as may be specified by the Government.

28. The authority which orders the transfer of a government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper:

Provided that the pay allowed to be drawn by a government servant under this rule shall not exceed the pay which he would have drawn by the operation of rule 22 read with clause (b) or clause (c), as the case may be, of rule 26.

Orders of the Governor regarding rule 28

There is nothing in these rules to prevent a reduction of pay from a higher to a lower stage in the same time-scale as a disciplinary measure.

29. (1) If a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and, if so, to what extent.

(2) If a government servant is reduced as a measure of penalty to a lower grade or post, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

Orders of the Governor regarding rule 29

1. Normally even in cases of reduction to a lower grade or post, the period of punishment should be specified and, if this is not done for some exceptional reasons, those reasons must be recorded in writing by the authority ordering the reduction.

2. (a) Every order passed by a competent authority imposing on a government servant the penalty of reduction to a lower stage in a time-scale should indicate:

(i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative;

(ii) the stages in the time-scale (in terms of rupees) to which the government servant is reduced; and

(iii) the extent (in terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a government servant is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction.

The period to be specified under (iii) should in no case exceed the period under (i);

(b) The question as to what should be the pay of a government servant on the expiry of the period of reduction should be decided as follows:

(i) if the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the government servant shall be allowed the pay which he would have drawn in the normal course

but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar he should not be allowed to cross the bar except in accordance with the provisions of Fundamental Rule 25;

(ii) if the order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the government servant shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

3. (1) Under sub-rule (2) of Fundamental Rule 29, if a government servant is reduced as a measure of penalty to a lower grade or post, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective, but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments, and if so, to what extent. Where the period of reduction is specified in the order of penalty the government servant concerned shall be automatically restored to his old post after the expiry of the specified period.

(2) The question as to what should be the pay of a government servant on restoration to the higher post/grade, in cases where the period of reduction is specified, shall be decided as follows:

(i) if the order of reduction lays down that the period shall not operate to postpone future increments, the government servant shall be allowed the pay which he would have drawn in normal course but for his reduction to the lower post. If the pay drawn by him immediately before reduction was below the efficiency bar, he shall not be allowed to cross the bar except in accordance with the provisions of Fundamental Rule 25;

(ii) if the order lays down that the period of reduction shall operate to postpone his future increments for any specified period which shall not exceed the period of reduction to the lower post/grade, the pay of the government servant on restoration shall be fixed in accordance with (i) above but after treating the period for which increments are to be postponed as not counting for increments.

In cases where the reduction to the lower post/grade is for an unspecified period, if and when the government servant is re-appointed to the higher post in the normal course, the pay in the higher post will be regulated only in accordance with normal rules relating to pay fixation.

#### Audit instructions regarding rule 29

1. The change from rupee to sterling overseas pay, or the grant of an increased rate of sterling overseas pay, should be regarded as an increment and should, therefore, not take effect if a government servant is debarred by the stoppage of an increment from drawing the corresponding rate of rupee basic pay.

2. Having regard to the principle underlying Fundamental Rule 29, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the orders of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

29-A. Where an order of penalty of withholding of increment of a government servant or his reduction to a lower grade or post, or to a lower time-scale, or to a lower stage in time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the government servant shall, notwithstanding anything contained in these rules, be regulated in the following manner:

(a) If the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;

(b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation—If the pay drawn by a government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

### 30. Pay of officiating government servants:

(1) Subject to the provisions of Chapter VI, a government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which the appointment is made in an officiating capacity belongs to a Selection Grade of a service, or, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, on which he holds a lien or would hold a lien had his lien not been suspended:

Provided that the Government, subject to such conditions as they may prescribe, may exempt from the operation of this rule any service which is not organized on a time-scale basis and in which the system of officiating promotion from grade is in force.

Provided further that Government may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Government may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

NOTE—The pay on an officiating appointment to a Selection Grade post which does not involve assumption of duties or responsibilities of greater importance may be fixed under the provisions of F.R. 22 (a) (ii) and the benefit of the second proviso of this rule may be extended in such cases subject to all the conditions of that rule being satisfied.

(This amendment shall be deemed to have come into force with effect from the date of its publication in the Gazette, i.e. May 12, 1973.)

### Audit instructions regarding the second proviso to clause (1) of rule 30

It is not intended that the phrase "outside the ordinary line of a service" in the second proviso to clause (1) of Fundamental Rule 30 should be rigidly interpreted either as "outside the cadre of a service" or as "outside the ordinary time-scale".

\* \* \* \*

The specification of a post under this proviso will enable a government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

### Order of the Governor regarding rule 30

For the purpose of rule 30, a declaration as to the relative degrees of responsibility of two posts should be obtained from the appointing authority or the Government in the administrative department according as the posts are in the same or different departments.



NOTE—Higher officiating pay is not permissible to persons entitled to the old scales in cases where different posts on different time-scales of pay have been merged into a single time-scale for new entrants.

In the case of ministerial and other establishments in which there are no grades in the sense in which the word is used in the Civil Services Regulations, the first proviso is intended to cover where necessary, all cases of the grant of acting allowances from one fixed rate of pay to another without change of duty. This applies also to the case of ministerial and other establishment not organised on a time-scale basis in which the rates of pay are progressive.

Orders of the Governor regarding the first proviso to rule 30 (1)

I. The conditions of rule 30 shall not apply to the services mentioned below until such time as they are reorganized on a time-scale basis. Officiating promotion will continue therefore to be made from grade to grade as hitherto, except that in respect of the service marked with an asterisk, officiating promotion will be permissible only on occasions and under conditions of which sub-pro-tem promotion would be admissible under Paragraph VI of these orders.

Public Works Departments

1. Lower subordinates.
2. Deputy revenue officers, ziladars and amins\*.

Forest Department

Rangers, deputy rangers, foresters and forest guards.

Revenue Department

1. Tahsildars and naib-tahsildars\*.
2. Superintending kanungos\*.
3. Supervisor kanungos\*.
4. Patwari school teachers and assistant teachers\*.
5. Kurk Amins.

Agriculture Department

1. Subordinate agriculture service\*.
2. Fieldmen\*.

Registration Department

1. Sub-registrars\*.

Police Department

1. Inspectors and sub-inspectors\*.
2. Head constables.\*
3. Sergeants\*.

Education Department

1. Drill instructors in the Government High and Normal Schools.
2. Teachers of model schools (boys)\*.

II. The following orders do not apply to posts which are organized on a time-scale basis. Their application is restricted to the other posts which the Government have exempted from the operation of rule 30. In the case of posts in which time-scales of pay have been introduced for new entrants, the restriction to the drawal of full officiating pay admissible under the rules will apply only to government servants eligible for the old rates of pay on substantive promotion to such posts. If the officiating promotion from one exempted post to another involves the assumption of duties and responsibilities of greater importance than those attaching to the post on which the government servant holds a lien or would hold a lien had his lien not been suspended under rule 14, the officiating pay will be that admissible under rule 31, and will not be subject to the restrictions laid down in these orders. For example, when a forester officiates as deputy ranger, a deputy ranger as ranger, a clerk as head

clerk, head assistant or office superintendent, full officiating pay admissible under the rules will be given; but when a forest ranger of one grade officiates as forest ranger in a higher grade, a deputy ranger officiates in a higher grade of deputy rangers, the officiating pay will be subject to the restrictions laid down in these orders.

NOTE—Full officiating pay calculated under rule 31 is, however, not permissible to persons entitled to the old rates in cases where different posts on different rates or progressive scales of pay have been merged into a single time-scale for new entrants. In such cases also the officiating pay will be regulated under the provisions of Paragraphs IV and V below.

III. (a) A government servant without a substantive post on a permanent establishment appointed to officiate in a post carrying fixed pay or a progressive rate of pay, as explained in Paragraph V below, will draw the full officiating pay admissible under rule 31 provided that if the fixed pay or the minimum of the progressive scale is not less than Rs. 100 per mensem, the officiating pay will ordinarily be equal to half the pay or half the minimum pay to the post.

(b) In special cases the pay may, with the sanction of the head of the department, be raised to an amount not exceeding the pay admissible under rule 31. This power may, however, be exercised by heads of departments only in respect of non-gazetted posts under their control.

(c) A person without a substantive post in a permanent establishment appointed to hold charge of the current duties of a post under the Government will draw, in respect of such additional duties, pay at one-tenth of the minimum pay of the post in which he is appointed to hold charge.

NOTE—A section writer or a press servant who is paid for a piece work is for the purpose of these orders held to be a government servant without a substantive post.

Example—Municipal sanitary inspectors appointed to hold charge of the current duties of municipal officers of health during their absence on short leave.

IV. A government servant with a substantive post in one grade who officiates in a post in a higher grade in the same establishment is entitled to an additional pay of one-fifth of the pay of the higher grade, provided his substantive pay plus that additional pay do not exceed the pay of the higher grade in which he officiates.

V. The following provisions are applicable to government servants holding or officiating in post to which progressive rates of pay were attached before January 1, 1922, and which have not been declared on a time-scale basis. Where time scales have been introduced in such posts for new entrants, these provisions will not apply to government servants entitled to pay on the time-scales.

NOTE—Under rule 9(31) "time-scale pay" includes the class of pay known as "progressive" before January 1, 1922. In this paragraph the term "progressive pay" is used in contradiction to "time-scale pay" and in the sense in which it was understood before the above date.

Explanation—Progressive pay means incremental scales which are divided into grades and in which promotion from a lower to a higher scale depends on the occurrence of a vacancy in the higher grade as per example:

1 post on Rs. 250—10—350.

3 posts on Rs. 200—10—250.

5 posts on Rs. 150—10—200.

8 posts on Rs. 120—6—150.

10 posts on Rs. 90—6—120.

10 posts on Rs. 65—5—90.

37 posts (all of which are in the same cadre).

(i) A government servant whose substantive pay is progressive and who officiates in a post of which the pay is fixed, is entitled to an additional pay calculated under Paragraph IV above as if his substantive pay were a fixed one equal to the amount at which from time to time it stands.

(ii) A government servant whose substantive pay is fixed and who officiates in a post of which the pay is progressive, is entitled to an additional pay calculated under Paragraph IV above, upon the pay to which he would from time to time have risen if he had held the officiating post substantively.

(iii) The pay of a government servant whose substantive pay is progressive and who officiates in a post of which the pay is progressive is regulated as follows:

(a) He draws his substantive pay with increments as they fall due.

(b) He also draws the additional pay to which he would be entitled under Paragraph IV above if the substantive and officiating posts were both on fixed pay equal to the minimum of the respective posts.

NOTES—(1) The maximum limit of pay admissible under this clause is the substantive pay of the officiating servant or the pay in the officiating post to which he would have risen if his officiating tenure had been substantive, whichever is greater.

(2) No government servant should be appointed to officiate in a post carrying a progressive rate of pay the average of which is less than that of his substantive post, save for special reasons of a public nature to be recorded by the appointing authority.

(3) When calculating the pay of a government servant officiating in a post the whole of the officiating tenure, whether continuous, or not should be taken into account.

VI. A government servant may be appointed substantively pro tempore on the pay admissible under Fundamental Rule 31 in place of government servant who draws no part of the pay of his post or a government servant on deputation out of India or holding a temporary post, provided that the deputation or the temporary post lasts for six months more. The full pay of the post of the government servant thus appointed substantively for a time may in like manner and upon the same condition be given to a government servant similarly appointed to that post.

31. (1) Subject to the provisions of rules 30 and 35, a Government servant, who is appointed to officiate in a post will draw the presumptive pay of that post.

(2) \*On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government servant shall be fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such refixation is to his advantage:

† Provided that in so far as the new scales introduced with effect from April 1, 1965, August 1, 1972 and July 1, 1979 are concerned, nothing in this sub-rule shall entitle the Government servant to claim refixation of pay in the post in which he is officiating until the date of option exercised by him in respect of that post:

Provided further that nothing in the preceding proviso shall apply where the pay scale relating to the higher post has not been revised with effect from the said date:

Provided also that the provisions of Fundamental Rule 22-B shall not be applicable in the matter of refixation of pay under sub-rule (2).

NOTE—Where the increment of Government servant in the post in which he is officiating has been withheld under rule 24 or rule 25, without any reference to the increments that will accrue to him in the post held by him substantively, the provisions contained in sub-rule (2) of this rule shall not apply before the date from which the orders withholding the increment finally cease to be operative. However, during the period of penalty of withholding the increment, the Government servant may be allowed pay equal to his substantive pay from time to time if the same happens to be more than the officiating pay, the difference between the substantive pay and the officiating pay being allowed to the Government servant in the shape of personal pay.

#### Audit instructions regarding rule 31

1. The pay of a government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the pay which he would from time to time receive if he held the post substantively.
2. The pay of a government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is the reduced pay.

\* This rule has been introduced with effect from October 1, 1958.

† This provision comes into effect from April 1, 1965.

3. [Deleted.]

4. [Deleted.]

5. Under this rule read with Fundamental Rule 22, a government servant who has no substantive post under the Government and who is appointed to officiate in a post on a time-scale of pay, may count all periods of past non-continuous officiating service in any stage of the time-scale for increments in that stage. A competent authority may, however, in exercise of his powers under rule 35, order that in case of persons having no substantive post under the government, past non-continuous officiating service shall not count for increments.

#### Orders of the Governor regarding rule 31

1. Under this rule, the title of a government servant officiating in a post carrying a time-scale (or progressive rate) of pay to the presumptive pay of the post is always subject to the provisions of rule 30. According to the latter rule, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attaching to the post on which the government servant holds a lien or would hold a lien had his lien not been suspended, it is not permissible for him to draw pay higher than his substantive pay in respect of a permanent post. In other words, while these rules are not prohibitive in respect of officiating promotions in such circumstances they restrict the officiating pay to the substantive pay, from time to time, of the government servant concerned. This means that the government servant will continue to draw from time to time the pay which he would have drawn in his substantive appointment, and will not be allowed increments in the scale of the pay of the post in which he officiates, but only such increments as would have fallen due to him in his substantive post.

The case of a government servant without a lien on a permanent post and therefore, having no substantive pay in respect of such a post, is different. Rule 30 being inapplicable in such a case, full presumptive pay is admissible exclusively under this rule (rule 31) read with rule 22(b) unless in any individual case it is fixed by the competent authority under rule 35 at an amount less than that admissible under the above rules or unless the post to which the officiating appointment is made carries a fixed pay or a progressive rate of pay and the officiating pay is regulated by Paragraph III of the orders of the Governor under the first proviso to rule 30(1).

2. Where an increment in the substantive post of a government servant falls due during a period of leave and the refixation of officiating pay under clause (2) of the rule is to the advantage of the government servant and if the period of leave counts for increment in the officiating post either under Fundamental Rule 26(bb) or 26(b), subject to the fulfillment of the conditions and production of the necessary certificates, his officiating pay may be refixed under the above clause (2) from the very date of increment or increase in substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

If, however, the period of leave does not count for increment in the officiating post, the government servant loses all connections with that post during that period and he will be entitled to get his officiating pay refixed only from the date he returns from leave in which case the next increment will fall due only after completion of prescribed period of duty from the date of resuming charge unless he becomes entitled to refixation of pay under Fundamental Rule 31(2) once again from an earlier date.

32. [\*\*\* ]

33. When a government servant officiates in a post the pay of which has been fixed at a rate personal to another government servant, the Government may permit him to draw pay at any rate not exceeding the rate so fixed or if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

Audit instructions regarding rule 33

1. This rule prescribes the initial rate of pay of a government servant officiating in a post the pay of which has been fixed at a rate personal to another government servant. If the pay thus personally fixed is on a time-scale, it is not intended that an officiating incumbent should be debarred from drawing increments in that time-scale according to the ordinary rules.

2. If a government servant, who is personally qualified to draw overseas pay, is appointed to officiate in a post on a time-scale the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purposes of Fundamental Rule 33, is the minimum of the time-scale, plus the sterling overseas pay included in the pay fixed personally for the substantive holder of the post. A local government is, therefore, competent to grant to such officiating government servant the sterling overseas pay included in the pay fixed personally for the substantive holder of the post.

34. \* \* \*

35. The Government may fix the pay of an officiating government servant at an amount less than that admissible under these rules.

Audit instructions regarding rule 35

1. One class of cases falling under this rule is that in which a government servant merely holds charge of the current duties and does not perform the full duties of the post.

2. When a government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under Fundamental Rule 35, he must not be treated as having effectually officiated in that post within the meaning of Fundamental Rule 22, or having rendered duty in it within the meaning of Fundamental Rule 26. Such a government servant, on confirmation, should have his initial pay fixed

under Fundamental Rule 22(b) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

36. Officiating appointment or arrangement may be made in place of government servants who are treated as on duty under rule. 9(6)(b) subject to such general or special orders as the Governor may issue.

#### Orders of the Governor under rule 36

1. Officiating appointment or arrangement may be made in the place of government servants who have joined the Army in India Reserve of Officers when they are sent for training and who under the orders issued in G. O. no. 96/III—359, dated the 25th January, 1928, are treated during the period of training as on duty. The additional cost involved will be charged on the revenue of the State.

1-A. Officiating promotions may be made in place of government servants who are called up for military duty in the circumstances mentioned in the orders of the Governor regarding Fundamental Rule 9(6)(b)(i).

2. The order of the Governor under this rule allowing officiating appointment or arrangement in place of a government servant who is treated as on duty during his period of training carries with it the consent of the Government to any increase over the sanctioned strength without the formal creation of a temporary post.

37. Personal pay—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

38. Pay of official members of the Indian Legislature—A government servant nominated as a member of the Central Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Government may fix.

#### Audit instruction regarding rule 38

When a government servant is nominated as a member of the Central Legislative Assembly or the Council of State, it is permissible for the local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto. Officiating arrangements can then be made under the ordinary rules for the performance of the regular duties at his permanent headquarters.

39. Pay of temporary posts—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

NOTE—Model forms of agreement for employing government servants on contract are contained in Part III—Appendix B—of this handbook.

40. When a temporary post is created which will probably be filled by a person who is already a government servant its pay should be fixed with due regard to—

(a) the character and responsibility of the work to be performed, and

(b) the existing pay of government servants of a status sufficient to warrant their selection for the post.

## Audit instruction regarding rules 39 and 40

Under the Fundamental Rules special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then rules 39 and 40 will apply.

### Orders of the Governor under rule 40

1. There is a tendency to sanction enhanced pay for all posts temporarily created without sufficient regard to the provisions of this rule. Government, therefore, deem it expedient to lay down the following procedure to be observed in fixing the pay of temporary posts.

2. Temporary posts may be divided into two categories—(1) posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and (2) isolated posts created for the performance of special tasks unconnected with the ordinary works which a service is called upon to perform. An example of the latter type of post would be a post on a commission of enquiry. The former class of post should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post. The latter class of temporary posts should be considered as unclassified and isolated ex-cadre posts.

3. Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service ordinarily without extra remuneration. Incumbents of these posts will therefore draw their ordinary time-scale pay. If the posts involve decided increase in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition. In deciding the question whether special pay in a temporary post is justifiable, regard should be had to the principles governing the grant of special pay laid down in the order under rule 9(25), while special pay should in no case exceed, without the special sanction of the Finance Department, one-fifth of substantive pay excluding overseas pay or Rs. 10 a day whichever is less.

4. For isolated ex-cadre posts it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a service it will ordinarily be preferable also to create the post in the time-scale of the holder's service. The observations contained in paragraph 3 above will apply with equal force to the grant of special pay over and above the ordinary time-scale in such a case.

41. \* \* \*

42. \* \* \*

43. \* \* \*

## CHAPTER V—ADDITIONS TO PAY

44. Compensatory allowances—Subject to the general rule that the amount of a compensatory allowance should be so fixed that the allowance is not on the whole a source of profit to the recipient, the conditions under which such allowances may be sanctioned and the amounts which may be so paid to government servants, shall be regulated by such rules and orders as the Governor may issue.

(For rules made by the Governor under this rule, see the rules in Part III of this Volume, Chapter III-A.)

Audit instructions regarding rule 44

1. No revision of claims of travelling allowance is permissible in cases where a government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay, and that on which it is notified, unless it is clear that there has been an actual change of duties.

2. A government servant transferred from one State to another will draw travelling allowance for the journey according to the rules in force at the time of transfer in the State to which he is transferred.

3. Hill allowances fall under "Compensatory allowances."

\* \* \* \* \*

NOTE—The order of the Governor reproduced under rule 9 (25) regarding the correct classification of additions to pay applies also to the grant of compensatory allowances.

Order of the Governor regarding rule 44

1. Every sub-inspector who is selected from the general cadre to undergo a special course of training for appointment as reserve inspector, will be entitled, during the period of the training and up to the date of his confirmation as reserve inspector, but not during any period during which he may officiate as reserve inspector, to the compensatory allowances which he was drawing as sub-inspector, provided that he will be entitled to the compensatory allowances only if he actually incurs in expenditure which the compensatory allowances are intended to meet.

2. The Sub-Inspectors of the Police Department nominated to the Reserve Sub-Inspectors Course will be allowed with effect from November 4, 1968 a compensatory allowance of Rs. 15 (rupees fifteen) per month only per person for the entire period of their training of nineteen months, viz. six months at the A. T. C., Sitapur and one month at the P. M. T. Workshop, Sitapur and twelve months under a Reserve Inspector. They will continue to draw such other compensatory allowances as they were drawing on the post of Sub-Inspector before joining the training provided the conditions on which those allowances were allowed are still fulfilled.

NOTE—The compensatory allowances mentioned above do not include conveyance allowances, the drawal of which by such sub-inspectors is governed by the special rules in Appendix VII of the Financial Hand book, Volume III.

45. The Principles governing the allotment to government servants, for use by them as residences, of buildings owned or leased by the Government, or portions thereof, which the Government may make available for the purpose and the circumstances in which a government servant shall be considered to be in occupation of a residence shall be regulated by such rules and orders as may be issued by the Governor.



(For rules made by the Governor under this rule, see Part III of this Volume, Chapter IV).

45-A. I. \* \* \*

II. For the purpose of the assessment of rent, the capital cost of a residence owned by the Government shall include the cost or value of sanitary, water supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or when this is not known;
- (b) the present value of the residence.

NOTE—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

- (i) the present value of residences shall be determined in the manner which the Governor may prescribe by rules or orders;
- (ii) the expenditure which is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of site, shall be determined in accordance with such rules or orders as the Governor may issue;
- (iii) the Government may, after recording the reasons, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by the Government, or (2) in other cases, the estimated amount of such charges;
- (v) the Government may after recording the reasons, write off a specified portion of the capital cost of a residence—
  - (1) when a portion of the residence must be set aside, by the government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
  - (2) when they are satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

Order of the Governor regarding rule 45A-II, Proviso (v) (2)

The capital value of any portion of a building which is abandoned permanently or dismantled without replacement should be written off the total capital value of the building.

- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, the Governor may by rules determine what are to be regarded as fittings for this purpose.

NOTE—Government servants of the Central Government or of the Governments of Madras, Andhra Pradesh, the Punjab, Madhya Pradesh, Assam and Orissa occupying by, official arrangement, residences provided by this Government, shall be charged rent for such residences under this rule.

Orders of the Governor regarding rule 45A-II

The capital cost of walls and washerman's tanks shall be included in the capital cost of the residence.

Orders of the Governor under the note to rule 45A-II (a) and (b)

1. An increased rate for the same specification shall not constitute replacement by work of a more expensive character.
2. When a work is replaced by work of a more expensive character, the cost of the replacement shall be reduced by the value of the dismantled work before it is added to the capital cost.
3. The cost of all structural alterations, additions or repairs to newly-purchased or previously abandoned buildings, required for bringing them into use, shall be added to the capital cost.

Orders of the Governor regarding rule 45 A-II,

Provison (v) (1)

Let a	=	Total plinth area of the main building.
b	=	Area of room set aside for the visitors' room measured from centres to centres of walls.
c	=	Area of portion of verandah or verandahs directly in front of visitors' room and which is normally utilised by visitors' coming to interview the occupant.
d	=	Area of bathroom (if any) attached to the visitors' room measured from centres to centres of walls.
Then (b+c+d)	=	Plinth area of visitors' room portion.
X	=	Capital cost of the main building (including electric, water and sanitary installations, but excluding site).
Y	=	Cost of subsidiary buildings (out-houses, cook houses, fencing, etc.).
$[b+c+d / a \times X]$	=	Proportionate capital cost of the portion set aside for the visitors' room.
$[X - b+c+d / a \times X]$	=	Proportionate capital cost of the residential portion.

$[X - b+c+d / a \times X] + Y$	=	Total cost of the residence for the purpose of assessment of rent.
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The proportionate capital cost of a portion of a residence set aside for visitors' room shall be calculated in accordance with the following formula:

2. The proportionate capital cost of portion of a hired residence set aside for visitors' room shall be calculated in accordance with the following formula:—

Let a	=	Total carpet area of the residence.
b	=	Carpet area of the portion set aside for the visitors' room.
c	=	Carpet area of the portion of verandah or verandahs directly in front of visitors' room and which is normally utilised by visitors coming to interview the occupant.
d	=	Carpet area of bathroom (if any), attached to the visitors' room.
Then $(b+c+d) / a$	=	Carpet area of visitors' room portion.
X	=	Capital cost of the residence
$(b+c+d) / a \times X$	=	Proportionate capital cost of the portion set aside for visitors' room.

NOTES—(1) Carpet area means the plinth area of the building excluding the area covered by pillars and walls.

(2) The cost of the visitors' room once fixed should not be altered unless there are some additions or alterations to the room itself.

(3) No rebate will be allowed on account of electric current consumed in the Visitors' room or on account of proportionate water charges.

(For rules made by the Governor under rule 45 A-II, see Part III of this Volume, Chapter IV.)

III. The standard rent of a residence shall be calculated as follows:

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, plus an addition determined under rules which the Governor may make, for meeting during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on the Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by the Government in respect of the residences.

(b) In the case of residences owned by the Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Governor plus an addition for municipal and other taxes in the nature of house or property tax payable by the Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which the Governor may make, or

(ii) six percent per annum of such capital cost, whichever is less.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, the Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where the Government take action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 45 above bears to one year.

NOTE 1— For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to Clause II.

NOTE 2— The Governor may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

(For rules made by the Governor under rule 45A-III, see Part III of this Volume, Chapter IV.)

Orders of the Governor under rule 45A-III(b)(i)

1. The rate of interest to be applied in calculating the rent of a house which may be occupied for

the first time after 19th June, 1922, shall be the rate\* which is in force, as the standard of return from productive irrigation works, at the time of the acquisition or construction of the house. The basic interest rate on which rents for houses previously occupied have been calculated may remain unaltered, unless in any case they are higher than that now prescribed for houses occupied hereafter.

2. For the purposes of assessing rent, the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

Audit instruction regarding rule 45-A-III (b) (i)

The rates of interest given in the following table should be applied in calculating the standard rent of residences under Clause III (b) of Fundamental Rule 45-A:

		Rate of interest
Date of acquisition or construction of the residence	Buildings occupied on or before June 19, 1922	'Buildings occupied after June 19, 1922
1	2	3
Before April 1, 1919	3½ per cent	4 per cent
April 1, 1919 to July 31, 1921.	3½ " "	5 " "
August 1, 1921 to December 31, 1921.	3½ " "	6 " "
From January 1, 1922, until further orders.	6 " "	6 " "

NOTE— The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to a residence the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed.

Orders of the Governor under Clause III of rule 45-A

1. Administrative departments of the Government have been authorized to sanction standard rents of residential buildings without the concurrence of the Finance Department.

\* These rates are as follows:

- (a) Before April 1, 1919, 4 per cent.
- (b) From April 1, 1919 to July 31, 1921, 5 per cent.
- (c) From August 1, 1921, 6 per cent.

2. Heads of departments have also been authorized to sanction standard rents of residential buildings according to the principles laid down in this rule, provided that the sanction of the Government is obtained in all cases falling under clause (c) of rule 45A-III and Subsidiary Rule 20.

IV. When a government servant is supplied with a residence, leased or owned by the Government the following conditions shall be observed:

(a) The scale of accommodation supplied shall not, except at the government servant's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) rent for the residence, such rent being the standard rent as defined in Clause III above, or 10 per cent of his monthly emoluments whichever is the less; and

(ii) municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax.

(c) Notwithstanding anything contained in sub-clause (b) above, the Government may—

(i) at any time, after the standard rents have been calculated under the provisions of Clause III above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled:

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any government servant shall not exceed 10 per cent of his monthly emoluments;

(ii) by general or special order, provide for taking a rent in excess of that prescribed in sub-clause (b) above from a government servant—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

(4) who is permitted to sub-let the residence supplied to him, or

(5) who sub-lets without permission the residence supplied to him, or

(6) who does not vacate the residence after cancellation of allotment.

Audit instruction under rule 45—IV (b)

The following procedure should be observed regarding recovery of rent for residential accommodation from officers of the State Governments for whom residential accommodation is provided by Railway Administration and also regarding the recovery of rent from Railway officers occupying residential accommodation belonging to State Governments—

(1) State Railway quarters occupied by civil servants of Uttar Pradesh Government by mutual agreement.

The rent will be limited to 6 per cent on the capital cost, excluding cost of land, subject to 10 per cent of pay.

(2) Quarters belonging to Uttar Pradesh Government occupied by railway employees by mutual agreement.

In these cases civil rules will apply, i.e. 6 per cent on capital cost excluding the cost of land, subject to 10 per cent pay.

Audit instruction under Fundamental Rule 45-A-IV(c)(ii)

Under Clause IV(c)(ii) of Fundamental Rule 45-A, a local Government may recover rent in excess of 10 per cent of a government servant's emoluments, even if it exceeds the standard rent as defined in clause III of that rule.

Orders of the Governor under rule 45-A-IV (a)

1. Expenditure on a residential building should as far as possible be limited to a figure that the standard rent calculated thereon in the manner indicated in rule 45-A-III shall not exceed 10 per cent of the average pay of the post held by the government servant or the class of government servants for whom the residence is constructed. The permissible limit of expenditure calculated in this manner will include the cost of electric, sanitary and water-supply installations. In order to enable the expenditure permissible on the building and on the installations to be separately determined, the total permissible limit of expenditure should be distributed as follows:

- |       |  |                                   |
|-------|--|-----------------------------------|
| (i)   | On the building                            | 85 per cent of permissible limit. |
| (ii)  | On electric installation                   | 7½ per cent of permissible limit. |
| (iii) | On water-supply and sanitary installations | 7½ per cent of permissible limit. |

2. The accommodation to be supplied to any government servant should be determined when the question of building a residence for him is actually taken up, and if in any case it is found that suitable accommodation can only be supplied at a cost exceeding the permissible limit of expenditure, the sanction of the Government should be obtained.

Order of the Governor regarding rule 45-A-III (a) and 45 A-IV (b) (ii)

The term "property tax" as used in this rule, should be interpreted in the general sense and not in the technical sense assigned to it any particular Act or Code. It should, therefore, not be considered to include taxes levied for specific services rendered for the benefit of the occupier. Such taxes in all cases should be excluded from the standard rent irrespective of the fact whether they were by local rule or custom payable in the first instance by the landlord or by the occupier. All taxes of a service character, such as water, drainage and lighting taxes, scavenging tax and tax for the cleaning of latrines and privies should be recovered separately from the occupier under clause IV (b) (ii) of this rule. These orders apply also in cases where government servants are provided with Government accommodation free of rent.

Orders of the Governor under rule 45 A-IV (c)

1. If a government servants, with the Government's permission, continues to occupy while on leave a residence owned or leased by the Government, he shall be liable to pay as rent, during the periods of leave on average pay not exceeding four months the standard rent of the residence or 10 per cent of his emoluments, whichever is less. For the rest of his leave or during leave of any other kind he shall be liable to pay the full standard rent.

2. In cases of optional occupation by a government servant while not on duty, of an official residence not occupied, by him while on duty, the full standard rent shall be charged even if this exceeds 10 per cent of his emoluments.

3. A government servant who, at his request, is supplied with a residence, owned or leased by the Government, of a higher class than that for which he is eligible, when a house of his class is available for him, shall be charged the full standard rent of the residence and shall not be given the benefit of the 10 per cent concession afforded by rule 45 A-IV (b).

4. When a government servant draws a house rent allowance on a compensatory allowance on account of dearness of living, then—

(a) if the standard rent minus the house rent allowance or such portion of the compensatory allowance as represents the cost of house accommodation, is less than 10 per cent of his emoluments, he shall pay the standard rent;

(b) if the standard rent minus the house rent allowance or such portion of the compensatory allowance as represents the cost of house accommodation is more than 10 per cent of his emoluments, he shall pay rent amounting to—

(1) the house rent allowance or such portion of the compensatory allowance as represents the cost of house accommodation,

plus

(2) 10 per cent of his emoluments other than the house rent allowance or that portion of the compensatory allowance which represents the cost of house accommodation.

V. In special circumstances, after recording the reasons, the Government—

(a) may, by general or special order, grant rent free accommodation to any government servant or class of government servants, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any government servant.

Audit instruction regarding Fundamental Rule 45A-V (b)

It is permissible to deal, under clause V (b) of this rule, not only with individuals but also with classes of government servants.

VI. If a residence is supplied with services, other than water-supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of the Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc. consumed. The Governor may by rules prescribe how the additional rents and charges shall be determined, and such rules may also authorize the remission or reduction of the additional rent or charge in special circumstances for reasons which are to be recorded.

(For rules made by the Governor under rule 45-A-VI, see Part III of this Volume, Chapter I V.)

VII. \* \* \*

VIII. \* \* \*

45-B. \* \* \*

45-C. For the purpose of rule 45-A "emoluments" means:

(i) Pay.

(ii) Payments from the revenues of the State and fees if such payments or fees are received in the shape of a fixed addition to monthly payment and allowances as part of the authorized remuneration of a post.

(iii) Compensatory allowances, other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery, whether drawn from the Consolidated Fund of the State or from a local fund.

Orders of the Governor under clause (iii) of this rule:

"Dearness allowance though a compensatory allowance shall be excluded in calculating 'emoluments' for the purpose of calculating the rent payable by a Government servant under Fundamental Rule 45-A in respect of a residential building provided for him by the Government."

(iv) \* \* \*

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended.

(vi) In the case of a government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such government servant is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, the King's Police Medal, the Indian Police Medal, the Order of British India or the Indian Order of Merit.

NOTE 1—The emoluments of a government servant paid at piece-work rates shall be determined in such manner as the Government may prescribe.

NOTE 2—The emoluments of a government servant on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Order of the Governor regarding rule 45C (v)

The word "pension" in clause (v) for this rule means the full sanctioned pension prior to commutation where a portion of the pension has been commuted.

46. (a) Fees—Subject to any rules made under rule 46-A and rule 47, a government servant may be permitted, if this can be done without detriment to his official duties and responsibilities, to perform a specified service, or series of services, for a private person or body, or for a public body including a body administering a local fund, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

NOTE—This clause does not apply to the acceptance of fees by medical officers for professional attendance which is regulated by the orders of the Government.

(b) Honoraria—The Government may grant or permit a government servant to receive an honorarium as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Government and its amount has been settled in advance.



(c) Fee and Honoraria—In the case of both fees and honoraria and sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

#### Audit instructions regarding rule 46

1. The rule requires that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by the Government and scrutinized by audit and that audit should be given an effective opportunity of comment if it be deemed necessary. Audit officers may, therefore, require that the reasons for the grant of an honorarium or free should be communicated to them in each case.

2. The honorarium paid to an officer selected as an examiner or lecturer on purely personal grounds irrespective of his position under the Government, though these grounds may bring about his appointment in successive years, or for a term of years, should be dealt with under Fundamental Rule 46 and not treated as a securing charge.

46-A. Acceptance of fees by medical officers for services other than professional attendance, shall be subject to such conditions and limits as the Governor may by general rule or order, prescribe.

(For rule made under rule 46-A, see Chapter V-A in Part III of this Volume.)

47. Subject to the provisions of the rules made by the Governor under rule 46-A and to such conditions and limits as he may by rules or orders, impose, the authorities subordinate to the Government may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers for professional attendance.

#### Orders of the Governor in connexion with rules 46(b) and 47

The payment of honoraria to government servants for the use by the Government of inventions patented by them is not governed by rules 46(b) and 47, but by the provisions contained in section 17 of the Inventions and Designs Act, 1888, and section 21 of the Indian Patents and Designs Act, 1911.

(For rules made by the Governor under rule 47, see Part III of this Volume, Chapter V.)

48. Any government servant is eligible to receive without special permission—

(a) the premium awarded for an essay or plan in public competition;

(b) any reward offered for the arrest of a criminal or for information or special service in connexion with the administration of justice;

(c) any reward payable in accordance with the provisions of any Act or regulation or rules framed thereunder;

(d) any reward sanctioned for services in connexion with the administration of the customs and excise law; and

(e) any fees payable to a government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

48-A. A government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made

by such government servant save with the permission of the Government and in accordance with such conditions as the Government may impose.

48-B. If a question arises whether a person is a government servant to whom rule 48-A applies, the decision of the Government shall be final.

Orders of the Governor under rules 48-A and 48-B

1. Application for permission under rule 48-A should be made by the government servant making an invention to the head of his department, or if he is himself the head of the department, to the Secretary to the Government in the Industries Department.

2. The head of the department should deal with the application confidentially and with expedition, so that the inventor may not be prejudiced by delay in making his application at the Patent Office, and should forward it with his recommendations to the Secretary to the Government in the Industries Department.

3. If the invention has no connexion with the government servant's official duties and has not resulted from facilities provided at Government expense permission may be granted to the applicant by the Government to take out a patent for his own benefit, subject to his undertaking in writing—

(i) to permit the use of the invention in the service of the Government, either without payment of any royalty or on such terms as the Government may consider reasonable; and

(ii) to sell or dispose of the patent in such a manner as will leave him no further hand in the working or management thereof and will reserve to him no other right or control in the patent except the right to receive royalties:

Provided that the Government will not supply the invention to any member of the public otherwise than on payment to the inventor of such royalty as may be mutually agreed upon.

4. If the invention is made in the course of the government servant's official duties or has resulted from facilities provided at Government expense, then—

(a) if the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An *ex gratia* payment should ordinarily be made to the inventor as a reward in all such cases;

(b) if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable, the inventor should be directed to take out a patent and to assign his rights under the patent to the Government. In all such cases, the inventor should be rewarded either by a suitable lump sum payment or by a liberal percentage of the profits made by the Government in connexion with the invention;

(c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking, in writing;

(i) to permit the use of the invention in the service of the Government without payment of any royalty; and

(ii) to dispose of the invention in the manner prescribed in paragraph 3 (ii) above.

5. When the invention has been assigned to the Governor under paragraph 4 (b) above, the Government may exploit the patent themselves, or

(a) advertise the patent and grant licences on payment to manufacturers, or

(b) sell the rights under the patent to a firm or to a private person.

6. In order to secure reasonable uniformity of practice and to secure for the Government the full benefits of inventions, the Controller of Patents and Design should ordinarily be consulted before any awards are made under paragraph 4 above or steps are taken for the exploitation of the patents under paragraph 5 above.

## CHAPTER VI

## CHAPTER VII—DEPUTATION OUT OF INDIA

50. No government servant may be deputed for duty out of India without the sanction of the Government.

51. (1) When a government servant is with proper sanction temporarily deputed for duty out of India either in connexion with the post held by him in India or in connexion with any special duty on which he may temporarily be placed, his pay shall be regulated as follows:

(a) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Government to be under quasi-European conditions and if he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive—for the first month of his absence from India, the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, eleven-twelfths of such amount, for the third month of such absence, five-sixths of such amount, for the fourth month of such absence, three-fourths of such amount, for the fifth to tenth months of such absence, two-thirds of such amount, and thereafter three-fourths of such amount.

(b) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Government to be under quasi-European conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent includes a period of leave within the period of his absence from India, he shall receive throughout his deputation three-fourth of the pay which he would have drawn if he had remained on duty in India.

(c) If he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Government to be under quasi-European conditions, his pay shall be as determined by the Government with due regard to the provisions of rule 40 as though a temporary post had been created:

Provided that—

(i) no government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month;

(ii) a government servant having his domicile in India may in any case be allowed by the Government to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India in lieu of the pay admissible to him under sub-clause (a) or sub-clause (b) of this clause.

(2) In addition to the pay admissible under clause (1) of this rule a government servant on deputation may be granted a compensatory allowance of such amount as the Government may think fit.

NOTE—The sterling equivalent of the pay admissible under clause (1) to a government servant during deputation shall be calculated at such rate of exchange as the Secretary of State may have prescribed in the case of deputation of officers of All-India Services.

Orders of the Governor regarding rule 51

1. A subordinate police officer who may be deputed by the Government to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business which is part of his duty as a police officer, may be granted—

(a) full pay for the entire period of absence from India; with

(b) actual travelling expense and a subsistence allowance not exceeding the following scale while in any country outside India:

			s.	d.	
For an officer of the	inspector	class	22	6	a day
" "	sergeant	"			
" "	constable	"	15	0	"

NOTE—An officer of the inspector class includes a sub-inspector.

2. Government servants subject to the leave rules in the Civil Service Regulations are also governed by the provisions of sub-clause (b) of the above rule.

3. The travelling and halting allowances of members, including non-officials, of any commissions, committees, etc, which may be sent by the Government on deputation out of India, will be governed by such rules or orders as may be laid down by the Government.

4. Government servants who, while on leave, are required by the Government to attend conferences or congresses in the United Kingdom or on the Continent of Europe, whether as official representatives or as unofficial visitors, will be allowed such terms in regard to pay and allowances as may be determined by the Government in each case.

5. Government servants on leave, who are unwilling to undertake special duty on deputation rates of pay, may be allowed by the Government to continue to consume leave and receive an honorarium fixed at one-sixth of Indian pay.

6. The option of consuming leave on average pay during a period of deputation and of drawing an honorarium of one sixth of India pay shall be limited to cases in which government servants are placed on deputation while already on leave out of India on average pay.

Audit instructions regarding rules 50 and 51.

1. The period of the deputation runs from the date on which the government servant takes over charge of his office in India to the date on which he resumes it; or if the government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

2. In the expression "pay he would draw if he were on duty in India" occurring in Fundamental Rule 51 (a) and in the similar expression in Fundamental Rule 9(2), the term "pay", should be interpreted literally with reference to Fundamental Rule 9(21) and the pay which an officer would have drawn if on duty in India should be determined for this purpose by the appropriate authority in India. In the case of government servants who are not deputed out of India for special items of works but are placed on continuous service with commission and committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

51-A. When a government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Government.

## CHAPTER VIII

### DISMISSAL, REMOVAL AND SUSPENSION

52. The pay and allowance of a government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

53. (1) A government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:—

(a) a subsistence allowance at an amount equal to the leave salary which the government servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary:

Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:—

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the government servant;

(ii) the amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant;

(iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

(b) Any other compensatory allowance admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension:

Provided that the government servant shall not be entitled to the compensatory allowances unless the said authority is satisfied that the government servant continues to meet the expenditure for which they are granted.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government servant dismissed or removed from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

(This amendment shall be deemed to have come into force with effect from December 26, 1981).

## Orders of the Governor regarding rule 53

1. The suspending authority may appoint a substitute in place of a government servant under suspension, provided that the period of suspension does not exceed six months. The word 'substitute' here means the substitute appointed in the resultant vacancy or at the bottom in the chain of arrangements.

2. Departments of the government are authorized to appoint a substitute in place of a government servant under suspension for more than six months.

3. The Board of Revenue is authorized to appoint a substitute in place of a government servant under suspension for more than six months under intimation to Government every three months.

4. Commissioners of Divisions are authorised to appoint a substitute in place of government servant under suspension for more than six months under intimation to the Board of Revenue every three months.

NOTE—The authority sanctioning such employment shall draw the special attention of the Accountant General to the sanction.

(Effective with effect from July 13, 1974)

\*54. (1) When a Government servant who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal, or compulsory retirement, as the case be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired, has been fully exonerated the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in

\*This amended rule is effective from May 3, 1980.

writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) \*In cases other than those covered by sub-rule (2) [including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of noncompliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held], the Government servant shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government servant so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

NOTE—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of three months in the case of temporary Government servant; and

(b) leave of any kind in excess of five years in the case of permanent Government servant.

(6) The payment of allowances under sub-rule (2) of sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4), shall not be less than the subsistence allowance and other allowances admissible under rule 53.

(8) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of his removal, dismissal or compulsory retirement, as the case may be,

\*This amended rule is effective from February 19, 1986.

and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

NOTE—Where the Government servant does not report for duty within reasonable time after the issue of the orders of reinstatement after dismissal, removal or compulsory retirement, no pay and allowances will be paid to him for such period till he actually takes over charge.

\*54-A (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a court of Law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the court.



‡(2) (i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution, and where he is not exonerated on merits, and no further inquiry is proposed to be held, the Government servant shall, subject to the provisions of sub-rule (7) of rule 54, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice:

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularised in accordance with the provisions contained in sub-rule (5) of rule 54.

(3) If the dismissal, removal or compulsory retirement of a Government servant is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal, or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

\* This amended rule is effective from May 3, 1980.

‡ This amended rule is effective from February 19, 1986.

NOTE—Where the Government servant does not report for duty with-in reasonable time after the issue of the orders of reinstatement after the dismissal, removal or compulsory retirement, no pay and allowances will be paid to him for such period till he actually takes over charge.

\* 54-B. (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement on superannuation as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in rule 53, where a Government servant under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of

suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), to be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing that the Government servant shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3), the Government servant shall subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings

\*These amended rule is effective from may 3, 1980.

by the authority mentioned in sub-rule (1), who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government servant desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

NOTE—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

(a) Extraordinary leave in excess of three months in the case of temporary Government servant; and

(b) Leave of any kind in excess of five years in the case of permanent Government servant.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 53.

(10) Any payment made under this rule to Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of suspension and the date of reinstatement or the date of retirement on superannuation while under suspension. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

NOTE—Where the Government servant does not report for duty within reasonable time after the issue of the order of reinstatement after suspension, on pay and allowances will be paid to him for such period till he actually takes over charge.

#### Orders of the Governor regarding rule 54

1. This rule permits a revising or an appellate authority to convert a period spent under suspension into one of leave.

2. In a case where a government servant is punished by an original authority but the order is reversed in appeal, the following procedure should be observed:

(a) If the appellate authority finds the original order entirely wrong, the appellant should be reinstated with effect from the date of the original order and should not be deprived of a part or the whole of his emoluments during the interval between the dates of the original and the appellate orders, as it is an accepted principle that no government servant may suffer as the result of a mistake not committed by himself. If some other government servant has received promotion during the same period, the demand for recovery of the additional pay drawn by him should be waived with the sanction of the Government. The revision or appellate authority can, however, write-off such additional expenditure up to a limit of Rs. 500 in each case provided that the period of employment of the substitute does not exceed six months.

(b) If the appellate authority finds the appellant to be blameworthy but the order passed to be too severe, it may, if it so desires, order restoration from the date of the appellate order. In such a case the demand for recovery of the additional pay drawn by some other government servant during the period in question will not arise.

3. The above procedure does not apply to cases where an ordinary order of promotion has been reversed as a result of an appeal preferred by a superseded government servant. An order of punishment set aside in appeal differs from an order of promotion reversed in appeal in one important respect. In the former case the government servant punished as previously held the post in which he has been reinstated as a result of his appeal and the period of suspension or dismissal is treated as a period spent on duty. In the latter case the government servant promoted to a post in consequence of the reversion of orders has not previously held that post and can, therefore, draw the pay, attached to it only from the date when he takes over that post, and accordingly the orders of the appellate authority can take effect only from the date on which they are passed. No question of recovery or write-off of the promotion pay drawn by the government servant wrongly promoted will arise.

4. Orders contained in paragraph 3 above cannot be applied to grade promotions in the same cadre, which are given with retrospective effect from the date of the vacancy while the duties and the posting of the government servants concerned remain unchanged. In such cases when an appellate authority for good reason, decides to grant grade promotion to the appellant not from the date of his order but from the date of the occurrence of the vacancy and when the promotion does not involve assumption of different duties and responsibilities, the

additional pay drawn by the government servant originally promoted need not be recovered but should be written off with the sanction of the Government.

55. Leave may not be granted to a government servant under suspension.

#### FUNDAMENTAL RULE 56, FINANCIAL HANDBOOK, VOLUME II, PARTS II TO IV

56. \*(a) Except as otherwise provided in this Rule, every Government servant other than a Government servant in inferior service shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years. He may be retained in service after the date of compulsory retirement with the sanction of the Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

\*(b) A Government servant in inferior service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years. He must not be retained in service after that date, except in very special circumstances and with sanction of the Government.

‡(c) Notwithstanding anything contained in clause (a) or clause (b), the appointing authority may, at any time, by notice to any Government servant (whether permanent or temporary), without

\*These amended sub-rules (a) & (b) are effective from April 1, 1975.

† These sub-rules (c) & (d) are effective from June 7, 1975.

assigning any reason, require him to retire after he attains the age of fifty years or such Government servant may by notice to the appointing authority voluntarily retire at any time after attaining the age of forty-five\* years or after he has completed qualifying service of twenty years.

†(d) The period of such notice shall be three months:

Provided that—

(i) any such Government servant may by order of the appointing authority, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the period of the notice, or as the case may be, for the period by which such notice falls short of three months, at the same rates at which he was drawing immediately before his retirement;

(ii) it shall be open to the appointing authority to allow a Government servant to retire without any notice or by a shorter notice without requiring the Government servant to pay any penalty in lieu of notice:

Provided further that such notice given by the Government servant against whom a disciplinary proceeding is pending or contemplated, shall be effective only if it is accepted by the appointing authority, provided that in the case of a contemplated disciplinary proceeding the Government servant shall be informed before the expiry of his notice that it has not been accepted:

Provided also that the notice once given by a Government servant under clause (c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority.

\*\* (e) A retiring pension shall be payable and other retirement benefits, if any, shall be available in accordance with and subject to the provisions of the relevant rules to every Government servant who retires or is required or allowed to retire under this rule.

†† Provided that where a Government servant who voluntarily retires or is allowed voluntarily to retire under this rule the appointing authority may allow him, for the purposes of pension and gratuity, if any, the benefit of additional service of five years or of such period as he would have served if he had continued till the ordinary date of his superannuation, whichever be less;

Explanation—(1) The decision of the appointing authority under clause (c) to require the Government servant to retire as specified therein shall be taken if it appears to the said authority to be in the public interest, but nothing herein contained shall be construed to require any recital,

\*This figure—‘Fourty five years’ was substituted with effect from November 18, 1976.

†These sub-rules (C) & (C) are effective from June 7, 1975

\*\* (This sub-rule is effective from June 7, 1975.)

†† (This proviso came into effect from November 18, 1976.)

in the order, of such decision having been taken in the public interest.

(2) In order to be satisfied whether it will be in the public interest to require a Government servant to retire under clause (c) the appointing authority may take into consideration any material relating to the Government servant and nothing herein contained shall be construed to exclude from consideration—

(a) any entries relating to any period before such Government servant was allowed to cross any efficiency bar or before he was promoted to any post in an officiating or substantive capacity or on an ad-hoc basis; or

(b) any entry against which a representation is pending, provided that the representation is also taken into consideration along with the entry; or

(c) any report of the Vigilance Establishment constituted under the Uttar Pradesh Vigilance Establishment Act, 1965.

(2-A) Every such decision shall be deemed to have been taken in the public interest.

(3) The ‘expression’ appointing authority means the authority which for the time being has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire; and the expression ‘qualifying service’ shall have the same meaning as in the relevant rules relating to retiring pension.

(4) Every order of the appointing authority requiring a Government servant to retire forth-with under the first proviso to clause (d) of this rule shall have effect from the afternoon of the date of its issue, provided that if after the date of its issue, the Government servant concerned, bonafide and in ignorance of that order, performs the duties of his office his acts shall be deemed to be valid notwithstanding the fact of his having earlier retired.

NOTE—(1) (Deleted)

NOTE—(2) The grant, under rule 86, of leave extending beyond the date on which a government servant must compulsrily retire, or beyond the date upto which a government servant has been permitted to remain in service, shall not be treated as sanctioning an extension of service, and the government servant shall not be permitted to retain a lien on his permanent post or any other post during the period of such leave.

(This shall come into force with effect from April 1, 1965).

NOTE—(3) A government servant whose date of birth is the firstday of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty-eight or sixty years, as the case may be.

## CHAPTER IX

### COMPULSORY RETIREMENT

#### Audit instructions regarding rule 56

1. When a government servant is required to retire, revert or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the government servant must retire, revert or cease to be on leave (as the case may be) with effect from and including that day. \* \* \*

1-A. Clause (a) \* \* \* of Fundamental Rule 56 applies to all government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. \* \* \*

1-B. \* \* \* The purpose of Fundamental Rule 56 is not to confer upon government servants any right to be retained in service up to a particular age, but to prescribe the age beyond which they may not be retained in service.

1-C. Fundamental Rule 56 is generally applicable to re-employed personnel, and the rules in Chapter XXI of the Civil Service Regulations are subject to the conditions laid down in Fundamental Rule 56. Article 520, Civil Service Regulations, however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside. Fundamental Rule 56 and subject to the conditions stated in the article itself which must be observed with every renewal of sanction.

Orders of the Governor regarding rule 56

Rule 56 shall not apply to patwaris in the Revenue Department except those in the Kumaun Division. The normal age at which patwari of the Kumaun Division should retire has been fixed at 55 years, subject to the condition that the Deputy Commissioner-in-charge, Kumaun Division, may, on public grounds, grant annual extensions up to the age of 60 years.

57 \* \* \*

## LEAVE

(58—60)

### Section I—EXTENT OF APPLICATION

58. Unless in any case it be otherwise distinctly provided, the rules in this Chapter apply to all government servants mentioned in rule 2: provided that the leave of those government servants who were in service on January 1, 1922, and who have under rule 58 of the Fundamental Rules made by the Secretary of State in Council under section 96-B of the Government of India Act, 1919, elected (by making a specific declaration to the Government to that effect) to remain under the leave rules in the Civil Service Regulations shall be governed by those rules.

59. †Except as provided in Fundamental Rules 83 and 83-A, leave is earned by a government servant under Sections I to V of this Chapter if he holds a lien on a permanent post or would hold a lien on such a post had his lien not been suspended.

Exception—Government servants who hold quasi-permanent posts in the Settlement Department in a substantive capacity shall earn leave under Sections I to V of this Chapter.

NOTE—The following posts in the Settlement Department have been declared to be on a quasi-permanent footing from the date mentioned against each post:

(a) In the office of the Settlement Commissioner

(i)	One Superintendent	From April 1, 1941.
(ii)	Three noters and drafters	
(iii)	One accountant-cum-store-keeper	
(iv)	One reference clerk	From April 1, 1940.
(v)	One camp clerk-sarishtedar	
(vi)	One camp assistant to Settlement Commissioner	

(b) In Settlement Offices

(i)	Head clerk	
(ii)	Second clerk	
(iii)	Sadar munsarim	From October 1, 1899.
(iv)	Settlement Officer's reader	
(v)	Nazir	
(vi)	Record-keeper	

†(This rule has come into effect from April 1, 1966).

Audit instruction regarding rule 59

There is no restriction in these rules on the grant to a government servant on the abolition of his post of such leave as was admissible to him immediately before the abolition of the post. In the case of a government servant who holds no lien on any post except that which it is proposed to abolish, the correct practice in deciding the exact date from which the post is to be abolished is to defer the date of abolition up to the termination of such leave as may be granted.

60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period.

61 to 63. \* \* \*

**LEAVE**  
(64—74)

64. Unless in any case it be otherwise expressly provided by or under these rule, a government servant 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; but a



government servant reverting from duty as Judge of the High Court of Judicature at Allahabad or the Chief Court of Avadh may count such duty for leave as though it were duly performed in a vacation department; all leave taken during the service concerned being treated as taken under these rules.

65. (a) If a government servant, 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 authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

NOTE—Clause (a) of this rule will apply to men who, after resigning their appointments in the police force of any province, were re-enlisted in the Uttar Pradesh Police Force in accordance with paragraph 393 of the Police Regulations on or after March 1, 1933. Cases of such men re-enlisted before that date will be regulated under old clause (a) of Fundamental Rule 65 as it stood before revision on September 5, 1928.

Audit instruction regarding rule 65(a)

Treatment for the purpose of leave of the previous service of a government servant who resigns one appointment to take up another appointment—Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of past service for the purpose of leave under the Fundamental Rules and should, therefore, constitute an "interruption of duty" for the purpose of Subsidiary Rule 158.

(b) A government servant who is dismissed or removed from service, but is reinstated on appeal revision, is entitled to count his former service for leave.

65-A. A government servant who had been in military employ prior to his re-employment in the service of the Government and who was in such service on December 31, 1931, is entitled, irrespective of any break between his military and civil employment, to a credit to his leave account in accordance with the provisions of rule 77, based on such portion of his military service as, under the rules for the time being in force, is permitted to count for pension.

Order of the Governor regarding rule 65-A

Leave charges on account of leave granted in respect of military service allowed to count under this rule will be met from the provincial revenues.

66. Except as expressly mentioned otherwise, leave, other than special disability leave and leave extending beyond the date of compulsory retirement, may be granted by such authorities subordinate to the Government as the Governor may by rules or orders, specify.

(For rules made by the Governor under rule 66 see Part III of this Volume, Chapter VI).

NOTE—(1) The High Court of Judicature at Allahabad are competent to grant all kinds of leave (including special disability leave and leave extending beyond the date of compulsory retirement) to persons belonging to the Subordinate Civil Judicial Service, or in other words, to Munsifs and Civil Judges (including Judges of the Small Cause Courts established under the Provincial Small Cause Courts Act) under their control subject to the conditions and restrictions laid down in the rules made by the Governor and general orders issued by him under those rules.

NOTE—(2) The Chief Justice of the High Court of Judicature at Allahabad is competent to grant all kinds of leave (including special disability leave and leave extending beyond the date of compulsory retirement) as may be admissible under the rules to persons serving on the staff attached to the Court.

#### Orders of the Governor regarding rule 66

The High Commissioner for India is authorized under this rule to exercise the powers mentioned in the rules framed by the Governor under rule 74(b) in respect of extensions of leave other than special disability leave.

67. Leave cannot be claimed as 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.

68. 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 joining time is allowed to a government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her mooring or anchorage in the port of disembarkation, or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India. Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time subject to such conditions and under such circumstances as the Governor may by rule or order prescribe.

(For rules made by the Governor under rule 68, see Part III of this Volume, Chapter VII).

#### Audit instructions regarding rule 68

1. The joining time of a government servant who returns from leave out of India and disembarks, not at the first port of call in India, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

2. The provision in this rule—that when joining time is allowed to a government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her mooring or anchorage in the port of disembarkation, or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India—applies only to cases falling under Fundamental Rule 105(c) in which joining time is granted to a government servant returning from leave out of India of more than four months' duration.

69. A government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(a) the Government, if the proposed service or employment lies elsewhere than in Asia;

(b) the Governor, if the proposed service or employment lies in Asia elsewhere than in India; and

(c) the Governor or any lower authority empowered to appoint him, if the proposed service or employment lies in India;

Provided that a government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Governor or any lower authority empowered to appoint him, as the case may be, from withdrawing his request for permission to retire, and from returning to duty.

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 rule 110.

#### Orders of the Governor regarding rule 69

1. In a case where a government servant has been granted leave on the strength of a medical certificate this rule should not be construed as permitting him to undertake regular employment during such leave.

2. Officers on leave preparatory to retirement, desiring to take up Government employment, shall be given the option of retiring forthwith, or of remaining on leave, until they have exhausted the leave admissible to them, on condition that, so long as they are employed under the Government, leave-salary will be restricted to the amount of the pension admissible to them on retirement. In the case of non-pensionable government servants re-employed during their leave preparatory to retirement in a department other than their present departments in India or Pakistan, the leave-salary shall, however, be restricted to half of leave-salary admissible in respect of leave on full pay or average pay as the case may be.

70. All orders recalling a government servant 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 government servant is entitled to no concession. If it is compulsory, he is entitled—

(a) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

(iii) to receive leave-salary during the voyage to India and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf by the Governor.

(b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf by the Governor for the journey, but to draw until he joins his post leave-salary only.

#### Orders of the Governor regarding rule 70

1. Order recalling a government servant from leave out of India should be communicated to him officially through the High Commissioner for India.

2. The concession referred to in the second sentence of this rule is a concession of the category permitted by this rule. The concessions under rule 70 are clearly not intended to affect the Privileges of government servants which are admissible under other rules; the concession may be availed of when they happen to prove additional to, or better than, the ordinary privileges.

#### Audit Instructions regarding rule 70(a)(iii)

The expression "on the termination of his leave" in clause (a)(iii) of Fundamental Rule 70 means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was

originally granted". The effect of this interpretation will be to make the same leave-salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under Fundamental Rule 105, as the case may be.

71. No government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor may by rule or order prescribe. The Government may require a similar certificate in the case of any government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

(For rules made by the Governor under rule 71, see Part III of this Volume, Chapter VIII).

72. Unless he is permitted to do so by the authority which granted his leave, a government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

73. A government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

NOTE—In the case of a government servant governed by leave rules laid down in Fundamental Rule 81-B and Subsidiary Rule 157-A, who remains absent after the end of his leave, the period of such overstayal of leave should, unless the leave is extended by the competent authority, be treated as follows:

(a) If the government servant is in superior service and holds a lien on a permanent post—

(i) as leave on private affairs to the extent such leave is due unless the overstayal is supported by a medical certificate.

(ii) as leave on medical certificate to the extent such leave is due, if the overstayal is supported by a medical certificate,

(iii) as extraordinary leave to the extent the period of leave on private affairs and/or on medical certificate falls short of the period of overstayal;

(b) If the government servant is in superior service without a lien on a permanent post or in inferior service, as in (a) (ii) and (iii) above *mutatis mutandis*.

The period of overstayal of leave will be debited as leave taken but no leave salary will be paid for such period unless it is covered by an extension of leave granted by the competent authority.

74. (a) Subject to the instructions contained in the rules made by the Governor under section 151 of the Act in connexion with the control of the issue of money from treasuries, or by the Auditor General of India in order to secure efficiency and uniformity of audit, the procedure to be followed in India in respect of the following matters shall be such as the Governor may, by rule or order, prescribe:

(i) in making application for leave and for permission to return from leave.

(ii) in granting leave,

(iii) in the payment of leave salary, and

(iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will also be prescribed by the Governor in a similar manner.

(For instructions of the Auditor General and rules made under rule 74 by the Governor, see Part III of this Volume, Chapters IX and X and Appendix 'A' at the end of that Part).

Section III—\* \* \*

75 to 75C. \* \* \*

## LEAVE

(76—78)

### Section IV—GRANT OF LEAVE

76. A leave account shall be maintained for each government servant.

Audit instructions regarding rule 76

Two sets of leave accounts may be maintained in the case of government servants who served under district boards for whom contribution for leave has not paid.

Auditor-General's decision under rule 76

The overstayal of leave taken by a government servant before January 1st, 1922, should not be debited in his leave account.

77. In the leave account of a government servant shall be credited—

- (i) if he was recruited before January 1, 1931, two-elevenths of the period spent on duty; and
- (ii) if he was recruited on or after January 1, 1931 but before January 1, 1936, three-twenty-seconds of the period spent on duty.

NOTE—The following credits shown in the leave account of a government servant recruited prior to January 1, 1922, shall stand:

- (1) the privilege leave which was, on the date on which he became subject to the Fundamental Rules, permissible to grant to him under the rules in force prior to that date, plus
- (2) one-twelfth of the period spent on duty or on privilege leave prior to that date, plus
- (3) two-elevenths of the period spent on duty subsequent to that date, plus
- (4) in the case of a government servant who was subject, at the time when the Fundamental Rules came into force, to the Indian Service Leave Rules which were in force in January, 1920, one-third of any period of leave on medical certificate taken under those rules.

Audit instructions regarding rule 77

1. Fractions of a day should not appear in the leave accounts. Fractions below  $\frac{1}{2}$  should be ignored and those of  $\frac{1}{2}$  or more should be reckoned as one day.

2. †Five-twenty-seconds of the period spent on duty should be calculated thus:

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

†Mentioned in Fundamental Rule 77 in Part I of this Volume.

3. \* \* \* \* \*

4. \* \* \* \* \*

5. \* \* \* \* \*

78. In the case of a government servant for whom a leave account is maintained, the amount of leave debited against his account is—

(a) the actual period of leave on average pay, including any furlough on average salary taken under rules in force prior to January 1, 1922, but excluding special disability leave on average pay under rule 83(7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or of special disability leave on average pay under rule 83(7) (b).

NOTE—(1) No privilege leave taken under the former Civil Leave Rules is debitable under (a) above.

NOTE—(2) Furlough, leave on medical certificate and special leave with allowances taken under the Indian Service Leave Rules as they stood before January 1, 1922, are debitable under (b) above.

79. \* \* \*

## LEAVE (80—93)

80. The amount of leave due to a government servant for whom a leave account is maintained is the balance of leave at his credit in the leave account.

81. Leave may be granted at the discretion of the authority competent to grant the leave, subject to the following restrictions in respect of government servants for whom a leave account is maintained:

(a) The maximum amount of leave which may be granted expressed in terms of leave on average pay is—

(i) one-eleventh of the period spent on duty; or in the case of a government servant recruited before January 1, 1922, who has formerly been subject to the leave rules in the Civil Service Regulations, the period of privilege leave which was permissible to grant to him under those rules on the date on which he ceased to be subject to them, plus one-eleventh of the period spent on duty subsequent to that date; plus

(ii) two and a half years:

Provided that special disability leave on half average pay or on average pay under rule 83(7)(a) shall not be taken into account in calculating the maximum prescribed by this clause, and in the case of such leave taken on average pay, under rule 83(7)(b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average salary taken under rules in force prior to January 1, 1922, but excluding special disability leave on average pay under rule 87(7)(a) which may be granted is—

(i) four months at any one time, and

(ii) in all, one-eleventh of the period spent on duty; or in the case of a government servant recruited before January 1, 1922, who has formerly been subject to the leave rules in the Civil Service Regulations, the period of privilege leave which was permissible to grant to him under those rules on the date on which he ceased to be subject to them, plus one-eleventh of the period spent on duty subsequent to that date:

Provided that in the case of a government servant, who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Pakistan, Ceylon, Nepal, or Burma, the maximum leave on average pay which may be granted to him is eight months at any one time if he was recruited before January 1, 1931, and six months at any one time if he was recruited on or after January 1, 1931, and before January 1, 1936, and in all, the total period mentioned in clause (b) (ii) above, plus one year or six months according as he was recruited before January 1, 1931, or on or after that but before January 1, 1936.

(c) Save in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions:

(i) on medical certificate, without limit of amount; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

NOTE—In cases where a government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. This period shall in no circumstances be exceeded by a government servant who is on leave preparatory to retirement.

(e) When a government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Orders of the Governor regarding rule 81(b)

1. If a government servant is placed on deputation in Europe or America while on leave out of India, the deputation shall be regarded as an interruption of the leave already granted. The expression "at any one time" in the above rule should be interpreted as meaning "in each separate period of leave granted". The leave of such a government servant will, in ordinary circumstances, be extended by the period of deputation, but the deputation will not entitle him to a fresh grant of leave.

The intention of the above orders is that in such cases the balance of the unenjoyed leave should be worked out before the deputation intervenes and the amount of leave to be enjoyed subsequently on the expiry of the deputation should be restricted to this available balance.

2. When a government servant proceeds on leave on medical certificate not more than one year before the right of voluntary retirement accrues to him or when he is likely to reach the age of superannuation in the course of a year, and is granted leave on average pay in excess of that admissible otherwise than on medical certificate, by virtue of a medical certificate under the proviso to clause (b) of rule 81, an undertaking should be taken from him that if he subsequently decides to retire at the end of the leave or of an extension of that leave he will refund overpayments, if any, representing the difference between average pay and half average pay for the period in excess of that admissible otherwise than on medical certificate. If a government servant is compulsorily retired by reason of being invalided, no demand for the recovery of excess leave salary resulting from the conversion of a portion of his leave on average pay into leave on half average pay should be made. In other cases recovery of the excess payment must be made. The authority competent to sanction retirement should deal with the question of the recovery or otherwise of excess leave salary without making a reference in each case to Government. Only such cases should be referred to Government in which even though the retirement is voluntary it is proposed in view of some exceptional circumstances not to make the recovery of the excess leave salary. The leave on average pay in excess of that admissible otherwise than on medical certificate should in all cases of subsequent retirement be commuted into leave on half average pay and should be counted for pension as such.

#### Orders of the Governor regarding rule 81(c)

Leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the government servant will return to duty and earn it. Except as provided in the Note to rule 81(c), when leave not due is granted, it should in all cases (subject to the government servant's wishes) be allowed to stand, including cases in which the government servant fails to earn it by subsequent duty.

#### Orders of the Governor regarding rule 81

When a government servant belonging to a vacation department is allowed to affix vacation to leave taken under this rule, the period of leave on average pay plus vacation which may be taken at any one time is limited to four months. If, however, the period of leave on average pay and the vacation are covered by a medical certificate or spent outside India, Ceylon, Nepal, Burma or Aden, leave on average pay may be taken in combination with vacation up to a total period of eight months or six months as the case may be.

#### Audit instructions regarding rule 81

1. If leave on average pay is applied for after a government servant has had leave on half average pay in continuation of a period of leave on average pay either by the production of a medical certificate or by a government servant proceeding out of India, Ceylon or Nepal, the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India, Ceylon or Nepal. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of leave should be treated as privilege leave for purposes of pension.

2. The limit of 28 months of continuous absence prescribed in this rule includes the period of vacation, if any, with which leave is combined.



3. (i) In the case of a government servant subject to the ordinary leave rules two pro forma accounts of leave on full average pay will have to be kept, one which includes leave on medical certificate or spent outside India, Ceylon or Nepal and the other which excludes such leave. Assuming the privilege leave at credit of a government servant on January 1, 1922, to be "x", the one-eleventh of the period spent on duty subsequent to that date to be "y" and the additional year referred to at \* \* clause (b) \* \* of rule 81, or any less period which alone he may have at his credit as "z" two accounts will have to be kept—

(1) for x y z which may be called account "A", and

(2) for x y which may be called account "B".

All leave on full average pay should be debited to account "A" and whenever the government servant proceeds on such leave on medical certificate or outside India, Ceylon or Nepal, it should be seen that this account is not overdrawn. Leave without medical certificate spent in India, Ceylon or Nepal should alone be debited to account "B" and whenever such leave is granted it should be seen that neither this account nor account "A" is overdrawn.

(ii) In preparing leave account "A", "z" is always the actual amount of leave on average pay taken on medical certificate or outside India, Ceylon or Nepal subject to a maximum of one year. When one application is received for leave on average pay on medical certificate or outside India, Ceylon or Nepal it must be seen that the amount asked for plus the amount already taken does not exceed "one year".

(iii) It is not necessary that the two pro forma accounts of leave on average pay should be opened on separate pages of the leave account. The column "Leave taken on average pay" in the prescribed form can be used for account "A" referred to above, account "B" being worked out in any spare space available either in the last column or elsewhere.

4. The expression "continuous absence from duty on leave" occurring in clause (d) of this rule does not include absence on extraordinary leave; but includes absence on "special leave" granted in connexion with the award of Commonwealth Fund Service Fellowships if, owing to a combination of ordinary leave with such "special leave", the aggregate period of absence exceeds 28 months.

5. If, under the operation of the proviso to rule 81 (b) \* \* the maximum amount of leave on average pay admissible at a time (i.e. the period of leave at credit in column 6 of the leave account in form no. 11-B subject to a maximum of four months) is increased, further leave on average pay may not be granted in continuation unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon or Nepal, but such leave on average pay which may be taken on medical certificate or outside India, Ceylon or Nepal up to a maximum of twelve months in a government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

6. (a) In addition to leave on average pay for four months under Fundamental Rule 83(7)(a) which is not debit to the leave account, the maximum amount of leave on average pay that can be taken whether under Fundamental Rule 83(7)(b) or under Fundamental Rule 81(b) or both can be only eight months. This follows from \* \* \* Fundamental Rule 83(7)(b), under which a government servant is allowed to draw leave salary equal to average pay for a period not exceeding the period which would otherwise be admissible to him as leave on average pay. Under Fundamental Rule 81(b) this period is limited to \* \* \* four months \* \* \* which may be extended by another four months in certain circumstances \* \* \*. In case leave on average pay for eight months, if admissible under Fundamental Rule 81(b), is all taken under Fundamental Rule 83(7)(b), no further leave on average pay can be taken under the provisions of the former rule. The total leave on average pay that can be granted to a government servant, therefore, is only twelve months, viz., four months under Fundamental Rule 83(7)(a) and eight months under Fundamental Rule 83(7)(b) or under Fundamental Rule 81 (b) or both.

(b) Under Fundamental Rules 83(4) special disability leave can be combined with leave of any other kind. There is no objection to the interpolation of ordinary leave between periods of special disability leave provided that the limits laid down in Fundamental Rule 81(b) are not exceeded in respect of leave on average pay other than special disability leave taken under Fundamental Rule 83(7)(a). An amplification of Fundamental Rule 83(4) has not been considered to be necessary as Fundamental Rule 81 (b) indicates clearly that for the calculation of the maximum leave on average pay other than such leave taken under Fundamental Rule 83 (7)(a) should not be excluded.

81—A \* \* \*

81-B. With the exception of government servants of non-Asiatic domicile who may be specially recruited overseas and who shall be subject to such leave terms as may be prescribed by Government in each case, the following leave rules shall apply to:

(a) all government servants who enter government service on or after April 1, 1966, and hold a lien on a permanent post or would have held a lien on such post, had their lien not been suspended;

(b) all government servants who were recruited before April 1, 1966, and to whom Fundamental Rule 81-B applied on that date:

Provided that the earned leave at their credit on April 1, 1966, shall stand and they shall earn further leave under sub-rule (1) of this rule with effect from that date;

(c) all government servants, recruited before January 1, 1936, to whom Fundamental Rule 81 applies and who elect in writing to come under these rules by making specific declaration to Government to this effect. The option once exercised shall be final:

Provided that:

(i) the balance of leave on average pay at the credit of such a government servant on the date of exercising the option referred to above shall not lapse, He will first exhaust all such leave in excess of one hundred and eighty days and when the balance of such leave falls below this period, he shall begin to earn leave under these rules;

(ii) the amount of leave on average pay on medical certificate already taken under the proviso to clause (b) of Fundamental Rule 81 shall be deducted from the maximum limit of twelve months' leave on medical certificate on average pay admissible under sub-rule (2) of this rule;

(iii) the number of days of leave on average pay in excess of four months spent elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden under the proviso to clause (b) of Fundamental Rule 81 shall be deducted from the maximum limit of 365 days' leave on private affairs on half average pay admissible, under sub-rule (3) of this rule; but in case the total exceeds 365 days no further leave on private affairs shall be earned.

(1) Earned leave—A government servant to whom these rules apply shall earn leave in respect of the period spent on duty and the earned leave admissible to him shall be one-eleventh of the period spent on duty:

Provided that—

(i) when the total of his earned leave amounts to one hundred and eighty days he shall cease to earn such leave;

(ii) subject to the provisions of Fundamental Rules 67 and 86-A:

(a) the maximum period of earned leave that may be granted to him at a time shall be one hundred and twenty days if spent in Asia;

(b) earned leave may be granted to him exceeding a period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion thereof is spent outside Asia but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days:

Provided further that in the case of a government servant serving in a vacation department—

(i) the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation;

(ii) if he is prevented by reason of Government work from availing himself of the full vacation in any year as provided for in Subsidiary Rules 145 and 146, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation;

(iii) if in any year he does not avail him-self of the vacation in terms of Subsidiary Rules 145 and 146, the earned leave admissible to him shall not be subject to any reduction;

(iv) vacation may be taken in combination with, or in continuation of, any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with, or in continuation of, other leave or not, shall not exceed the amount of earned leave admissible to him at a time under the first proviso to sub-rule (1) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.

(2) Leave on medical certificate—(i) A government servant to whom these rules apply may be granted leave on medical certificate not exceeding twelve months in all during his entire service. Such leave shall be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority:

Provided that when the maximum period of twelve months is exhausted further leave on medical certificate not exceeding six months in all during entire service may be granted in exceptional cases on the recommendations of a medical board:

Provided further that in all cases in which government servants may have before the date of application of these rules to them availed of leave on medical certificate under Fundamental Rule 81-B and Subsidiary Rules 157 or 157-A, as the case may be, the period of such leave availed of, under Fundamental Rule 81-B and Subsidiary Rule 157-A, as the case may be, and half the period of such leave availed of under Subsidiary Rule 157, shall be taken into account in calculating the leave due to them under this rule.

(ii) No leave may be granted under this rule, unless the authority competent to sanction leave is satisfied that there is a reasonable probability that the government servant will be fit to return to duty on the expiry of the leave applied for. (See also Subsidiary Rule 87).

(3) Leave on Private Affairs—A government servant to whom these rules apply may also be granted leave on private affairs not exceeding three hundred and sixty five days in all during his entire service. Such leave shall be earned by him at one-eleventh of the period spent on duty and shall be granted, on any one occasion, for not more than ninety days if spent wholly in Asia and not more than one hundred and eighty days if spent wholly outside Asia. If the leave is spent partly in and partly outside Asia, the period shall be ninety days plus such time as is actually spent outside Asia subject to a maximum total period of one hundred and eighty days:

Provided that no leave may be granted under this sub-rule unless the authority competent to sanction leave has reason to believe that the government servant will return to duty on its expiry or unless it is included in leave preparatory to retirement:

Provided further that in all cases in which government servants may have before the date of application of these rules to them availed of leave on private affairs under Fundamental Rule 81-B and Subsidiary Rule 157-A the period of leave so availed of shall be taken into account in arriving at the amount of leave on private affairs admissible under this sub-rule. For this purpose, the government servants shall be deemed to have earned the leave on private affairs, not exceeding three hundred and sixty-five days, at the rate of one-eleventh of the period spent on duty from the commencement of their continuous service, whether in a temporary or a permanent capacity. If leave in excess of three hundred and sixty-five days has been taken by a government servant before the application of this sub-rule in his case, the minus balance shall be waived and no further leave shall be earned by him. In other cases where a government servant has availed of leave in excess of the leave admissible on the date but not exceeding the limit of three hundred and sixty-five days, it shall be adjusted against the leave on private affairs that will be earned by him subsequently.

(4) Commuted leave—Commuted leave, that is half the amount of leave on private affairs admissible under sub-rule (3) of this rule, may be allowed at the option of the government servant proceeding on study leave under Fundamental Rule 84, subject to the following conditions:

(i) The authority competent to sanction leave is satisfied that the government servant requires the leave for purposes of obtaining higher technical qualifications;

(ii) The grant of the leave shall be restricted on any one occasion to forty-five days if spent wholly in Asia and to ninety days if spent wholly outside Asia. If the leave is spent partly in and partly outside Asia, the period shall be restricted to forty-five days plus such time as is actually spent outside Asia subject to a maximum total period of ninety days;

(iii) When commuted leave is granted, twice the amount of such leave shall be debited in the leave account against the leave on private affairs due;

(iv) No leave may be granted under this rule unless the authority competent to sanction leave has reason to believe that the government servant will return to duty on its expiry.

(5) Extraordinary leave—A government servant to whom these rules apply may be granted extraordinary leave in accordance with the provisions of Fundamental Rule 85, read with Fundamental Rule 18.

(6) Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Orders of the Governor regarding rule 81-B

1. In calculating "earned leave" under this rule, the actual number of days of duty performed should first be counted and then multiplied by one-eleventh, the product expressed in days (and fractions of a day) and limited to 120 days being the "earned leave" admissible under this rule.

2. The term "year" occurring in the second proviso to rule (I) of this rule, should as in the case of the expression "each year of duty" in clause (b) of rule 82 be interpreted to mean not a calendar year in which duty is performed, but twelve months of actual duty; and the earned leave admissible to a government servant on a particular date should be calculated in the manner indicated in paragraph 1 of the audit instructions regarding rule 82(b) and in the order of the Governor regarding that rule.

3. It is not desirable that a government servant should exhaust in the early part of his service all the medical leave that may be admissible to him under the rules, and therefore long stretches of such leave should not be sanctioned without careful scrutiny. In particular the sanctioning authority should be satisfied in each case that after the expiry of the leave the government servant will be fit for duty. Medical authorities are precluded from recommending the grant of leave in cases in which there appears no reasonable prospect of a government servant being ever fit to resume his duties. In doubtful cases, the sanctioning authority can further satisfy itself by asking for the medical authority's opinion specifically on this point, or where the leave has been recommended by an authority other than a medical committee, by referring the case to such a committee. The subsidiary rules in Part III clearly lay down that the possession of a medical certificate as prescribed therein does not by itself confer upon the government servant concerned any right to leave, and in extreme cases it may be necessary to refuse the leave altogether in order that the government servant may be invalidated from service.

81-C. \* \* \*

82. The following provisions apply to vacation departments only:

(a) The departments or parts of departments which shall be treated as vacation departments and the conditions in which a government servant shall be considered to have availed himself of a vacation, shall be determined according to the rules which the Governor may prescribe.

(For rules made by the Governor under rule 82, see Part III of this Volume, Chapter XI).

(b) Vacation counts as duty, but in the case of a government servant recruited before January 1, 1936, other than an inferior government servant, the periods of total leave in rules 77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

Orders of the Governor regarding rule 82(b)

In the case of a government servant who, at the time of going on leave, has not completed a full year of duty and has not for that reason enjoyed any portion of a vacation but who enjoys the next vacation in continuation of the leave, it has been decided that, for the purpose of clause (b) of this rule as explained in paragraph 1 of the audit instructions, a deduction of one-twelfth may be made for the period for which one-eleventh is credited. If subsequently it is found that the vacation has not been enjoyed, the deduction already made can be suitably corrected.

Audit instructions regarding rule 82(b)

1. The term "each year of duty" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty in a vacation department. If the government servant has enjoyed such vacation as falls within a period of twelve months beginning on the date following the date on which he completed the previous year of duty, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the government servant has enjoyed such vacation as fell within the period of one year as interpreted above. If, to take an example, a government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted in the proportion of the period, which the

proportion of vacation actually enjoyed plus the vacations that will fall within the remaining period of twelve months bears to the whole period of vacation which fall within the period, of twelve months.

In the case of government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

2. For the purposes of Government of India, Finance Department, resolution no. 1260-C. S. R. dated December 21, 1921, a government servant of a vacation departments who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion; except in cases where the total amount of vacation taken is four months or more, in which case the full amount of vacation, and no leave, will count for service.

(c) In cases of urgent necessity, when a government servant other than an inferior government servant recruited before January 1, 1936, requires leave and no leave is due to him, the periods in rules 77 and 81(a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

Orders of the Governor regarding rule 82 (c)

A government servant of a vacation department may be granted the additional leave which is credited under this rule even though he may have a debit balance in his leave account. The credit of one month allowed by this rule is, however, for every completed two years of duty and no fractional credit for a period of less than two years is permissible.

(d) When a government servant other than an inferior government servant recruited before January 1, 1936, combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Audit instructions regarding rule 82

1. (i) The reduction by one month for each year of duty in which the government servant has availed himself of the vacation as required to be made under this rule is intended to be made in respect of leave earned and vacation taken from January 1, 1922.

(ii) Thus, in the case of government servants of vacation department, the leave credited to their leave account under rule 77 will be—

(1) privilege leave at their credit on January 1, 1922, i.e. privilege leave earned under articles 272 to 275, Civil Service Regulation, plus

(2) \* \* \* one-twelfth of the period spent on duty or vacation (or privilege leave) up to December 31, 1921, plus

(3) \* \* \* two-elevenths of the period spent on duty or vacation from January 1, 1922.

From this a reduction will be made of one month for each year of duty in which the government servant avails himself of the vacation after January 1, 1922. Similarly, the total leave admissible under rules 81(a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after January 1, 1922.

2. The amount credited to the leave account under this rule as well as that added to the maximum under rule 81(a) should be the actual amount of additional leave taken under this rule and not the total amount theoretically permissible, viz., one month for every two years of duty.

3. It is not the intention to retain in the Fundamental Rules the restrictions on the combination of leave and vacation which were imposed by article 278, Civil Service Regulations. Such combination is, however, subject to the condition mentioned in rule 82(d) and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly, vacations may be prefixed or affixed to leave or both prefixed and affixed.

83. (1) The Governor may grant special disability leave to a government servant, whether permanent or temporary, who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board 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, except as provided in rule 78(b), be debited against the leave account.

(7) Except as mentioned below, leave-salary during such leave shall be equal—

(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, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay:

Provided that the maxima specified in the table in sub-rule (2) of rule 89 shall, notwithstanding anything contained in that rule apply to the whole period of such leave and the minima specified in the table in rule 90 shall apply when leave salary during such leave is equal to half average pay subject to the conditions stated in that rule.

Exception—In the case of government servants governed by Fundamental Rule 81-B or Subsidiary Rule 157-A—

(1) the limit of four months laid down in sub-clause (a) shall be taken to mean 120 days;

(2) the term "period of average pay" occurring in sub-clause (b) shall be taken to mean "earned leave" admissible under sub-rule (1) of Fundamental Rule 81-B or sub-rule (1) of Subsidiary Rule 157-A as the case may be;

(3) one-half of the amount of leave on average pay taken under sub-clause (b) shall be counted as earned leave taken; and

(4) leave salary during leave taken under this rule shall be regulated in accordance with the provisions of Fundamental Rule 87-A or sub-rule (6) of Subsidiary Rule 157-A as the case may be.

(8) (i) 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.

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

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

NOTE—In the case of temporary government servants any disability leave sanctioned under this rule shall not extend beyond the date the appointment is likely to last.

[For the maximum amount of leave on average pay admissible under rule 81(b) in cases where (i) special disability leave on average pay is taken under rule 83 (7) (b) and (ii) ordinary leave is combined with, or interpolated between, periods of special disability leave under rule 83(4), see paragraph 6 of the Audit Instruction regarding rule 81].

83-A. The Governor may extend the application of the provisions of Fundamental Rule 83 to a government servant, whether permanent or temporary, who is disabled by injury accidentally incurred in or in consequence of the due performance of his 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. The grant of this concession is subject to the further conditions:

(1) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and

(ii) that if the government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and

(iii) that the period of absence recommended by medical board 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 average pay may be less than—

(a) four months, in the case of government servants governed by Fundamental Rule 81 or Subsidiary Rule 157 as the case may be, and

(b) one hundred and twenty days, in the case of government servants governed by Fundamental Rule 81-B or Subsidiary Rule 157-A as the case may be.



NOTE—In the case of temporary government servants any disability leave sanctioned under this rule shall not extend beyond the date the appointment is likely to last.

83-B. (1) A government servant recruited before January 1, 1936, who has been granted special disability leave under rule 83, and whose domicile is elsewhere than in Asia, may be granted by the Governor, free passage by sea for himself, his wife and children to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Governor: provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the Governor in each case may determine.

(3) The Governor may extend the application of the provisions of clauses (1) and (2) to a government servant recruited before January 1, 1936, who has been granted Special disability leave under rule 83-A and whose domicile is elsewhere than in Asia; provided that he may, at his discretion, grant free passages to the government servant only, or to the government servant and his wife only.

(4) For the purpose of this rule—

(i) the domicile of a government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions set out in the \*schedule to these rules and no government servant who after his appointment to a service or post under the Government, acquires a new domicile, shall thereby lose his eligibility to, or become entitled to admission to, the benefits under this rule;

(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

84. Leave may be granted to government servants, on such terms as the Governor may by rule or order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

(For rules made by the Governor under rule 84, see Chapter XI-A, Part III of this Volume.)

85. (a) Extraordinary leave may be granted in Special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible and may

\* Pages 197 to 200 of this part

commute retrospectively periods of absence without leave into extraordinary leave.

Orders of the Governor regarding rule 85 (b)

The power of commuting retrospectively periods of absence without leave into extraordinary leave is absolute and not subject to the conditions mentioned in clause (a) of the rule; in other words such commutation is

permissible even when other leave was admissible to the government servant concerned at the time his absence without leave commenced.

#### Audit instructions regarding rule 85

1. Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note 2 to rule 78.

2. "Leave not due" applied for by a government servant with or without medical certificate is "leave admissible under rule" and in cases where "leave not due" can be granted, the grant of extraordinary leave under Fundamental Rule 85 will be irregular unless the latter kind of leave is specifically applied for in writing.

86. (a) In the case of a government servant recruited before January 1, 1936, leave at his credit in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

(b) A government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on any one occasion shall not exceed six months. When his duties finally cease, the government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows:

(i) the balance after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, plus

(ii) the amount of leave earned under this clause which is due to the government servant and which he has, in sufficient time during the period of extension—

(1) formally applied for and been refused, or

(2) ascertained in writing from the sanctioning authority, would not be granted if applied for, in either case the ground of refusal being the requirements of the public service.

#### Orders of the Governor regarding rule 86.

Leave extending beyond the date of compulsory retirement can only be granted with the sanction of the State Government. Such sanction will be accorded only in very exceptional circumstances as it is not the intention that a government servant should have the option of availing himself of leave after, instead of before, the date on which he is required to retire. In no case will such leave be granted in which the requirements of the rule are not fulfilled. The Government will not entertain an application for the grant of leave under this rule unless it is accompanied by the following documents:

(1) the application in which leave was applied for but which was refused, or,

(2) the written reply from the sanctioning authority to the effect that the leave, if applied for, would be refused.

All cases in which the sanctioning authority proposes to refuse leave preparatory to retirement on public grounds should be submitted to Government for orders. The sanctioning authority should bear in mind that refusal of leave within the meaning of this rule must be on account of the requirements of the public service and should, therefore, clearly state those requirements while submitting cases to Government recommending refusal of leave in case mentioned in (1) above or proposing refusal of leave in the written reply mentioned in (2) above.

It follows from the above that the sanctioning authority should ordinarily grant the leave applied for preparatory to retirement and should recommend to Government the refusal of leave only where it is essential in the interest of the public service to do so, as for example—

(i) when the particular government servant is doing an important class of work for which he is specially qualified and the performance of which by another servant would cause undue dislocation at the time, or

(ii) when the cadre of the service to which the servant belongs is so depleted that further depletion due to leave is likely to cause Government serious embarrassment.

2. Even in those cases in which the requirements of the rule, as explained above, are fulfilled, there is no vested right to leave under this rule and the Government will consider each case on its merits, having regard to the following points:

(a) whether the government servant has taken leave at frequent intervals, so as to exhaust most of the leave admissible;

(b) the date on which he last returned from leave;

(c) the total amount of leave enjoyed during his service;

(d) whether leave has, on any previous occasion, been refused to him on public grounds in circumstances involving material hardship; and

(e) the quality of the service rendered by him.

A recommendation for the grant of leave under this rule should be accompanied by a report on all these points to facilitate the disposal of the application for leave by the Government.

3. When a government servant has been retained in service beyond the ordinary age of superannuation, the grant to him when his duties finally cease of leave earned during the period of extension of service is subject to all the conditions set forth in this order.

4. While the amount of the leave refused under Fundamental Rule 86(a) or (b) is fixed, the quality of the leave (i.e. on average or half average pay), whether it is taken before or after the date of compulsory retirement or, as the case may be the date of final cessation of duties, may be varied to the advantage of the government servant concerned within the normal leave rule by the leave earned and standing to his credit on the date he proceeds on leave; and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation.

5. The above orders apply mutatis mutandis to cases of grant of leave under rule 86-A.

#### Audit instructions regarding rule 86

1. In the case of government servants belonging to vacation departments the period of six months referred to in this rule should include any vacation with which leave may be combined.

2. A government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of Fundamental Rule 86 and a debit balance, if any, on the date he attained that age should be considered as wiped off.

3. Compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave unenjoyed for the purpose of Fundamental Rule 86.

4. While the amount of the leave refused under Fundamental Rule 86 (a) is fixed, the quality of that leave (i.e. on average or half average pay), whether it is taken before or after the date of compulsory retirement or after the date of final cessation of duties, may be varied within the normal leave rules to the advantage of the government servant concerned in accordance with the leave earned and standing to his credit on the date on which he proceeds on leave prior to the date of compulsory retirement whenever he takes a portion of his refused leave before that date and ultimately on the date of his compulsory retirement, and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under Fundamental Rule 86(a), original or so modified, may, if the government servant so desires, be converted within the quantum admissible into a portion on average and the balance on half-average pay. No such conversion, however, is admissible in respect of the leave on average pay (not in terms of average pay) earned under clause (b) of this rule.

86-A. A government servant recruited on or after January 1, 1936, shall not be granted any leave beyond the date on which he must compulsorily retire:

Provided that the authority empowered to grant leave may allow any government servant, who has been denied in whole or in part on account of the exigencies of the public service the earned leave which was due to him pending retirement under rule 81-B, the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which such government servant must compulsorily retire:

Provided further that a government servant whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension of, if the conditions of the preceding proviso are satisfied, after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date and in addition any earned leave due in respect of such extension. In determining the amount of earned leave due, in respect of the extension, with reference to rule 81-B, the earned leave, if any, admissible on the date of compulsory retirement shall be taken into account.

#### Section V—LEAVE SALARY

87. Subject to the conditions in rules 81, 88, 89, 90 and 91, a government servant other than an inferior government servant, recruited before January 1, 1936, who is on leave shall, during leave, draw leave-salary as follows:

(a) if the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and

(b) if the leave is not due, leave-salary equal to half average pay:

Provided that when a non-gazetted government servant who was in service on the 24th day of August, 1927, takes leave, and—

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month, his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

87-A. A government servant subject to the leave rules in Fundamental Rule 81-B, when on leave, shall be entitled—

(1) except as provided in sub-rule(2) below, if on earned leave, or on leave on medical certificate against the limit of twelve months laid down in that rule, to leave salary equal to average pay or the substantive pay to which the government servant is entitled immediately before the commencement of the leave, whichever is greater;

(2) if he proceeds on earned leave, or on leave on medical certificate against the limit of twelve months laid down in that rule, from a post the maximum of which does not exceed Rs. 90 per mensem, to leave salary equal to the pay drawn immediately before proceeding on leave;

(3) if on leave on private affairs under sub-rule (3) or on leave on medical certificate under the first proviso to sub-rule (2) (i) of Fundamental Rule 81-B, to leave salary equal to half the amount specified in sub-rule (1) or sub-rule (2) above, as the case may be, subject to a maximum of Rs. 750;

Provided that the limit of Rs. 750 shall not apply if the leave is for pursuing an approved course of study otherwise than on study leave terms;

(4) if on commuted leave, to leave salary equal to the amount admissible under sub-rule (1) or sub-rule (2) above, as the case may be;

(5) It on extraordinary leave, to no leave salary.

Explanation I—For the purposes of this rule, ‘average pay’ means the average monthly pay earned during the ten complete months immediately preceding the month in which the leave commences, and where such ten complete months have not elapsed, since the date of joining the service, ‘average pay’ means the average monthly pay earned during the complete months immediately preceding the month in which the leave commences.

Explanation II—For the purposes of this rule ‘substantive pay’ will have the same meaning as given in F.R. 9(28).

NOTE—In the case of a person to whom the provisions of Employees State Insurance Act, 1948, apply, the leave salary payable under this rule in respect of leave on medical certificate shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

Orders of the Governor regarding rule 87

1. An authority empowered to grant leave may not under rule 67 interfere with the option which a government servant may exercise under clause (a) of this rule and compel him against his wishes to take leave on half average pay when leave on full average pay is admissible to him. This does not interfere with the discretion of the authority competent to grant leave to determine with reference to rule 67 whether leave should or should not be granted.

2. For purposes of the proviso in rule 87 the pay, and status of a government servant should be determined with reference to the post which he was holding (whether in a substantive or in an officiating capacity) before going on leave.

3. The right of election allowed by rule 87(a) is only between the three different forms of leave-salary mentioned in it and does not confer any right of choice as to the period during which average pay and half average pay leave allowance may be drawn when a government servant has once elected to take leave partly on full average pay and partly on half-average pay. In such a case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay.

#### Audit instruction regarding rule 87 (a)

The words "as he may elect" in rule 87(a) imply election once for all and therefore debar a government servant from claiming commutation of leave as of right. However, under the Fundamental Rules, the authority which granted leave can (if so disposed) commute leave of any kind retrospectively into leave of a different kind which was admissible under the rules, but the government servant does not possess any right to insist that it should be so commuted.

#### Audit instructions regarding rule 87

1. (i) A government servant who was not holding substantively a permanent post on the 24th August, 1927, but was holding a temporary post or officiating in a permanent post, has no claim under the proviso to this rule.

(ii) A government servant who was in permanent government service on or before the 24th August, 1927, and was therefore entitled to the privilege under the proviso to Fundamental Rule 87, will retain that privilege when re-appointed after resignation or discharge or re-instated after dismissal, if he is allowed to count his past service for leave under Fundamental Rule 65(a) or (b).

(iii) A government servant who was holding, on probation, a permanent post on the 24th August, 1927, and had no lien on any other post, is not entitled to the concessions admissible under the proviso to Fundamental Rule 87, since his leave is absolutely governed by Fundamental Rule 104 and not by the rules in sections I to V of Chapter X of the Fundamental Rules.

2. A government servant who holds substantively a non-gazetted permanent post but proceeds on leave from a gazetted post, should be regarded as a gazetted government servant for the purpose of this rule.

3. The term "pay" occurring in the expression "the pay which he would draw in the permanent post held substantively by him" contained in the proviso should be interpreted as including "special pay" whether attached to a post or personal to a particular government servant who holds it since, in either case, he would draw it in the post which he holds substantively.

4. The permanent post may be a post on which the government servant's lien has been suspended, if he holds a lien on no other permanent post.

5. The phrase "at the time of taking leave," occurring in the proviso to this rule, denotes a point in time and that point is the moment at which leave begins. If, therefore, a government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due, this increment cannot be taken into account in the calculation of his leave salary. His increment does not begin to accrue until the previous midnight is past, and by that time he is assumed to be on leave and therefore incapable of drawing increment because he is no longer on duty.

6. (i) For the purpose of these proviso to Fundamental Rule 87, the status of a government servant while on foreign service, i.e. gazetted or non-gazetted, should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under Fundamental Rule 113, with reference to the post under Government to which he is so promoted.

(ii) In the case of such a government servant, the term "his pay" occurring in item (i) of the proviso should be construed to mean what is prescribed und

### LEAVE (101 and 103—104)

101. Subject to such conditions and in accordance with such principles as the Governor may by rule or order prescribe, maternity leave may be granted to female government servants and leave on account of ill-health to members of such subordinate services, as may be specified, whose duties expose them to special risk of accident or illness.

Maternity leave and leave on account of ill-health shall be not debited to the government servant's leave account.

(For rules made by the Governor under rule 101, see Part III of this Volume, Chapters XIII and XIV).

102.\*\*\*

103. The leave which may be earned by—

(a) temporary and officiating service;

(b) service which is not continuous; and

(c) part-time service, or service which is remunerated wholly or partly by the payment of honoraria or daily wages,

shall be such as the Governor may by rule or order prescribe.

Orders of the Governor regarding rule 103

The service of a pensioner re-employed after having retired on superannuation or retiring pension should be regarded as temporary for the purpose of rule 103, and leave may be granted to him in accordance with the rules framed under rule 103(a).

(For rules made by the Governor under rule 103, see Part III of this Volume, Chapters XV and XVI).

Orders of the Governor prescribing the leave terms for government servants engaged on contract

1. These leave terms shall apply to—

(a) government servants of Asiatic domicile engaged on contract on or after January 1, 1936, whether in India or abroad, and

(b) government servants of non-Asiatic domicile engaged on contract on or after the date mentioned above, but not specially recruited overseas for service under the Government.

NOTES—(1) Government servants of non-Asiatic domicile engaged on contract who may be specially recruited overseas on or after January 1, 1936 shall be subject to such leave terms as may be prescribed by the Governor in each case.

(2) Government servants of Asiatic domicile engaged on contract before January 1, 1936, shall be entitled to leave under Subsidiary Rule 157.

2. Where the contract is for one year or less, earned leave admissible will be at one-twenty-second of the period spent on duty. Though ranking as earned leave, this may be granted only on medical certificate and if subsequently it becomes necessary to grant the government servant further leave, after the earned leave has been exhausted, leave on medical certificate may be granted to him subject to the condition that the total period of the two kinds of leave does not exceed 1/11th of the period spent on duty.

If the government servant serves in a vacation department, earned leave will not be admissible but he may be granted, absolutely necessary leave on medical certificate to the extent of 1/22nd of the period spent on duty.

3. Where the contract is for more than one year but not more than five years, leave on medical certificate may be allowed in addition to earned leave in accordance with the provisions of Subsidiary Rule 157-A subject to a maximum of four months in all during the period of contract. In addition, extraordinary leave may be granted in special circumstances when no other leave is admissible subject to a total maximum limit of three months in respect of such leave.

If the government servant serves in a vacation department, earned leave will not be admissible.

4. Where the contract is for a longer term than five years or an original contract for five years or less is extended so as to make the total period of contract longer than five years, leave admissible to a permanent government servant under rule 81-B may be allowed subject to the restrictions that no leave on private affairs will be granted and that the leave on medical certificate will be limited to six months in all. In the case of extension of contract to a period longer than five years the government servants will be credited with the earned leave that would have been admissible had the contract been initially one of more than five years diminished by any earned leave already taken and leave on medical certificate if any already taken will count against the six months' limit prescribed above.

5. Where the contract is for an indefinite period, or an original contract for a definite period, is extended for an indefinite period, the leave terms for permanent government servants laid down in rule 81-B will be made applicable but the provisions of rule 87-A will not apply to them. In the latter case, i.e. when an original contract for a definite period is extended for an indefinite period, the government servant will be credited with the earned leave that would have been admissible had the contract been initially one for an indefinite period diminished by any earned leave already taken and leave on medical certificate, if any already taken, will count against the limit prescribed, in a clause 2(b) of rule 81-B.

6. In the case of government servants falling under paragraph 3 above, earned leave may be granted after the expiry of the contract only when it has been applied for during the period of the contract and refused owing to



the exigencies of the public service. A government servant whose services are dispensed with on grounds of ill-health may be permitted to take all earned leave due to him before his service is terminated.

7. The leave salary during leave taken under the above paragraphs will be regulated as follows:

(i) A government servant on earned leave will be entitled to leave-salary equal to his average pay.

(ii) A government servant on leave on private affairs or on medical certificate will be entitled to leave-salary equal to half his average pay subject in either case to a maximum of Rs. 750.

NOTE—Average pay means the average monthly pay earned during the twelve complete months preceding the month in which the event occurs which necessitates the calculation of average pay.

(iii) A government servant on extraordinary leave will not be entitled to any leave-salary.

8. A government servant initially engaged on contract will become subject to the leave terms prescribed in this chapter for government servants recruited to service; or posts under the Government on or after January 1, 1936, in their entirety on his being taken into permanent employment after the expiry of his contract. In such a case the government servant will be credited with the earned leave that would have been admissible had his previous duty been duty as government servant in permanent employ diminished by any earned leave already taken, and leave on medical certificate, if any already taken will count against the limit prescribed in clause 2(b) of rule 81-B.

104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows:

(a) if appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent:

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made;

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay; and

(b) If appointed otherwise, to such leave as is admissible under rules framed by the Governor on this behalf.

(For rules made by the Governor under rule 104, see Part III of this Volume, Chapter XVII).

# CHAPTER XI

## JOINING TIME

105. Joining time may be granted to a government servant to enable him—

(a) to join a new post to which he is appointed while on duty in his old post, or directly on relinquishing charge of that post; or

(b) to join a new post—

(i) on return from leave on average pay of not more than four months' duration, or

(ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or

(c) to travel from the port of debarkation or, in the case of arrival by aircraft, from its first regular port in India, and organize his domestic establishment when he returns from leave out of India of more than four months' duration; or

(d) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access;

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station.

Exception—In the case of government servants recruited on or after January 1, 1936, the term "leave on average pay of not more than four months duration" in clause (b)(i) of this rule shall be taken to mean "earned leave not exceeding one hundred and twenty days" and the term "four months" in clause (c) shall be taken to mean "90 or 60 days as the case may be."

### Audit instructions regarding rule 105

1. If a government servant is authorised to make over charge of an office elsewhere than at its headquarters, any joining time to which he may be entitled shall be reckoned from the place at which he actually makes over charge.

2. The intention of sub-clause (i) clause (b) of this rule is that joining time should be allowed to those government servants who are granted privilege leave or leave on average pay for not more than four months, or those who are granted privilege leave up to a maximum of six months under the special war concession, and who are transferred to a new station on the termination of such leave.

3. If vacation is combined with leave, joining time should be regulated under clause (b)(i) of this rule if the total period of vacation and leave on average pay with which vacation may be combined is of not more than four months' duration and under clause (c) if otherwise.

4. In the case of a government servant who is appointed while on leave (whether spent in India or out of India) on average pay of not more than four month's duration to a post other than that from which he took leave, the full joining time calculated under Subsidiary Rule 174 in Part III is admissible, irrespective of the date on which the orders of transfer were received by the government servant concerned. Should the government servant join

his new appointment before the expiry of such leave plus the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled.

If, in any case, the government servant desires not to avail himself of the full joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

5. Joining time under clause (c) of this rule is reckoned from the date of debarkation at an Indian port. Colombo is not regarded as an Indian port for this purpose.

6. Joining time under Fundamental Rule 105(c) is admissible to government servant for organizing his domestic establishment even if he does not make any journey from the port of debarkation.

7. The time reasonably required for the journeys between the place of training and the station to which a government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers holding 'training posts' which they may be considered as taking with them on transfer. Such probationers are not entitled to joining time when transferred.

#### Orders of the Governor under rule 105

1. A government servant of the Central or another State Government who is appointed to a post under the Uttar Pradesh Government while on duty in his old post but who joins his new post after termination of his employment under the Central or another State Government, as the case may be, by resignation or otherwise should be allowed no joining time, or joining time pay, except when the employment of a particular servant is in the wider public interest.

2. In the case of Government servants appointed under the Uttar Pradesh Government on the results of a competitive examination which is open both to government servants and others or as a result of selection after interview—

(a) joining time should ordinarily be permitted for all government servants serving under the Uttar Pradesh Government and for government servants of the Central and other State Governments who hold permanent posts in a substantive capacity, and

(b) no joining time pay should be granted except when the government servant holds a permanent post under Government (including the Central and other State Governments) in a substantive capacity.

#### Orders of the Governor regarding rules 105(a)

1. Provincial Medical officers who attend a post-graduate course at the King George's Medical College, Lucknow, or any other course of training are not entitled to full joining time for journeys either to join the post-graduate course or at its end, but can, according to audit instruction no. 7 regarding this rule, be allowed only the period actually required for journeys (without days for preparation) and that period should be treated as part of their training period. The Governor has, however, decided that if an officer is posted at the end of his training to a station other than the one from which he came to attend the training, he will be entitled to full joining time for joining that station.

2. Nurses who join the higher courses in nursing at the School of Nursing Administration, Delhi, are not entitled to full joining time both when joining the course and at its end, but can, according to instruction no. 7 regarding this rule, be allowed only the period actually required for journeys (without days for preparation) and that period should be treated as part of their training period. If, however, a nurse, at the end of the training has to

join duties at a station other than the one from which she came to attend the training, she will be entitled to full joining time for joining that station.

106. The joining time admissible in each of the cases mentioned in rule 105 shall be regulated by such rules as may be prescribed by the Governor with due regard to the time required for actual transit and for the organization of domestic establishment.

(For rules made by the Governor under rule 106, see Part III of this Volume, Chapter XVIII).

107. A government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows:

(a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he would have drawn if he had not been transferred or the pay which he will draw on taking charge of his new post, whichever is less.

(b) If on joining time under clause (b) or (c) of rule 105, he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave, to no payments at all;

(ii) when returning from leave of any other kind, to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India.

(c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

Exception—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests.

#### Orders of the Governor regarding rule 107

(1) Under a mutual arrangement between the Central Government and the various State Governments, the transit pay and allowances, while he is joining and leaving the new service, of a government servant whose services are lent by one Government to another are charged to the borrowing Government. In the case of a government servant in a joint cadre serving two Governments his transit pay and allowances on transfer from one office to another are debited to the office to which he is proceeding. (See rule 1, Appendix 3-B, Account Code-1940 edition).

(2) In the case of government servants appointed under the Uttar Pradesh Government on the result of a competitive examination which is open both to government servants and others or as a result of selection after interview no joining time pay should be granted except when the government servant holds a permanent post under Government (including the Central and other State Governments) in a substantive capacity.

(3) No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving government servant until the transfer is complete but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred whether a division, a sub-division or other-charge consists of several scattered works which the relieving and the relieved government servants are required by the orders of a superior officer to inspect together before the transfer can be completed. The relieving government servant will be considered on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive.

(A) While so taking over charge, the relieving government servant will draw—

- (a) if he is transferred from a post which he held substantively, his presumptive pay in that post, or,
- (b) if he is transferred from a post which he held in an officiating capacity, the officiating pay admissible in that post or the pay he would draw after the transfer is complete, whichever is less.

(B) The pay of a government servant, transferred to a post on return from leave, should during the period of taking over charge be regulated as follows:

- (a) if he went on leave, while working in the post held by him substantively, the presumptive pay of that post; and,
- (b) if he went on leave while working in a post in an officiating capacity, the officiating pay of that post or the pay which will be admissible to him in the new post, after taking over charge, whichever is less.

NOTE—The power vested in the Superintending Engineer has been delegated to all officers whether permanent or officiating incharge of canal divisions in respect of lower subordinates and members of the subordinate engineering service in the Irrigation Branch. In consequence of this delegation, charge certificate will in future be transmitted by the divisional officer direct to the Accountant General.

(4) In each case where the Head of the Department or the officer to whom the power is delegated, as the case may be, decides to treat the period of taking over charge of a relieving officer as ‘duty’, a declaration as in the pro forma given below should be issued.

DECLARATION

I \_\_\_\_\_, \_\_\_\_\_ declare that (name)  
(designation)

Sri \_\_\_\_\_ and Sri \_\_\_\_\_

(name and designation of the officer to be relieved) (name of the relieving officer)

\_\_\_\_\_ were engaged in joint inspection of several scattered works (designation)

and/or stores during the period from \_\_\_\_\_ to \_\_\_\_\_ in connection with handing over and taking over charge and I do not consider the above period as excessive during which Sri \_\_\_\_\_ shall be treated as on duty.

(name of the relieving officer)

Station \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Designation \_\_\_\_\_

(5) In the case of government servants of the Jail Department who have to take over charge of jail stores and stocks, the relieving government servant will be allowed a period not exceeding three days in taking over the charge, provided the period taken in taking over charge is not regarded by the Inspector General of Prisons to be excessive. The period so spent shall be treated as spent on duty and the pay of the relieving government servant while, so taking over charge will be regulated in accordance with para (3) above.

(6) In the case of Store-keepers and Assistant Store keepers in the Hydro-Electric Grid, who have to take over charge of stores and stocks, the relieving government servant will be treated as on duty until the transfer is completed, provided that the period spent in taking over charge is not regarded by the Head of the Department concerned to be excessive, and their pay will be regulated in accordance with para (3) above.

(7) In the case of Reserve Inspectors and Public Prosecutors of the Police Department and Quartermasters of the Provincial Armed Constabulary Battalions who have to take over the charge of stores and stocks, the relieving government servant will be allowed, at the discretion of the Superintendent of Police or the Head of Office, as the case may be, a period not exceeding three days for taking over the charge. This period will be treated as spent on duty and the pay of the relieving government servant while so taking over charge will be regulated by para (3) above.

(8) In the case of Treasury Officer who have to take over charge of cash, stamps, opium, etc., in a non-banking treasury the relieving officer may be allowed, at the discretion of the District Officers, a period not exceeding seven days for taking over charge. In the case of the Treasury Officers who have to take over charge of cash, stamps, opium, etc. in a Banking Treasury, the relieving officer may be allowed, at the discretion of the District Officers, a period not exceeding three days for taking over charge. In either case, the period taken in taking over charge shall be treated as spent on duty and the pay of the relieving officer shall be regulated in accordance with para (3) above.

(9) In the case of the Radio Maintenance Officers of the Uttar Pradesh Police Radio Section who have to take over charge of stores the relieving officer may be allowed, at the discretion of the head of office, a period not exceeding three days for taking over charge. The period so spent will be treated as on duty and the pay of the relieving officer will be regulated in accordance with para (3) above.

Orders of the Governor regarding clause (a) of rule 107

The words "if he had not been transferred" in this clause should be interpreted as if they read "if he had continued in the old post".

Orders of the Governor regarding clause (c) of rule 107

The words "in his post" occurring in this clause should be interpreted to mean "in his post in the remote locality" even in the case of a government servant on straight transfer.

108. A government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

108-A. A person in employment other than Government service or on leave granted from such employment, if in the interests of the Government he is appointed to a post under the Government may, at the discretion of the Government, be treated as on joining time while he prepares for and makes the journey to join the post under the Government, and while he prepares for and makes the journey on reversion from the post under the Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave-salary paid to him by his private employer, prior to his appointment to government service, or pay equal to the pay of the post in government service, whichever is less.

## CHAPTER XII

### FOREIGN SERVICE

109. \* \* \*

110. (a) No government servant may be transferred to foreign service against his will:

Provided that the provisions of this sub-rule shall not apply to the transfer of a government servant to the service of a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.

(b) No government servant shall be transferred to foreign service out of India without the sanction of the Government.

(c) Except to the extent the power of sanctioning transfer to foreign service in India may be delegated to authorities subordinate to the Government, the transfer of a government servant to foreign service in India also requires the sanction of the Government.

111. A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are Such as should, for public reasons be rendered by a government servant, and,

(b) the government servant transferred holds at the time of transfer, a post paid from the revenues of the State, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

Orders of the Governor regarding rule 111

1. The transfer of a temporary government servant to foreign service is permissible under this rule.
2. The principles of this rule should be applied most rigorously to a proposal to lend the services of a government servant to a private undertaking. In general such a loan should be regarded as a very exceptional case requiring special justification.
3. The condition in this rule that a transfer to a foreign service is not admissible unless the duties to be performed after the transfer are such as should for public reasons be rendered by a government servant, means (a) that the duties must be such that their proper discharge is in the public interest, and (b) that such discharge requires or can be best secured by the deputation of a government servant. If the second condition is not fulfilled, there can be no public reasons which require that the duties must be rendered by a government servant, since, if these duties can be performed equally well by a person other than a government servant, public interests will not suffer if a transfer is not made. Where, for example, the duties to be performed under a foreign employer, are of a clerical nature, the second of the above conditions cannot possibly be fulfilled as competent clerks can easily be obtained in the open market. Nor is the second condition fulfilled by the mere fact that a public body or institution has asked for the services of a government servant. The public body or institution must also show that it cannot find a suitable employee except by obtaining the loan of a government servant.

112. If a government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Orders of the Governor regarding rule 112

1. This rule does not apply to cases in which a government servant is permitted by the Government to accept foreign service while on leave preparatory to retirement and it is decided by the Government that the employment should be treated as private employment and that the government servant should not be placed on the usual foreign service terms.

2. (i) The concession of drawing leave-salary during leave preparatory to retirement in addition to pay from an Indian State should not be granted to government servants retiring before reaching the age of superannuation, if they take such leave after being offered, or having made arrangements for, employment in a State. In such cases they should be required either to retire or go on foreign service terms.

(ii) The concession of drawing leave-salary as well as pay from the Indian State is permissible when the leave is the leave last taken before or after reaching the age of superannuation, except when the government servant is already in foreign service when he applies for such leave.

(iii) These orders, however, do not apply to a government servant who is already in foreign service when he applies for leave preparatory to retirement. The concession of treating foreign service as private employment should not be allowed to such a government servant. He should be treated as in foreign service so long as he continues on duty in the service of the same employer.

(iv) A government servant compelled under rule 56 (c) (3), to retire from active service after five year's tenure of his post (unless re-appointed) and who takes leave preparatory to retirement after having been offered or having made arrangements for employment in an Indian State may, even though he has not reached the age of superannuation, draw, leave-salary in addition to pay from the State provided the leave is the last leave taken before the date of such compulsory retirement.

113. (i) A government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

(ii) Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in government service as the authority who would have been competent to grant the promotion had he remained in government service may decide.

114. A government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in government service. Subject to any restrictions which the Governor may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

Orders of the Governor regarding rule 114

The amount of remuneration to be granted to a government servant transferred to foreign service in India, including an Indian State, will be regulated by the following orders:

1. When the transfer of a government servant to foreign service in India is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he



shall receive any remuneration, or enjoy any concession of pecuniary value in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

2. No order of transfer to foreign service shall be issued by a department of the Government without previous consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

3. The following two general principles must be observed in sanctioning the conditions of transfers:

(a) The terms granted to the government servant must not be such as to impose an unnecessarily heavy burden on the foreign employer.

(b) The terms granted must not be so greatly in excess of the remuneration which the government servant would receive in government service as to render foreign service appreciably more attractive than government service.

4. Provided that the two principles laid down in paragraph 3 above are observed, the following concessions may be granted by the foreign employer with the sanction of the Government. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the foreign employer and is, in the opinion of the Government justified by the circumstances. The value of the concessions must be taken into account in determining an appropriate rate of pay for the government servant in foreign service:

(a) The payment of contributions towards leave-salary and pension under the ordinary rules regulating such contributions.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of the Government or under rules of the foreign employer and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) The use of tents, boats and transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowances admissible.

(d) The grant of free residential accommodation, which may be furnished, in cases in which the Government consider this to be desirable, on such scale as may seem proper to the Government.

(c) The use of motors, carriages and animals.

5. The grant of any concession not specified in paragraph 4 above requires the special sanction of the Government.

5-A. A government servant transferred to foreign service is eligible for sterling overseas pay under the rules or terms applicable to him, and the grant of such pay should be settled in each case in consultation with the foreign employer. As it is impossible to express any part of the pay in foreign service in sterling, any increase given on account of sterling overseas pay with the consent of the foreign employer should be converted into rupees at the rate of exchange current on the date the government servant is transferred to foreign service. In certain cases the pay of a government servant in foreign service may be fixed as the pay he would receive from time to time in government service or the pay of a post in government service with or without an addition thereto in the form of a percentage of such pay and/or of a fixed sum. In such cases the foreign employer should be called on to pay

the equivalent of sterling overseas pay according to the terms of the arrangement, though even in such cases, his concurrence should be obtained. The sterling pay will then be converted monthly to rupees at the current rate. There is, however, no objection to a foreign employer making his own arrangements, if he so desires, to disburse the overseas pay in sterling and the employee agrees to it, but for purposes of calculating contribution, the amount paid in sterling shall be converted to rupees at the "current rate of exchange."

NOTE—The expression "current rate of exchange" used above means the current rate as mentioned in the note below rule 51.

6. When a government servant of non-Asiatic domicile who is entitled to passage concessions is transferred to foreign service, the foreign employer is liable to pay a contribution to the Government at the rate of Rs. 30 per mensem on his behalf. The contribution will be payable throughout the government servant's service under the foreign employer, i.e. whether he is on duty or on leave.

6-A. The pay and allowances of a government servant transferred to foreign service shall ordinarily be regulated as follows by the authority competent to sanction the transfer who shall specify precisely the amount of pay and other concessions to be granted. Any departure from these orders requires the previous sanction of the Government. When a government servant in receipt of overseas pay is granted, on transfer to foreign service in India or on the occasion of extension of the period thereof, an increase over his substantive pay in the regular line and the increase is expressed as a percentage of substantive pay, the percentage should be applied only to the basic pay drawn by the government servant in the regular line and not to his overseas pay, this decision applies equally to sterling and rupee overseas pay and to government servants of Asiatic and non-Asiatic domicile.

7. The pay of a government servant transferred to a post the duties of which are similar to those of the post which he held when transferred, should be fixed at a sum which does not exceed by more than 25 per cent, of his last substantive pay in the service of the Government, or if he is officiating in a grade or post from which he is unlikely to revert, 25 per cent of his last pay. The special pay, personal pay or other emoluments classed as 'pay' under Fundamental Rule 9(21) (iii) should not be taken into account in regulating foreign service pay without the sanction of the Governor.

8. A government servant transferred to an unusually responsible or difficult post or to one the duties of which differ from those of his post under the Government, should receive pay specially fixed with reference to his status and pay in the service of the Government and the nature of the work for which he is transferred. The special pay, personal pay or other emoluments classed as 'pay' under Fundamental Rule 9(21)(iii) should not be taken into account in regulating foreign service pay without the sanction of the Governor.

9. Increases of pay will be regulated as follows:

(a) A government servant whose pay is fixed under paragraph 7 above and who belongs to a graded service or to a service in which pay is regulated by a time-scale, may, on the occasion of each substantive promotion on his departmental list or accrual of periodical increment, be granted an increase to that which such promotion or increment would have given in government service plus a sum not exceeding 20 per cent thereon. If such a government servant would have obtained, had he remained in the service of the Government, officiating promotion from which he would not have been likely to revert, his foreign service pay may be raised, with the consent of the foreign employer, to the amount of enhanced pay which he would have received in the service of the Government plus a sum not exceeding 20 per cent of such pay.

(b) In all other cases in which pay is fixed under paragraph 7 and in all cases in which it is fixed under paragraph 8, a revision of pay involving an increase will be allowed only in the following circumstances:

(1) If the pay is not on a time-scale basis, a revision of pay involving an increase shall not be allowed until a government servant has been in foreign service for three years. After that period and subsequently at intervals of not less than three years, an increase of not more than 20 percent of the pay existing at the time may be allowed, if the foreign employer proposes it and if the authority who sanctioned the transfer, having regard to the nature of the government servant's duties, considers that such an increase is justified.

(2) If the pay is on an incremental or time-scale basis, no revision of the time-scale shall be allowed unless—

(i) there is a change in the nature of the duties or responsibilities of the post in foreign service, or

(ii) the maximum pay of the time-scale has been drawn for not less than three years.

10. The pay of deputy collectors, tahsildars, naib-tahsildars and kanungos who are transferred to foreign service for employment under the Court of Wards shall be regulated as follows:

(a) Deputy collectors inclusive of probationary deputy collectors and tahsildars, also naib-tahsildars, who are not selected candidates and have not passed the departmental examination.	Pay in the time-scale or grade pay which they would draw from time to time plus an addition of a fixed percentage not exceeding 25 per cent, on that pay to be decided in each case by the authority sanctioning the transfer.
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NOTE—A Deputy Collector deputed to the Court of Wards Department for appointment as special manager of the Balrampur Estate should be given an addition of 50 per cent on his pay as Deputy Collector.

(b) Naib-tahsildars who are both selected candidates and have passed the departmental examination.	Pay on a special scale of Rs. 175—10—205.
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(c) Kanungos	Grade pay plus an additional pay of Rs. 30.
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The above government servants may also be granted free residential accommodation on such scale as may seem proper to the transferring authority, or a house rent allowance, not exceeding 10 per cent of their pay under the Court of Wards in cases where the Court of Wards cannot provide for them suitable residential accommodation.

11. In the absence of specific mention to the contrary in the order sanctioning a transfer, the rate of pay to be drawn during joining time will be the rate of pay admissible in foreign service.

12. When a police officer who is entitled to an allowance for the maintenance of a uniform, horse and saddlery is placed on foreign service, the foreign employer is liable to pay a monthly contribution calculated, as explained in the example given in the next sub-para on the basis of the rate of the allowance in force from time to time, for the entire period of such service. The contribution will be payable also during periods of leave.

In case of State Police Officers on deputation to the Government of India or to another State Government, it has been decided with the concurrence of the Government of India that the uniform, horse and saddlery allowance will be paid, on becoming due, by the State Government in the first instance but a proportionate charge will be made from the borrowing Government for the period the officer has served on deputation. For example, if the rate of uniform allowance for State Police Service Officers, be Rs. 900 payable every ten years, recovery in their case will be made at the rate of Rs. 90 per year or Rs. 7.50 paise per month in respect of uniform

allowance. Such recoveries should be made from the borrowing Government in a lump sum once in a year in the month of March. When an officer on reversion from service under the borrowing Government proceeds on leave, recoveries should be made up to the date of his proceeding on leave and for the period of his joining time, if admissible.

The above procedure will also be applied in respect of the officers belonging to the Indian police service whose services are lent on deputation to the Government of India or to another State Government.

13. Specific terms in regard to travelling allowance to be allowed to government servants for journeys on transfer to foreign service and on reversion therefrom, should invariably be prescribed by sanctioning authorities in consultation and agreement with foreign employers.

115. (a) While a government servant is in foreign service contributions towards the cost of his pension must be paid to the revenues of the State on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under rule 123(b) contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

NOTE—Pensions, throughout this chapter, include contributions, if any, payable by the Government to a government servant's credit in a provident fund.

#### Orders of the Governor regarding rule 115

A government servant who is a subscriber to the Contributory Provident Fund (Uttar Pradesh) and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer, or the government servant himself, according to the arrangement made under clause (c) of rule 115, shall pay, in addition, for the period of active foreign service, at such times as the Government may prescribe in each case, a contribution determined by the formula  $x + xy$ , where  $x$  equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him, in foreign service being regarded as his "emoluments" for this purpose, and  $y$  equals for fraction which the amount recoverable as leave-salary contribution bears to pay drawn in foreign service. This procedure takes effect from April 1, 1941, and the contribution shall, unless otherwise settled in any particular case, be recovered monthly along with the subscription calculated on the rate of pay drawn in foreign service which the government servant has to pay as his own share.

116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor may by general order prescribe.

#### Orders of the Governor regarding rule 116

1. The following rates of contributions are leviable:

\*Rates of monthly contribution for pensionary benefits payable during active foreign service in respect of —

Year of Service	Group 'A' Employees	Group 'B' Employees	Group 'C' Employees	Group 'D' Employees
1	2	3	4	5
0—1 Year	7% of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be.	6 % of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be.	5 % of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be.	4 % of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be.
1—2,,	7 % Ditto	6 % Ditto	6 % Ditto	4 % Ditto

\*These rates are effective from 1-11-1982 vide O. M. No. 2 G—1—2700/X-534(10)-82, dated 15-12-1982.

1	2	3	4	5
2—3,,	8 % Ditto	7 % Ditto	6 % Ditto	5 % Ditto
3—4,,	8 % Ditto	7 % Ditto	7 % Ditto	5 % Ditto
4—5,,	9% Ditto	8% Ditto	7% Ditto	5% Ditto
5—6,,	10% Ditto	8% Ditto	7% Ditto	6% Ditto
6—7,,	10% Ditto	9% Ditto	8% Ditto	6% Ditto
7—8,,	11% Ditto	9% Ditto	8% Ditto	6% Ditto
8—9,,	11% Ditto	10% Ditto	9% Ditto	7% Ditto
9—10,,	12% Ditto	10% Ditto	9% Ditto	7% Ditto
10—11,,	12% Ditto	11% Ditto	10% Ditto	7% Ditto
11—12,,	13% Ditto	11% Ditto	10% Ditto	8% Ditto
12—13,,	14% Ditto	12% Ditto	10% Ditto	8% Ditto
13—14,,	14% Ditto	12% Ditto	11% Ditto	8% Ditto
14—15,,	15% Ditto	13% Ditto	11% Ditto	9% Ditto
15—16,,	15% Ditto	13% Ditto	12% Ditto	9% Ditto
16—17,,	16% Ditto	14% Ditto	12% Ditto	9% Ditto
17—18,,	16% Ditto	14% Ditto	13% Ditto	10% Ditto

18—19,,	17% Ditto	15% Ditto	13% Ditto	10% Ditto
19—20,,	17% Ditto	15% Ditto	13% Ditto	10% Ditto
20—21,,	18% Ditto	16% Ditto	14% Ditto	11% Ditto
21—22,,	19% Ditto	16% Ditto	14% Ditto	11% Ditto
22—23,,	19% Ditto	17% Ditto	15% Ditto	11% Ditto
23—24,,	20% Ditto	17% Ditto	15% Ditto	12% Ditto
24—25,,	20% Ditto	17% Ditto	16% Ditto	12% Ditto
25—26,,	21% Ditto	18% Ditto	16% Ditto	12% Ditto
26—27,,	21% Ditto	18% Ditto	16% Ditto	13% Ditto
1	2	3	4	5
27—28,,	22% Ditto	19% Ditto	17% Ditto	13% Ditto
28—29,,	23% Ditto	19% Ditto	17% Ditto	13% Ditto
29—30,,	23% Ditto	20% Ditto	18% Ditto	13% Ditto
Over 30 years	23% Ditto	20% Ditto	18% Ditto	14% Ditto

Rates of monthly contribution for leave-salary payable during active foreign service in respect of—

percentage of pay drawn in foreign service.

Members of Class I Provincial Services 15

Members of Class II Provincial and subordinate Services 12 ½

NOTE—(1) In the case of government servants recruited on or after January 1, 1936, the monthly contribution for leave-salary payable during active foreign service shall be at the rate of 11 per cent of pay drawn in foreign service with effect from June 1, 1939. This rate will be also be applicable to inferior government servants, whether recruited before or after January 1, 1936.

NOTE—(2) The leave-salary contribution in the case of a Member of the Provincial Civil Service drawing pay in the senior scale of the Indian Civil Service otherwise than as a permanent Magistrate and Collector shall be the same as for members of Class 1 Provincial Services, viz., 15 per cent.

2. The term "length of service" mentioned in order no. (1) above, means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 370 and 371, Civil Service Regulations. In the case of government servants mentioned in Articles

403 and 404-A, Civil Service Regulations, the period which they may be entitled to add under those Articles to their service qualifying for superannuation pension, should be taken into account in reckoning "length of service" for determining the rates of foreign service contribution on account of pension.

NOTE—In the case of temporary service, the term "length of service" mentioned in order no. 1 above, means the entire continuous service of the government servant concerned, including temporary service in a pensionable post or in a purely temporary establishment.

3. The term "active foreign service" used in the orders under this rule is intended to include the period of joining time which may be allowed to a government servant both on the occasion of his proceeding to and reverting from foreign service and accordingly contributions are leviable in respect of such periods.

#### Audit instructions regarding rule 116

#### General principles regarding recovery of contributions for leave-salary and pensions

1. When a government servant is transferred to foreign service, or when the period of foreign service of a government servant is extended, it should be stipulated that the contributions for pension and leave-salary or for pension alone, as the case may be will be recoverable at the rates in force from time to time in accordance with orders issued by the Governor under Fundamental Rule 116. Similarly, if the government servant is on a non-pensionable footing and subscribing to a contributory provident fund, and if he is allowed to retain this privilege while in foreign service, the order should specify the arrangement made with reference to the orders under rule 115 and state that it will be subject to amendment consequent upon any revision of these orders.

2. The leave-salary contribution for the period of joining time taken by a government servant in continuation of leave under clause (b) of Fundamental Rule 105, before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

117. (a) The rates of pension contribution prescribed under rule 116 will be designed to secure to the government servant the pension that he would have earned by service under the Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave-salary will be designed to secure to the government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, less, in the case of government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of rule 9(2).

#### Audit instructions regarding rule 117

Non-superior government servants transferred to foreign service before September 5, 1928, who retire, either directly at the end of their sanctioned term of foreign service or within three years of its conclusion are entitled, irrespective of the rate of pension contribution prescribed for them to a pension calculated wholly or partly, as the case may be, on the pay drawn by them in foreign service.

118. \*\*\*

## (119—127)

119. The Governor may—

- (a) remit the contributions due in any specified case or class of cases, and
- (b) prescribe, by general rule or order, the rate of interest, if any, to be levied on overdue contributions.

(For rules made by the Governor under rule 119, see Part III of this Volume, Chapter XIX).

Orders of the Governor regarding rule 119(a)

In the following cases contributions on account of leave and pension have been remitted:—

- (a) Medical officers lent to charitable dispensaries or hospitals in the State.
- (b) Vaccinators, who were before November 27, 1906, enrolled as government servants, and are employed as assistant superintendents of vaccination under district boards.
- (c) Vaccinators, who were before November 27, 1906, enrolled as government servants, and are employed in cantonments or under municipalities and local boards.
- (d) Forest guards of the afforestation division when they are placed on foreign service to assist zamindars in the improvement of their waste lands.

120. A government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund shall be entertained.

121. A government servant transferred to foreign, service may not, without sanction of the Government, accept a pension or gratuity from his foreign employer in respect of such service.

122. A government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to him in government service, and may not take leave or receive leave-salary from the Government unless he actually quits duty and goes on leave.

123. (a) A government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer, and the leave will not be debited against the government servant's leave account.

(b) In special circumstances the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the government servant in accordance with the rules applicable to him as a government servant, if the foreign employer pays to the Government leave contribution at the rate prescribed under rule 116.



NOTE—In reckoning a government servant's service for purposes of pension such leave will be subject to the restrictions contained in Articles 407 and 408 of the Civil Service Regulations.

#### Audit instruction regarding rule 123

1. For the purpose of the proviso to Fundamental Rule 87, the status of a government servant while on foreign service, i.e., gazetted or non-gazetted, should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended or, if during his absence on foreign service he is given any promotion under Fundamental Rule 113, with reference to the post under Government to which he is so promoted.

2. In the case of such a government servant, the term 'his pay' occurring in item (i) of the proviso should be construed to mean what is prescribed under Fundamental Rule 117(b) for counting his pay for the purpose of Fundamental Rule 9(2), i.e., the pay drawn in foreign service at the time leave is taken less, in the case of a government servant paying his own contribution for leave-salary and pension, such part of the pay as may be paid as contribution.

3. The expression "the pay he would draw in the permanent post held substantively by him at the time of taking leave" occurring in the proviso should, in its application to a government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended, at the time of taking leave.

124. A government servant in foreign service, if appointed to officiate in a post under the Government, shall draw pay calculated on the pay of the post on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

#### Audit instructions regarding rule 124

1. For the purpose of the proviso to Fundamental Rule 87 the status of a government servant while on foreign service, i.e., gazetted or non-gazetted, should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under Fundamental Rule 113, with reference to the post under Government to which he is so promoted.

2. In the case of such a government servant, the term "his pay" occurring in item (i) of the proviso should be construed to mean what is prescribed under Fundamental Rule 117 (b) for counting his pay for the purpose of Fundamental Rule 9(2) i.e., the pay drawn in foreign service at the time leave is taken less, in the case of a government servant paying his own contribution for leave-salary and pension, such part of the pay as may be paid as contribution.

3. The expression "the pay he would draw in the permanent post held substantively by him at the time of taking leave" occurring in the proviso should, in its application to a government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended, at the time of taking leave.

125. A government servant reverts from foreign service to government service on the date on which he takes charge of his post under the Government, provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Government may decide.

#### Orders of the Governor regarding rule 125

The date of reversion of a government servant who takes leave at the conclusion of foreign service before rejoining his post in government service should be fixed after taking into account the joining time which he takes at the end of his leave before actually taking charge of his post under Government. For example, if a government servant after foreign service up to April 30, 1939, proceeds on leave on average pay for three months from May 1, 1939, and on expiry of the leave, rejoins Government service on August 8, 1939 (forenoon), after taking seven days' joining time, then his date of reversion should be fixed as May 8, 1939 (forenoon).

126. When a government servant reverts from foreign service to government service his pay shall cease to be paid by the foreign employer and his contributions shall be discontinued with effect from the date of reversion.

127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under rule 116 and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) The Government may reduce the amount of recoveries or may entirely forego them.

Orders of the Governor regarding rule 127

The following procedure should be adopted in applying to cases falling under rule 127 the rates of contributions for pension and leave salary prescribed by the Governor under rule 116:

1. In the case of the provincial and the subordinate services, a fraction of the total maximum monthly pay all the sanctioned posts equal to the average of the percentages prescribed in columns 2, 3, 4 and 5, as the case may be, of the table, should be levied as contribution for pension. Recoveries on account of contribution for leave-salary should be made by levying the percentage prescribed on the total sanctioned cost, or, in the case of time-scale of pay, on the average cost of all the posts concerned.

2. Contributions for passages should be recovered at the rate of Rs. 30 per mensem in the case of government servants entitled to passage concessions who form additions to regular establishment under rule 127.

Contribution for passages should be levied during the whole period of service in the additional post except that it should not be charged during leave where—

(a) the leave taken is leave preparatory to retirement; or

(b) the government servant concerned will, on return from leave, be given different duties and not return to the additional post; or

(c) the substitute in the additional post, for the government servant on leave, is entitled to passage concessions and a contribution for passage is recovered on his behalf.

Audit instruction regarding rule 127

Principles for the calculation of contribution for leave-salary and pension—

The words "its cost" in line 2 of Fundamental Rule 127 refer to "an additional" in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave-salary and pension leviable under clause (b) of this rule should, therefore, be based on the rates of pay, old and/or revised, as the case may be, on which the establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or a new entrant.

## **CHAPTER XIII**

### **SERVICE UNDER LOCAL FUNDS**

128. Government servants paid from local funds which are administered by the Government are subject to the provisions of Chapters I to XI of these rules.

Audit instruction regarding rule 128

1. Employees of local funds administered by Government who are not paid from general revenues and are therefore not government servants are subject to the provisions of Chapters I to IX of the Fundamental Rules.

2. The expression "local funds which are administered by the government" means funds administered by bodies which by law or rule having the force of law come under the control of the Government in regard to proceedings generally and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules; in other words, it means funds over whose expenditure the Government retains complete and direct control.

129. The transfer of government servants to service under local funds which are not administered by the Government will be regulated by the rules in Chapter XII.

130. Persons transferred to services or posts under the Government from a local fund which is not administered by the Government will be treated as joining a first post under the Government, and their previous service will not count as duty performed. The Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

## **THE SCHEDULE**

**[See order 2 under rule 9(20)]**

### **RULES MADE BY THE GOVERNOR TO REGULATE THE DETERMINATION OF DOMICILE**

The domicile of a government servant shall, unless it be otherwise expressly provided in the rules regulating the conditions of his service, be determined in accordance with the following provisions:

1. A person can have only one domicile.

#### **SCHEDULE**

2. The domicile of origin of every person of legitimate birth is in the country in which, at the time of his birth, his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which, at the time of his birth, his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1—A person is not to be considered as having taken up his fixed habitation in a country merely by reason of his residing there in His Majesty’s civil or military service or in the exercise of any profession or calling.

Explanation 2—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above, a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

10. Notwithstanding anything herein contained, a person who—

(a) was born and has been educated exclusively in Asia had not at the date with reference to which his domicile is to be determined resided out of Asia for a total period exceeding six months, or

(b) had before that date claimed and been deemed to be of Indian domicile for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege,

shall be deemed to have had his domicile in Asia on that date, unless in the case of a person to whom clause (a) applies and clause (b) does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

11. If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Governor shall be final.

Form of questionnaire to be used in determining the domicile

Question	Answers
1. State your birth-place date of birth and place or places, where you were educated.	

2. State paternal grandfather's birth-place.	
3. Where was your grandfather residing when your father attained his majority? If in Asia, state whether your grandfather had at that time taken up a fixed habitation in Asia or was resident there only in the exercise of a profession or calling.	
4. Where was your father educated and where was he residing (a) at your birth, and (b) when you attained your majority? If in Asia, state whether he had at those times taken up a fixed habitation in Asia or was resident there only in the exercise of a profession or calling.	
Question	Answers
5. Did your father during your minority spend any periods of leave outside Asia, purchase property outside Asia, or show in any other way an intention of making his fixed habitation outside Asia? Give full particulars.	
6. If your father retired from Government or other service or profession in Asia when you were a minor, did he continue to reside in Asia afterwards? How old were you at the date of his retirement?	
<p>7. Give full particulars of any periods spent by you out of Asia prior to your appointment to a service or post under the Government in India.</p> <p>8. In what ways did you show an intention of taking up a fixed habitation outside Asia prior to your appointment to a service or post under the Government in India?</p> <p>9. Have you ever claimed and been deemed to be a native of India for the purpose of your appointment to any office under the Government in India or for the conferment upon you by Government of any scholarship, emoluments or other privilege?</p>	

**PART III**  
**SUBSIDIARY RULES**  
**CHAPTER I—EXTENT OF APPLICATION**

1. These rules may be called the Subsidiary Rules. They apply to all government servants who are subject to the rules in Part I or Part II of this volume and are under the administrative control of the Governor. In the case of Secretary of State's officers, the application of these rules is subject to the provisions of section 247 of the Act.

NOTE—The rules in Chapters XI-A and XVII do not apply to Secretary of State's officers under the administrative control of the Governor.

**CHAPTER I-A—DEFINITIONS**

NOTES (1)—The definitions of the terms contained in Chapter II of Part I and Part II of this volume are generally applicable to the rules contained in this Part except where the contrary is stated or is evident from the context.

(2) Unless it is expressly stated otherwise, a reference in these rules to any of the rules in the Fundamental Rules includes a reference to the corresponding rule in the Uttar Pradesh Fundamental Rules.

1-A. Unless there is something repugnant in the subject or context, the terms defined in this chapter are used in the sense here explained:

(1) Apprentice means a person deputed for training in a profession, trade or business, with a view to employment in government service, who draws pay or subsistence grant at monthly rates from the Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(2) Holiday means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(b) in relation to any particular office, a day on which such office is ordered, by notification of the Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification, and in the case of judicial officers, holidays notified by the High Court of Judicature at Allahabad and the Chief Court of Oudh.

The term does not include local holidays which may be granted at the discretion of heads of offices, provided that there are no arrears of work, nor such merely permissive or discretionary holidays as the last Saturday of each month.

(See also the note at the beginning of Chapter VII of these rules)

\*(3) For purposes of the rules regarding drawal of compensatory allowances during leave in Chapter XII—

(a) (i) Leave means total leave of all kinds referred to in F.R. 81 B and S.R. 157 A, other than

\* As amended vide G.O. No. G—1—1816/× —229—1966 dated 15-11-1979 and has effect from 15-11-79.

leave preparatory to retirement, taken for a period not exceeding 120 days; or the first 120 days of the leave if the actual duration of the leave exceeds that period.

(ii) When earned leave is combined with leave on medical certificate, or when leave on medical certificate only is availed of the drawal of allowance under S.R. 150 shall be admissible for the first 4 months only, even if the actual duration of such leave exceeds that period.

(b) Temporary transfer means a transfer to duty in another station which is expressed to be for a period not exceeding four months.

NOTE—When vacation or holidays are combined with leave, the entire period of vacation or holidays and leave should be taken as one spell of leave.

(4) Probationer means a government servant employed on probation in or against a substantive vacancy in the cadre of a department.

## CERTAIN CIRCUMSTANCES

### Rules made by the Governor under Fundamental Rule 9(6) (b)

2. A government servant is on duty during a duly authorized course of instruction or training.

Exception 1—Time spent in training by a government servant deputed to Dehra Dun for training at the Forest Research Institute and College shall not count as duty for the purpose of leave as there are regular vacations during that period.

Exception 2—The time spent on training and transit by medical officers and technicians in X-ray training at the Agra Medical College and by pathologists and medical officers in Blood Grouping and Blood Transfusion technique training at Lucknow, shall not count as duty under the above rule if they fail in the test at the end of the training. In such cases, the time spent by these government servants at the Agra Medical College or at Lucknow, as the case may be, and in transit should be converted into whatever kind of leave that may be admissible to them.

NOTE—(1) Royal Engineer Officers in civil employ are required under military rules to be attached to a unit for a month and to undergo a course of training at the Senior Officers' School, Belgaum, for a further period of three months. These periods will be treated as time spent on a course of training for the purpose of this rule.

(2) The time spent on training by civilian government servants who join the Army in India Reserve of Officers will count as duty under this rule.

(3) The period or periods spent by a government servant in Air Raid Precautions and Civic Guard training or Air Raid Precaution and Civic Guard duty during normal working hours with the permission of the Head of his office should be treated as duty for the purpose of this rule.

3. A student, stipendiary or otherwise, who is entitled to be appointed to the service of the Government on passing through a course of training at a university, college or school is on duty during the interval between the satisfactory completion of his course and his assumption of duties.

4. (1) A government servant permitted to appear at an optional examination prescribed by Government in any of the oriental languages is on duty during the time spent in preparation for, and attendance at, the examination, subject to the following conditions:

(a) Except as provided in clause (b), a reasonable time, including the day or days of examination, shall only be allowed for the journey to and from the place of examination.



(b) In the case of a candidate for the High proficiency and Degree of Honour examinations in the Modern India languages recognized in these provinces, the period allowed for preparation shall be at the discretion of the Government but will not exceed three months in all. If the examination is by the Higher Standard or High Proficiency and Degree of Honour in the languages of Sanskrit, Arabic or Persian, the candidate will similarly be allowed a period not exceeding three months for preparation, but must undertake to spend the period allowed in study under professional tuition at a place approved beforehand by the Government. In the case, however, of the Degree of Honour examination in these three languages, the period may be extended, if the candidate leaves India for study, up to six months if he proceeds to Persia for Persian, or to Arabia, Mesopotamia, Egypt and Syria for Arabic, or to any place approved beforehand by the Government for Sanskrit.

(2) The periods allowed for preparation under proviso (b) to sub-rule (1) above are not admissible more than once, nor can they be combined with each other. The periods permissible in each case also cover the day or days of the examination and the time spent in proceeding to and from the place of examination, and cannot be taken in installments, provided that the period allowed for preparation need not be continuous with the period covered by the examination.

5. (i) Engineer officers not appointed from any civil engineering college in India who are required under the rules of the department to pass obligatory examinations in the modern Indian languages are on duty for the period not exceeding three months during which they may be permitted by the Government to prepare themselves for such examinations. The privilege will be allowed only at a time when the government servant may conveniently be spared. The period allowed may be taken in installments by government servants preparing themselves for one or more examinations, but the period of three months is the maximum aggregate amount allowable. A government servant, who has already passed an examination in a language by the Lower Standard, is not entitled to the privilege of preparing himself for the examination in the same language by the Higher Standard.

(ii) The period allowed by clause (i) covers the day or days of examination and the time spent in proceeding to and returning from the place of examination. It must be spent in India and shall in no case extend beyond the date of the examination plus a reasonable period for the journey from the place of examination not exceeding the joining time admissible under rule 174 exclusive of the six days allowed under that rule for preparation.

6. Members of the Indian and the Uttar Pradesh Forest Services who are required under rules to pass departmental examinations are on duty for the period during which they may be permitted by the Government to prepare for the examination. The concession will not be allowed on more than two occasions. Permission will be granted only at a time when the government servant may conveniently be spared, and the period which may only be spent in India shall not exceed three months on each occasion; provided that permission shall not be given on the second occasion in the case of a government servant who has not passed by the Lower Standard in the principal languages and qualified in Land Revenue, Forest Law, Procedure and Accounts.

7. A government servant required to attend an obligatory departmental examination other than the examinations referred to in rules 5 and 6 above is on duty during a reasonable period occupied in the journey to and from the place of examination and the day or days of the examination. No time is admissible for preparation or for recreation after the examination.

8. A government servant permitted to present himself at an examination other than the examinations referred to in rules 5 and 6 above, which must be passed before he is eligible for higher appointment in the branch of the service, is on duty during the number of days actually necessary to enable him to attend at the examination. This concession is not allowed more than twice for each standard of examination.

9. On the occasion of his first arrival in India a person appointed in England to Government service who does not receive orders to take charge of a specified post before he reports himself at the seat of the Government is

on duty during the interval between the date of such report and the date on which he takes charge of his duties; provided that the interval between the receipt of orders and his assumption of his duties shall not exceed the amount of joining time which would be admissible to a government servant entitled to joining time under Fundamental Rule 103 (a). [See also Fundamental Rule 9(6)(b)(iv) in Part I of this volume].

## CHAPTER III—CERTIFICATE OF FITNESS FOR THE GOVERNMENT SERVICE

(Rules made by the Governor under Fundamental Rule 10)

10. Unless any other form of medical certificate is prescribed in the rules, regulations or instructions regulating recruitment to a particular service or post, a medical certificate of fitness for government service shall be in the following form:

I do hereby certify that I have examined \_\_\_\_\_, a candidate for employment in the \_\_\_\_\_ department, and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity except \_\_\_\_\_ I do not consider this is a disqualification for employment in the \_\_\_\_\_ department.

The candidate's age according to his/her own statement is \_\_\_\_\_ years and by appearance \_\_\_\_\_ years.

NOTE—When a candidate for appointment in a non-gazetted post is sent for medical examination the examining medical officer or board should in his or its presence obtain on the medical certificate the signature of the candidate. These signatures should afterwards be verified by the head of the office with those in the service book. In the case of an illiterate person it will be sufficient to obtain his thumb and finger-impressions on the certificate. In the case of a person for whom a service book is not maintained, the head of the office should verify the signature on the medical certificate with the signature of the candidate obtained in his presence.

11. A medical certificate of fitness shall not be required in the following cases:

(1) from a person appointed by the President of India;

(2) from passed civil engineer students of the Thomason Civil Engineering College, Roorkee who have been examined and passed as fit by a medical board at Roorkee at the end of their third year in that college;

(3) from a government servant promoted from inferior to superior service;

(4) from persons appointed on the results of competitive examinations for which medical examination by a medical board is prescribed if they are appointed within six months of the date on which they were examined by the medical board;

(5) from persons who have been examined and passed as fit by a Medical Board before selection for training in the Superior Forest Service Course at the Indian Forest College, Dehra Dun;

(6) from persons who have been examined and passed as fit by a Civil Surgeon before selection for training in the Forest Rangers' Course at the Indian Forest Rangers' College, Dehra Dun.

(7) from engineer officers in the Public Works Department who have been examined and passed fit by the Medical Board, Lucknow, on their first appointment to a gazetted post, whether permanent or temporary, unless at the time of confirmation it may be found necessary for any special reasons to require an officer to undergo a second medical examination.

(8) from handicapped persons who have been examined and passed as fit by Special Medical Boards constituted by the State Government for physically handicapped persons for entry into Government service.

#### Order of the Governor regarding Subsidiary Rule 11

Once a person is asked to produce a medical certificate of fitness for entry into government service and has actually been examined and declared unfit, it is not open to the appointing authority to use its discretion to ignore the certificate that has been produced.

12. The certificate shall, except in the case of women candidates or of posts on pay not exceeding Rs. 50 per mensem, be signed by the civil surgeon of the district in which the candidate is resident or in which he is to be employed, provided that a civil surgeon shall not examine a candidate or grant him a certificate except on the written request of the appointing authority.

13. Before the civil surgeon is requested to examine a candidate, the appointing authority shall, as far as possible, satisfy himself that the candidate has not previously been rejected as unfit for permanent employment by any medical authority in England or India and if the candidate has been so rejected the appointing authority shall bring the fact prominently to the notice of the civil surgeon and shall state the cause of the rejection, if known or ascertainable, in the letter to the civil surgeon.

14. In the case of a candidate for appointment to a post of which the pay does not exceed Rs. 50 per mensem, the appointing authority may, at his discretion, accept a certificate in the prescribed form from any medical practitioner who has registered his name under the U. P. Medical Act, III of 1917 or from a Vaidya or Hakim registered with the Board of Indian Medicine, Uttar Pradesh, under the Uttar Pradesh Indian Medicine Act, 1939 (Act X of 1939) or from a homoeopathic medical practitioner registered with the Board of Homoeopathic Medicine, Uttar Pradesh, under the U.P. Homoeopathic Medical Act, 1951 (U. P. Act no. VIII of 1952); provided that where a candidate has previously been rejected as unfit for permanent employment, the appointing authority shall require an examination by the civil surgeon and shall, as in the preceding rule, take steps to make the civil surgeon acquainted with the facts, as far as known or as certainable, regarding the candidate's previous rejection.

NOTE—Executive engineers in the Public Works Department, Buildings and Roads Branch, exercise the powers of the appointing authority under this rule in respect of government servants under their control.

15. If in any case a candidate is not satisfied with the decision of the civil surgeon, he may appeal to the Divisional Medical Invaliding Board through the head of the office or department concerned, and the latter may, at his discretion accept and forward the appeal or refuse to do so, provided that he shall refuse to forward the appeal in any case in which a member of the Divisional Board has already expressed or recorded an opinion unfavourable to the employment of the candidate. When an appeal is allowed the candidate must appear, at his own expense, at the next meeting of the Board.

15-A. There will be no right of appeal from a medical board special or standing; but if Government are satisfied, on the evidence produced, of the possibility of an error of judgment in the decision of the first medical board, it will be open to Government to allow an appeal to a second medical board.

16. When a government servant in whom a defect has been noticed by the examining surgeon, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the civil surgeon or other medical authority has at the written request of the head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the government servant.

17. No woman candidate for permanent employment in the service of the Government shall be required to undergo a medical examination by a male medical officer. In such a case the appointing authority may, at his discretion, accept a certificate in the prescribed form from any registered medical woman and preferably from a registered Medical woman in government employ.

NOTE—In the case of woman teachers in the girls' model schools, the appointing authority is authorised to accept a certificate from the circle-inspectress of schools concerned to the effect that the candidate is physically and mentally fit for service under the government. If the inspectress has any doubt as to the physical fitness of a candidate, the production of a certificate in the prescribed form from a registered medical woman, and preferably from a registered woman in government employ, should be insisted upon.

## CHAPTER-III-A—COMPENSATORY ALLOWANCES

### Rules made by the Governor under Fundamental Rule 44

#### PART I

17-A. The rules in this part apply to the ministerial government servants (including Assistant Secretaries to Government) and inferior government servants of the Civil, Finance and Public Works Department Secretariats, who move with the Government to Naini Tal.

NOTE—Under the order of the Governor under section 305 of the government of India Act of 1935 and the provisions of the government of India (Governors Privileges and Allowances) order, 1936, the rules contained in Part I of this Chapter apply also to the ministerial and inferior establishment of the offices of the Secretary and military Secretary to the governor who may be required to move with the governor to Naini Tal. Any amendment of the rules in this part shall require the approval for the governor, before it can be made applicable to the establishments mentioned above.

#### A—Ministerial Establishment

17-B. (1) A house-rent allowance for a seasonal stay at Naini Tal shall be made at the following rates:

#### Married Officials

One month's pay subject to a maximum of Rs. 400 and a minimum of Rs. 125.

#### Bachelors

Half month's pay subject to a maximum of Rs. 200 and a minimum of Rs. 75.

(2) For the purpose of these rules and subject to the provisions of rule 17-C a government servant will be regarded as married if he has drawn travelling allowance for his family for the journey to Naini Tal, under the special travelling allowance rules applicable to the ministerial establishments mentioned in rule 17-A:

Provided that a government servant, who at the time of proceeding to the hills, is a bachelor, but subsequently gets married, will be eligible for house rent at married rates for the period of his wife's stay with him at Naini Tal.

(3) The amount of allowance in each case shall be paid in one lump sum in the month of May ordinarily and shall be based on the rate of pay—substantive, temporary or officiating—drawn on April 1, of the year in which the allowance is granted subject to the proviso that, in respect of temporary or officiating appointments the arrangements as existing on April 1, are of not less than three months' duration at Naini Tal. When an arrangement as existing on April 1, is of less than three months' duration, the allowance shall be calculated on substantive pay.

In the case of a government servant who is taken to Naini Tal subsequent to the date on which the Secretariate opens there, the allowance shall be based on the rate of pay drawn by him on the date of joining at Naini Tal, provided that the arrangement which necessitates his posting to Naini Tal lasts for not less than three months.

NOTE—A married female government servant is not entitled to house rent allowance at the married rates unless her husband is entirely dependent on her.

17-C. The allowance is admissible to government servants who hold, or are on probation in substantive appointments and also to those who hold temporary or officiating appointments, provided that the temporary or officiating appointment lasts at Naini Tal for more than three months and the government servant is not actually recruited at that station.

17-D. The full rate of allowance for each season shall only be granted when the stay of the individual concerned extends to three months or more. Where the period of stay is less, the amount of the allowance, subject to the limits laid down in rule 17-B, shall be referred for the orders of the Government in the Finance Department. This condition applies to cases where the full seasonal allowance is drawn, though at the time of drawal the period of stay has not extended to 3 months or more, but is likely to do so. If in any such case the period subsequently falls short of the minimum specified, the question of the amount to be recovered, in suitable instalments by deduction from pay, from the government servant concerned shall be referred to the Government in the Finance Department for orders.

The married rate is not admissible unless a government servant's family has resided in Naini Tal for (a) as long as the government servant himself, or (b) a period of three months, whichever is less.

Exception—Where the family actually proceeds to Naini Tal and the children return to school in the plains, the minimum period under (b) shall be six weeks.

17-E. Notwithstanding anything in rules 17-B to 17-D, government servants who occupy government quarters shall not be eligible for the allowance. They shall be charged rent at the concessional rates laid down in the rules for the occupation of the Secretariate quarters at Naini Tal.

#### B—Inferior Establishment

17-F. Inferior government servants of the Secretariate who move with the Government to Naini Tal as also inferior government servants of the offices of the Secretary and Military Secretary to the Governor who move with the Governor to that station will receive a monthly allowance according to the scale given in Subsidiary Rule 17-G-3(b). The allowance may be drawn for a period during which the office is open at Naini Tal and for four days prior to the date of opening and for four days subsequent to the closing at Naini Tal. The allowance is not permissible during any leave other than earned leave and the following principles shall be observed in granting the allowance during earned leave:

(a) The head of the office will decide in each case who shall draw the allowance, the only requirement being that no extra expense will be caused to Government.

(b) The absentee will draw the full allowance when no local allowance is given to acting government servants in the chain of arrangements consequent on his going on leave.

(c) The absentee will draw nothing if the whole of his allowance is absorbed in the local allowances granted to acting government servants in the chain of arrangements consequent on his going on leave.

(d) The absentee will draw the difference between his allowance and the amount of it absorbed in the grant of local allowances to acting government servants in the chain of arrangements consequent on his going on leave.

PART—II

Establishments of Heads of Departments, other officers and of the Central Press at Allahabad and the Branch Press at Lucknow.

17-G (1) The establishment of the Central Press at Allahabad and the Branch Press at Lucknow which moves with the Government to Naini Tal, and establishments permitted to accompany certain heads of departments and other officers to Naini Tal at the expense of the Government, will be granted the following allowances during their stay at that station:

A—Ministerial Establishments

(2) The establishments of heads of departments and others mentioned in the following statement will be given a house rent allowance at the rates mentioned in rule 17-B for their stay at Naini Tal, subject to the condition that the rates of married officials will only be given to a government servant who actually takes his family with him to Naini Tal. The allowance will be paid in moieties, the second moiety being paid only if the head of the department or other authority mentioned in column 2 certifies that the government servant had to meet the full season's house rent and was unable to sub-let his quarters:

Statement

Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
1	Member of the Board of Revenue.	Three months in all, any time between April 15 and October 15.	One clerk each.
2	Inspector General of Police.	May 1 to June 30, and 30 days between September 1 and October 15.	One clerk.
3	Assistant to Deputy Inspector General of Police, Criminal Investigation Department, Investigation Branch.	May 15 to July 14 and 30 days between September 1 and October 15.	Ditto.
Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
4	Inspector General of Prisons.	May 1 to June 30, and 30 days between September 1 and October, 15.	Ditto.

5	Director of Medical and Health Services.	Ditto.	Ditto.
5A	Director of Education	Ditto.	Ditto.
6	Excise Commissioner	Ditto.	Ditto.
6A	Inspector General of Registration.	Ditto.	Ditto.
7	Superintending Engineers, Public Works Department, Buildings and Roads Branch.	Ditto.	One clerk each.
8	Chief Engineer, Local Self-Government Engineering Department.	May 1 to June 30, and 30 days between September 1 and October 15.	One clerk.
9	Director of Agriculture.	Ditto.	Ditto.
10	Registrar, Co-operative Societies and Director of Industries.	Ditto.	Ditto.
11	Superintending Engineers, Public Works Department, Irrigation Branch.	Three and a half months between May 15 and October 15.	One clerk each.
12	Director of Animal Husbandry.	May 1 to June 30, and 30 days between September 1, and October 15.	One clerk.

NOTES—(1) The house rent allowance given under this rule will be in respect of the entire period of stay in the hills, and no separate allowance is admissible in respect of a second visit during September-October.

(2) The Electric Inspector to Government is permitted to recess in the hills from 1st May to 30th June in each year and to take one clerk and peon with him. The clerk and the peon will be entitled to travelling and daily allowances as mentioned in rule 4 in Part III of Appendix VI of the Financial Hand book, Volume III.

3. (a) The establishments of the following heads of departments and other officers who are required to stay at Naini Tal for the full season or the greater part of the season will receive a monthly allowance according to the scale prescribed in clause (b) of this rule:

Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
1	Legal Remembrancer to Government.	Full period of the stay of Secretariate	One clerk.
2	Chief Engineer, Public Works Department, Buildings and Roads Branch.	Ditto...	Ditto.
2A	Chief Engineers, Public Works Department Irrigation Branch.	Ditto...	One clerk each.
3	Secretary, Board of Revenue	Full period of the stay of Secretariate	Three clerks.
4	Deputy Legal Remembrancer to Government.	Ditto...	One clerk.

5	Deputy Inspector General of Police, Criminal Investigation Department.	Ditto...	Ditto.
6	Assistant to the Deputy Inspector General of Police, Criminal Investigation Department, Special Branch.	Ditto	One Deputy Superintendent of Police, one Inspector of Police and two clerks.
7	Assistant to Inspector General of Police.	Ditto	Two clerks.
Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
8	Superintendent, Printing and Stationery and Deputy Superintendent in-charge of Branch Press, Lucknow.	Ditto	Such staff as may be sent by the Superintendent, Printing and Stationery, from the Central Press at Allahabad and by the Deputy Superintendent In-charge of the Branch Press Lucknow.

(aa) The office establishment, including inferior staff of the Chief Conservator of Forests which moves to Lucknow during the winter season will receive a monthly allowance according to the scale prescribed in clause (b) of the rule for the period of its stay in Lucknow. The provision of notes 1 and 3 below that clause will apply mutatis mutandis to this establishment also in respect of its stay in Lucknow.

(b) The monthly allowance admissible to the clerks shown in the table in clause (a) above, will be according to the following scales:

Pay	Unmarried	Married
	Rs.	Rs.
Not less than Rs. 360 per mensem	110	120
Not less than Rs. 240 per mensem but less than Rs. 360 per mensem	90	110
Not less than Rs. 200 per mensem but less than Rs. 240 per mensem	75	95
Not less than Rs. 140 per mensem but less than Rs. 200 per mensem	55	75
Not less than Rs. 75 per mensem but less than Rs. 140 per mensem	40	55
Not less than Rs. 40 per mensem but less than Rs. 75 per mensem	30	40
Pay	Unmarried	Married
	Rs.	Rs.
Not less than Rs. 35 per mensem but less than Rs. 40 per mensem	20	25
Not less than Rs. 28 per mensem but less than Rs. 35 per mensem	14	17
Not less than Rs. 22 per mensem but less than Rs. 28 per mensem	10	10



Not less than Rs. 12 per mensem but less than Rs. 22 per mensem	6	6
Less than Rs. 12 per mensem	5	5

NOTE—(1) The married rate is not admissible unless a government servant's family has resided in Naini Tal for (a) as long as the government servant himself, or (b) a period of three months, whichever is less.

Exception—When the family actually proceeds to Naini Tal and the children return to school in the plains, the minimum period under (b) shall be six weeks.

NOTE—(2) In the case of an inspector of the Criminal Investigation Department supplied with rent-free quarters at Naini Tal the allowance admissible in accordance with the above scale will be reduced by Rs. 25 per mensem.

NOTE—(3) The provisions of Subsidiary Rule 17-F will also apply to the establishments of heads of departments and other officers enumerated in sub-rule 3(a) above.

NOTE—(4) The Deputy Superintendent of Police accompanying the Assistant to the Deputy Inspector General of Police, Criminal Investigation Department, Special Branch, to Naini Tal is allowed house rent allowance at the rates mentioned in rule 17-B which may be paid in accordance with and subject to the conditions laid down in the rules for ministerial establishments in Part I.

(c) The establishment of an office of the Legislature when it moves to Naini Tal in connection with the Sessions of the Legislature will receive, if their period of stay at that place exceeds six weeks, a monthly allowance according to the scale prescribed in sub-clause (b) of this clause subject to the maxima laid down in rule 17-B.

(d) The sub-assistant surgeon attached to the Military Secretary to the Governor who may be required to move with the Governor to Naini Tal is entitled to a monthly allowance according to the scale prescribed in sub-clause (b) of this clause during the period of his stay at that station.

#### B—Inferior Establishments

4. An inferior government servant will receive a monthly allowance according to the scale given in clause 3(b) above in respect of his stay at Naini Tal except that no allowance will be admissible to an inferior government servant accompanying a head of department or other officer mentioned in column 2 of the statement in clause 2 above for a second visit in September-October.

NOTE—The principles laid down in Subsidiary Rule 17-F will also apply to an inferior government servant referred to above who is granted earned leave during his stay at Naini Tal.

## CHAPTER IV—FIXATION AND RECOVERY OF RENT OF RESIDENCES

### Rules made by the Governor under Fundamental Rule 45

18. When a building owned or leased by the Government or a portion thereof has been made available by the Government for use as a residence by a government servant under their administrative control, such building or

part of a building may be allotted to a post specified in the order of allotment for use as a residence by the incumbent of the post.

18-A. (1) The incumbent, whether permanent or temporary, of a post to which a residence has been allotted under rule 18 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) A government servant shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with another government servant who is in occupation thereof.

(3) A government servant shall not be considered to be in occupation of a residence when he proceeds on leave unless the Government otherwise direct. But if he is permitted to prefix gazetted holidays to his leave or affix gazetted holiday to leave or joining time, he shall be considered to be in occupation of the residence for the period of the said holidays.

(4) When a post is vacant, no one is liable for the rent of the residence allotted to it. In such cases it is not necessary to suspend the allotment of the residence to the post, but the officer who is in immediate administrative control of the post must communicate to the Accountant General the fact that the post is vacant and the period for which it will remain vacant.

\* (5) (a) The incumbent of a post to which a residence is allotted shall vacate the residence occupied by him on his transfer before the expiry of the period of joining time (exclusive of journey time permissible to him). He may be permitted to occupy the residence in his occupation beyond the period of joining time as indicated above on payment of rent as follows:—

(i) normal rent under F. R. 45-A-IV (b) for one month from the date of transfer;

(ii) the standard rent of the residence for the next two months;

(iii) double the standard rent for the following two months; and

(iv) triple the standard rent for any subsequent period.

(b) In case, however, permission for continued occupation beyond joining time as referred to in sub-paragraph (a) above, is not obtained or is not granted, the occupation will be unauthorised and the incumbent will be liable to action in accordance with the law on the subject.

\*As amended vide O. M. No. G—1—1243—X—534 (119)/69 dated 11-1-1973 and became effective from 11-1-1973.

(c) (i) In the event of death or retirement from service the incumbent and/or his family, as the case may be, may remain in occupation of the residence after the date of death or retirement, for a period of one month at normal rent and thereafter for a period not exceeding three months at the standard rent of the residence.

(ii) In the event of resignation, dismissal or removal from service, the incumbent and/ or his family, as the case may be, may remain in occupation of the residence for a period of one month at normal rent from the date of resignation, dismissal or removal from service.

(iii) Where the concession of rent-free quarter was enjoyed by the incumbent before the event of death, dismissal, removal or retirement from service, the same shall be admissible to him and/or his family, as the case may be, for a period of one month from the date of death, dismissal, removal or retirement from service:

Provided that if the residence is occupied even beyond the period stipulated in clauses (i), (ii) and (iii) of sub-para (c) above the incumbent shall be required to pay triple the standard rent of the residence for any such period.

NOTE—Normal rent means the standard rent of the residence or ten per cent of the monthly emoluments of the incumbent whichever is less, and municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax.

18-B. When an officer is transferred from a station and there is no other officer on the spot to relieve him and charge is temporarily made over to a subordinate government servant, no rent should be charged from the subordinate government servant for the period the official residence remains actually vacant up to a maximum period of one month.

18-C. (1) The Government may suspend the allotment of a residence to a post:

(a) which is temporarily held by a government servant under Fundamental Rule 49 in addition to another post, if the government servant does not actually occupy the residence;

- (b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence;
- (c) to which a government servant has been transferred to another post in the same station, if the government servant is in occupation of a residence owned or leased by the Government and the Government do not consider it necessary that he should change his residence;
- (d) the incumbent of which habitually lives in the orthodox Indian style, if the residence has been built in the European style;
- (e) the incumbent of which habitually lives in the European style, if the residence has been built in the orthodox Indian style; or
- (f) in which a government servant is officiating for a period not exceeding two months, if the government servant is prevented from actually occupying the residence by circumstances, which, in the opinion of the Government, justify the suspension of the allotment; in exceptional cases where the officiating period exceeds two months but does not exceed six months, the allotment may be suspended with the consent of the Government in the Finance Department;
- (g) when the residence is rendered uninhabitable by reason of extensive repairs being in progress or from any other cause.

(2) An order of suspension under this rule shall terminate on the next change of incumbents or when the circumstances justify the suspension cease to exist, whichever is earlier.

(3) When the allotment of a residence to a post has been suspended under sub-rule (1), the residence may be allotted to any other government servant or, if it is not required by any other government servant, to any suitable person:

Provided that the allotment to such government servant or person shall terminate not later than the date on which the period of suspension terminates.

18-D. A government servant in occupation of a residence may sub-let it, subject to the following conditions, namely:

- (a) The lessee shall be a person approved by the head of the department in whose charge the residence is;
- (b) the sub-tenancy shall not be recognized by the Government;
- (c) the lessor shall remain personally responsible for the rent and any damage caused to the residence beyond fair wear and tear;
- (d) the sub-tenancy shall terminate not later than the date on which the lessor ceases to hold the post to which the residence has been allotted;
- (e) the rent payable by the lessee shall not, except with the previous sanction of the Government in special circumstances, exceed the rent payable to the Government by the lessor; and
- (f) the rent payable to Government by the lessor shall be the rent payable by him if he had not sublet the residence or the rent payable by the lessee if the residence had been allotted to him direct by the Government, whichever is higher.

#### Order of the Governor regarding Subsidiary Rule 18D(f)

In the case of sub-letting of a government residence when the lessor, is not entitled to rent-free quarters or house-rent allowance in lieu but the lessee is so entitled, the rent payable by the lessor should be the rent payable by him if he had not sub-let the residence, or the rent payable by the lessee if the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher.

When a government residence is sub-let and the lessor and the lessee are, or the lessor is, entitled to rent-free quarters or house rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent:

- (i) When both the lessor and the lessee are entitled to rent-free quarters or house-rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances; and

(ii) When the lessor is entitled to rent-free quarters or house-rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house-rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

18-E. Government servants holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognized by the Government. Each government servant shall remain responsible for the rent of the residence allotted to the post held by him.

18-F. The head of the department, in whose charge the residence is, may permit a government servant during temporary absence from his station on leave or duty to store his furniture and other belongings at his own risk, free of rent, in the residence occupied by him prior to such a absence when both the conditions specified below are fulfilled:

(a) The temporary incumbent does not require the residence and is exempted from the payment of the rent thereof; and

(b) arrangements cannot be made to lease the house to a suitable tenant during the absence of the permanent incumbent.

18-G. A government servant shall be considered to be in occupation of his residence when absent on tour or at a hill station where he is permitted, but not required, by the Government to reside.

18-H. When a government servant is supplied with residences in more than one station —

(1) each residence will be held to be in occupation by him until such time as another such residence is occupied;

(2) absence from the residence in occupation on tour will not absolve him from payment of rent there for during the period of such absence;

(3) if, during his tour, he goes to the station in which another residence has been provided for him and occupies that residence, he shall be charged for the period of such occupation the higher of the two rates payable by him for the occupation of either of the two residences;

(4) rent shall be charged at the prescribed rates for the occupation of each residence if more than one residence is in occupation simultaneously otherwise than in circumstances in (3) above.

18-I. A government servant to whom a residence is allotted for a part only of the year shall, if the residence is occupied beyond that period, be deemed to be in occupation for such additional period and shall be liable for rent for the additional period at the prescribed rate.

18-J. Expenditure incurred in providing quarters for armed police guards in the residence of a Commissioner, District Magistrate, Joint Magistrate or Superintendent of Police shall be excluded from the capital cost of the residence for the purpose of calculating the standard rent.

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (i)

19. When the actual cost of acquisition or construction of a residence is not known, the present value of the residence, exclusive of the site on which it stands, shall be estimated by the executive engineer, and fixed by the Government.

The present value shall be determined as follows:

The plinth area of the building will be ascertained and the present day cost of constructing a building of similar size and specification then estimated at plinth area rates. From the figures so arrived at will be deducted—

(a) a percentage, estimated by the executive engineer from inspection, representing depreciation or obsolescence of the materials in the building;

(b) a lump sum representing such damage which may exist but which does not affect the life of the building; and

(c) if necessary, a further lump sum deduction representing the value of those features which exist and which have been included in the plinth area valuation but which represent no value to a tenant (e.g. exceptionally thick walls, mosaic mural decoration, tahkhanas and the like).

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (ii)

19-A. Where the amount paid for a property is known but the amount actually paid on account of the site is not known, the cost of the site at the time of its acquisition shall be determined by the head of the department by comparing it with similar land, the value of which at the time of the acquisition of the site in question can be ascertained from the record of the district or other government offices. If the cost of the site cannot be so determined, it may be taken to be that proportion of the book-value of the house which the present market value of the site, as assessed by the district officer, bears to the present market value of the whole premises.

19-B. Expenditure on the following objects shall be considered to be expenditure upon the preparation of a site, viz.:

(a) Levelling;

(b) Clearance;

(c) Culverts.

NOTE—Fencing and approach roads and other roads and paths within the confines of the site shall be considered as part of the expenditure on or value of the residence as distinct from that of the site.

19-C. If the actual cost of the works mentioned in rule 19-E cannot be ascertained from any records, then it may be assumed to be the same as their present market value as assessed by the executive engineer of the division; provided that if any work was constructed prior to January 1, 1918 only two-thirds of its present value as assessed by the executive engineer shall be taken as equal to the expenditure on the work.

19-D.

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (vi)

19. E. For the purpose of assessing the cost or value of sanitary, water supply and electric installations and fittings, all materials and articles required or used from that point from which the installation is peculiar to the residence concerned, and all movable fans and lights supplied in the residence at the expense of the Government, shall be deemed to be fittings. This includes, in the case of electric installations, glass shades, but not bulbs, silk shades or other perishable articles.

NOTES—(1) In the case of more than one residence being connected with one branch from the public drain, mains or supply line, the cost of the connecting drain, main or supply line from the public drain, mains or supply line shall be apportioned between the residences served in proportion the capital cost of the several installations in each residence.

(2) In assessing the cost of sanitary, water-supply and electric installations the cost of labour shall be included.

(3) The distribution of the capital cost of water-supply, sanitary and electrical installations between the residential and non-residential portions of a building should be made on the basis of the actual cost of the relative fittings installed in each of the residential and non-residential portions of the building, anything common being divided in proportion to the capital cost of the installation in those portions. The provision of this note applies to buildings fitted with such installations after January 1, 1934.

(4) Electric heaters or water heaters which are fixed to walls, floors, or ceilings of Government buildings should be classified as fittings for the purpose of this rule, while "portable" heaters or water heaters which obtain their electric energy by means of a movable plug in a socket in the wiring system should be classified as furniture.

19-F. The Government have prescribed the following maximum scale for electrical fittings to be fixed in residences provided by the Government other than Government Houses and residences of Ministers:

Average pay of the post (excluding overseas pay)		Ceiling fans	Table fans	Lights (pendants or brackets)	Table lamps	Wiring point (fans and lights)	Plug wiring points (fans and lights)	Electric bells	Power plugs
1		2	3	4	5	6	7	8	9
1.	Less than Rs. 250, per mensem.	2	1	7	1	9	3	Nil	1
2	Rs. 250 per mensem and above but less than Rs. 500 per mensem.	4	1	16	1	20	6	1	1
1		2	3	4	5	6	7	8	9
3	Rs. 500 per mensem and above but less than Rs. 1,200 per mensem.	5	2	22	2	27	7	2	2
4	Rs. 1,200 per mensem and above but less than Rs. 1,500 per mensem.	5	2	26	2	31	8	2	3
5	Rs. 1500 per mensem and above.	6	3	30	2	36	10	4	3

19 G. The following is the maximum scale for water and sanitary fittings to be fixed in government residences other than Government Houses and residences of Ministers:

Bath tub	1	In each bathroom with necessary connection to mains and sewers.
Wash hand basin	1	
Water closet	1	
Hot water boiler	1	For the whole house.

One sink each in the kitchen and pantry.

One electric pumping set, provided there is no general water supply system in the area in which the residence is situated and it is necessary to instal such a set for the supply of water.

Rules made by the Governor under Fundamental Rule 45 A-III

20. (1) Leases by the Government of buildings from private persons or bodies should ordinarily provide that the lessor will execute all structural repairs before the building is occupied and will carry out such additions, alterations and repairs as are necessary to render the building habitable and suitable for the purpose for which it is required. In the event of any addition or alteration to the building being made subsequent to the signing of the lease at the request of the occupant and at the expense of the Government, the consent of the owner must first be obtained in writing, unless the work is considered by the Government to be essential for sanitary reasons, and the rent payable by the occupant will be increased under the following rules:

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to the Government the original cost of that work, less an allowance for deterioration, which should be fixed before the work is done, the occupant will be required to pay the following additional charges:

(a) A percentage of the capital cost equal to such rate of interest as may from time to time be fixed by the President of India in respect of officers under his rule-making power or by the Governor in respect of government servants under his rule-making power, as the case may be, for the purposes of Fundamental Rule 45-A-III(b) (i);

(b) the percentage or amount fixed for deterioration;

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by the Government); or

(ii) If the landlord refuses to accept any liability for the additional work, the rent payable by the occupant will be increased by a sum sufficient to cover during the period of the lease—

(a) the capital sum expended including interest at such rate as may from time to time be fixed by the President of India in respect of officers under his rule-making power or by the Governor in respect of government servants under his rule-making power, as the case may be, for the purposes of Fundamental Rule 45 A-III(b)(i) L;

(b) the annual estimated charges for maintenance and repairs of the additional work.

NOTE—The amount to be recovered monthly from the tenant should be fixed when the work is completed and should be distributed equally throughout the remaining period of the lease.

In case (i) interest will be calculated on half of the amount of the less half the amount which will be recovered on account of deterioration.

In case (ii) interest will be calculated on half the amount of the outlay.

(2) Capital expenditure under clause (ii) of the above rule should only be incurred when absolutely necessary, and the previous approval of the Government in the Finance Department should be obtained in cases where the capital expenditure under sub-clause (i) or (ii) of the above rule will raise the rent of the leased building to an amount in excess of 10 per cent of the monthly emoluments of the class of the government servant who usually occupy the building.

20-A. In the case of residences owned or leased by the Government the addition to be made for meeting ordinary and special charges of maintenance and repairs and municipal and other taxes in the nature of house or property tax payable by the Government shall be as follows:

(a) For ordinary maintenance and repairs and municipal and other taxes in the nature of house or property tax payable by the Government the rent shall be one-twelfth of the amount estimated as the annual cost of the ordinary repairs, together with a proportional share of the expenditure on repairs that may be required quadrennially or at other intervals, plus one-twelfth of the amount of all municipal and other taxes in the nature of house or property tax payable in a year by the Government. Municipal and other taxes not in the nature of house or property tax which by agreement or local rule or custom are levied on the occupant and not on the owner shall be payable by the occupant in addition to the rent payable under these rules. Such taxes will not be taken into account in the estimate of the executive engineer. Where any such tax is payable by the Government it shall be recovered from the occupant along with the rent at a monthly rate of one twelfth of the amount payable in a year by the Government provided that the recovery of the tax, like that of rent, will be made from him only for the period during which he is or is deemed to be in occupation of the residence.

(b) For special maintenance and repairs the monthly rent shall be determined on an estimate of the life of each class of work in the building.

(c) For service installations (water-supply, sanitary, heating and electrical installations the rent shall be increased by 4 1/2 per cent and 5 per cent of the capital cost, as distributed below, and shall be one-twelfth per mensem of the total amount thus arrived at—

1) Water-supply and sanitary installations—

		Per cent
Annual repairs		1
Special repairs		3½
	Total	4½

(2) Heating and electrical installations—

		Per cent
Annual repairs		1½
Special repairs		3½
	Total	5

NOTE—(1) In calculating the above rents, the cost of service line, if any, will be ignored.

NOTE—(2) When special repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such repairs shall be shown separately in the capital and revenue accounts as revenue charges during the year and should not be taken into accounts as a basis for the revision of the rent or for recovery under clause (b) above,



20-B. In the case of residences comprising separate complete sets of quarters for occupation by different tenants, the standard rent for each set must be calculated separately under Fundamental Rule 45-A and the expenditure and accounts of each set must be booked and kept separately.

20-C. The rent calculated under rules will remain in force for a period of five years and will not be varied on account of minor additions and alterations, provided that the expenditure on such additions and alterations does not exceed in any one year one percent of the capital cost of the residence or Rs. 500, whichever is less. But whenever any additions and alterations, which add to the accommodation or involve replacement of the existing type of work by work of a more expensive character and the expenditure on which exceeds this limit, are made, the cost of such additions and alterations including the cost of any minor additions and alterations of the same nature, which have been previously ignored under this rule, shall be added to the capital cost and the rent increased accordingly irrespective of the fact whether the period of five years has expired or not.

The same principles will be observed when instead of an increase in the capital cost of a residence there is a decrease in it due to the writing off of a portion of it not exceeding in any one year one percent of the capital cost or Rs. 500, whichever is less.

21. \* \* \* \*

#### Rules made by the Governor under Fundamental Rule 45 A-VI

22. Provision of extra amenities in connexion with official residences, such as furniture, tennis courts, gardens, cow-sheds, fowl-houses, refrigerator, etc. shall be subject to the following conditions:

- (a) that such amenities are not greater or more expensive than is reasonable having regard to the official position of the occupant, the social duties it entails, and other relevant circumstances;
- (b) that such amenities shall not, except in special circumstances, be provided for government servants who are entitled to free quarters.

NOTE—(1) The following are the only charges which may be incurred in connexion with the provision and maintenance of tennis courts when these are provided in Government residences:—

- (i) Construction of the court and of retaining walls, where necessary.
- (ii) Surfacing of the court with bajri, grass, cement, etc.
- (iii) Provision and erection of posts and wire netting for the purpose of enclosing the court and of permanently fixed post and apparatus for suspending lawn tennis nets.
- (iv) Provision and erection of fixtures and appurtenances for hanging screens.
- (v) Maintenance of the foregoing items.

The cost providing and renewing tennis nets, the marking of courts, and the provision of screens shall not be admitted as a charge against the Government.

22-A. Rent for tennis courts, gardens, cow-sheds, etc. constructed and maintained by the Government shall be—

- (a) interest at the same rate as is applied for purposes of Fundamental Rule 45-A-III on the capital value of the amenity provided at the cost of the Government;
- (b) the amount estimated by the Deputy Director of Gardens, Uttar Pradesh, as necessary for the annual upkeep of the tennis court, garden, etc. including all charges such as of malis, coolies, manure, seeds and bullocks for drawing water or other charges for water;
- (c) the annual cost of repairs to any structural features.

NOTE—(1) The value of the site shall be excluded in calculating the rent of extra amenities under this rule.

NOTE—(2) When the capital cost of any gardens or lawns cannot be ascertained the case should be reported to the Government for orders on merits.

NOTE—(3) In calculating the monthly rent of gardens, the average receipts obtained from the sale of grass and unserviceable garden tools, etc. (but not from sale of dead trees) should be deducted from the annual cost of maintenance of the garden concerned.

22-AA. Rent for an electric pumping set which does not fall under Subsidiary Rule 19-G and which has been installed in a residence at Government expense at the request of its occupant shall be recovered monthly at one-twelfth of the amount annually required for the payment of interest at the rate prescribed under rule 22 F plus annual repairs at 1½ per cent and special repairs and depreciations at 8½ per cent on the capital cost of the set.

Once a pumping set has been installed in a residence at the request of an occupant, every government servant occupying the residence shall be liable to pay rent for the pumping set irrespective of whether he requires or uses it or not. He will also bear the cost of the electric current consumed in operating it.

22-B. The Government may in special circumstances by order remit or reduce the additional rent for services other than water supply, sanitary or electric installations and fittings such as furniture, tennis courts, gardens, cow-sheds, fowl-houses, etc. maintained at the cost of the Government.

22-C. Rent on furniture supplied during 1921 and up to 19th June, 1922, will be charged at 8 per cent per annum on the capital value and any supplies made after that date will be charged at 12 per cent on the capital value involved. The details of 8 and 12 per cent respectively are given below:

Details of 8 per cent		Details of 12 per cent
Interest	3½ per cent	6 per cent
Repairs	1½ "	3 "
Renewals	3 "	3 "
	8 "	12 "

22-D. The rent to be recovered on account of refrigerators supplied by the Government shall be calculated as follows:

Interest on the cost of the refrigerator	6 per cent per annum.
Depreciation charges	8.5 per cent per annum.
Maintenance charges	Rs. 25 per annum.

Example— The monthly rent to be recovered on a refrigerator costing Rs. 1,000 will be—

	Rs.
Interest at 6 per cent per annum	60
Depreciation charges at 8.5 per cent per annum.	85
Maintenance charges	25
Total	170

or Rs. 170 divided by 12 – Rs. 14 per mensem.

NOTE—The occupant of a residence in which a refrigerator is installed is liable for the rent thereon even if he does not utilize it. In addition he will of course bear the cost of the electric current consumed in operating it.

22 E. \* \* \* \*

22-F. Except as otherwise provided in these rules the interest on the capital cost of special services falling under Fundamental Rule 45A-VI shall be charged at the same rate as is applied for purposes of Fundamental Rule 45A-III.

22-G. Administrative departments of the Government and heads of departments have been authorized to sanction additional rents and charges for extra amenities according to the above rules.

23. \* \* \* [See the note below rule 45-A-II of the Uttar Pradesh Fundamental Rules in Part II of this volume].

## CHAPTER V—ACCEPTANCE OF HONORARIA AND FEES

### Rules made by the Governor under Fundamental Rule 47

24. Subject to the conditions prescribed in rules 25 to 34, a head of a department may sanction the grant of an honorarium to a government servant under his administrative control or the acceptance by such a government of a fee. No government servant may accept an honorarium or a fee without such sanction, or without the orders of the Government.

NOTE—(1) The employment by a Public Service Commission, or by the Board of High School and Intermediate Education, Uttar Pradesh, or by the Registrar, Departmental Examinations, Uttar Pradesh, or by the Board of Homoeopathic Medicine, Uttar Pradesh, or by the Registrar of the various other examinations in the Education Department, or by the State Board of Technical Education, Uttar Pradesh, or by the Central Secretariate Training School (Examination Wing) as setters, moderators, examiners, tabulators and checkers of any government servants serving under the Government of Uttar Pradesh will also automatically imply the Government's sanction to their undertaking the work and accepting honoraria at the prescribed rates. The maximum prescribed limit for officers (gazetted and non-gazetted government servants) to receive honoraria and fees if employed by a Public Service Commission, or by the Board of High School and Intermediate Education, Uttar Pradesh, or by the Registrar, Departmental Examinations, Uttar Pradesh, or by the Board of Homoeopathic Medicine, Uttar Pradesh, or by the Registrars of the various other examinations in the Education Department, or by the State Board of Technical Education, Uttar Pradesh, or by the Central Secretariate Training School (Examination Wing) or by any other examining body as setters, moderators, examiners, tabulators, checkers, etc. for the various examinations conducted by them in a single year from the various sources enumerated above will be Rs. 3,500 and that the honoraria and fees from one source or examining body to a person in a single year shall not exceed Rs. 1,500.

Order of the Governor regarding rule 24

The Regional Deputy Directors of Education, Uttar Pradesh, Regional Inspectresses of Girls Schools, Uttar Pradesh, and the Principal, Government Central Pedagogical Institute, Uttar Pradesh, Allahabad are authorized to permit Government servants in their respective Regions and subordinate to them to accept such examinations and to receive therefore honoraria or fee, as the case may be, subject to the condition that the monetary limit in the case of a Government servant from one single source within a year shall not exceed Rs. 250 and a total of Rs. 500 from all sources taken together.

NOTE—(2) The grant of permission to a government servant invited by All India Radio to broadcast a talk, etc. from any of its stations will also automatically imply sanction to his accepting honorarium not exceeding the prescribed rates, if he wishes to do so, unless the authority competent to grant such permission directs otherwise.

24-A. Commissioners of Divisions are empowered to sanction the acceptance by tahsil clerks of recurring fees or allowances not exceeding Rs. 15 per mensem in each individual case from District Boards for doing the clerical work of the latter at tahsils in addition to their official duties.

24-B. Government servants of the Public Works Department and also of the Local Self Government Engineering Department should be permitted to undertake private work only when it is of a public or semi-public nature, e.g., the design or erection of a large bank building or of a public hall, library or school or a water-supply or drainage scheme. They will not be permitted to undertake work which is of a purely private nature and which can be performed by private contractors or firms. These conditions will, however, not apply in the case of those government servants who have been definitely permitted by the terms of their agreement to undertake any private work.

25. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

26. When the service rendered falls within the scope of the ordinary duties of the government servant performing it, the test of special merit prescribed in Fundamental Rule 46 must be very strictly applied.

27. An honorarium shall not be given under these rules for superintending an examination which is compulsory for certain government servants or any other examination the conduct of which comes within the ordinary duties of the government servant or servants conducting them. But an honorarium may be granted to a government servant superintending an examination of candidates for admission to the public service or any other examination the conduct of which is declared by the Government or a head of department authorized to hold such examination not to come within the ordinary duties of the government servant or servants conducting them. If fees are levied from the candidates appearing at an examination and the amount of such fees is sufficient to cover the honoraria of the examiners, a head of department authorized to hold the examination may sanction the grant of honoraria, irrespective of the limit prescribed in rule 31.

28. Sanction must not be given to the acceptance of an honorarium or fee unless the work for which it is offered has been undertaken with the knowledge and sanction of head of the department, who must certify that its performance will involve no detriment to the official duties of the government servant performing it.

29. When a fee is paid for work done by a government servant during time which would otherwise be spent in the performance of official duties, the sanctioning authority may, for special reasons, which should be recorded, direct that the whole or any part of it be paid to the government servant. The procedure for the accounting of fees received by government servants for work done for private bodies or for another Government, is laid down in paragraphs 361A and 361B of the Financial Handbook, Volume V, Part I.

29-A. When a government servant is permitted to receive a fee in circumstances which necessitate his devoting his whole time to the work of the foreign employer to the exclusion of his regular duties the part of the fee to be credited to the Government shall not be less than the pay of the government servant plus contribution for pension and leave for the period of his absence from duty. If a government servant is required to devote his whole time to foreign service for a period exceeding ten days, he should be placed on foreign service in accordance with the rules for such employment.

30. When a government servant of an educational service is permitted to receive fees for private tuition, the financial limit of the power of sanction accorded by rule 31 shall be considered to apply to the total amount of fees to be accepted by such government servant during any particular scholastic term or vacation.

31.\* For any individual piece of work a head of a department may sanction in the case of government servants subordinate to him (1) the grant of non-recurring honoraria not exceeding Rs. 375 in all, (2) the acceptance of a

non-recurring fee or fees not exceeding Rs. 750 in all, or (3) the acceptance of recurring fee or fees not exceeding Rs. 30 per mensem in all.

Exception 1—The Director of Education, Uttar Pradesh, may sanction the acceptance of remuneration for the sale of the copyrights of books and also the acceptance of fee for private tuition up to the limit of Rs. 1,000.

Exception 2—The Transport Commissioner, Uttar Pradesh, may sanction, in the case of a government servant subordinate to him, the grant of non-recurring honoraria not exceeding Rs. 5,000 in all for one Mela, subject to the conditions laid down in Note 2 below this rule.

NOTE (1) The limits specified in items (2) and (3) above refer to the total amount of fee or fees inclusive of the share creditable to the Government, if any, and the power in item (3) above shall be exercised only in respect of non-gazetted servants.

NOTE (2) So far as the grant of honoraria is concerned, the exercise of the power mentioned in the rule by a head of a department is subject to the condition that necessary provision to meet the cost of honoraria exists in the budget and is not increased by reappropriation from other heads over which he may have control. Any proposal for the grant of honoraria which involves the supplementing of the budget provision should be submitted to the Government even though it may otherwise be within the powers of sanction of a head of a department.

NOTE (3) The Director of Medical and Health Services, Uttar Pradesh, has been empowered to sanction honoraria (at the rate of fifty paise per certificate) to certifying surgeons or persons authorized under section 12 of the Indian Factories Act, 1934 (Act XXV of 1934), subject to the following conditions:

(i) The honorarium will be paid quarterly on the basis of the number of certificates issued in each of the three preceding months;

(ii) no honorarium will be paid in respect of any month in which the number of certificates issued is less than twenty.

32. A government servant appointed as an examiner by the authorities of any university or by another Government may be permitted to accept the entire fee or honorarium sanctioned by the university or other government. But in cases where the examination work involves the absence of the government servant from his headquarters or detriment to his regular duties, the period of absence should be treated as casual leave, if it is below fourteen days, and regular leave, if it exceeds that period. The Government will, in no case, be responsible for the trav

elling allowance of the government servant for any journeys performed by him in connexion with such work.

\*(This amendment shall be deemed to have come into force with effect from July 24, 1974).

33. No government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

34. A government servant called upon by a court of law to act as a witness to give evidence on technical matters may be permitted to comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and to accept such fees as are fixed by the court.

NOTE—The apportionment of fees received by the government servant between him and the Government will be regulated by Subsidiary Rules 29 and 29-A.

## CHAPTER V-A

### ACCEPTANCE OF FEES BY MEDICAL OFFICERS OF THE PROVINCIAL AND SUBORDINATE MEDICAL SERVICES FOR SERVICES OTHER THAN PROFESSIONAL ATTENDANCE

#### Rules made by the Governor under the Uttar Pradesh Fundamental Rule 46A

34-A. (1) The permission to undertake private medical work (other than professional attendance) on the fees permitted by the following rules is subject to the general condition that no medical officer shall undertake any work on behalf of a private person or body or public body without the knowledge and sanction, whether general or special, of the local head of his department, or if he is himself the local head, of the head of his department, and sanction shall be subject to the condition that the work does not interfere with the official duties of the medical officer concerned.

(1-A) Except where otherwise provided in these rules, professors and readers at the Agra Medical College, Ganesh Shanker Vidyarthi Memorial Medical College, Kanpur and Moti Lal Nehru Medical College, Allahabad may for purposes of these rules, rank as Civil Surgeons and lecturers as Provincial Medical Service officers not being civil surgeons. This applies only to those professors, readers and lecturers who are allowed to engage in private practice.

(2) In cases where the fee is under the rules divisible between the medical officer and the Government, the total amount should, except in the case of a medical board otherwise provided for in rule 10 or of Provincial Medical Boards for which the Government have prescribed special procedure, first be credited to the Government, the share of the medical officer being afterwards drawn on a refund bill in form 19 of the Financial Handbook, Volume V. In all such cases a complete record of the work done and of the fees received should be kept by the medical officer.

(3) The rates of fees given in the following rules are the maxima which a medical officer will be free to reduce or remit, if he is entitled to appropriate them himself. In cases where the fee is divisible between the medical officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realized instead of the schedule fee.

(4) No fee shall be admissible to a medical officer for conducting post-mortem medico-legal or other similar medical examinations, when such examinations form part of his ordinary official duty.

(5) A staff surgeon in receipt of an allowance for the medical charge of the civil population as a collateral duty is not entitled to any remuneration for conducting a post-mortem or medico-legal examination when such work is done in the ordinary course of his duty as civil surgeon.

(6) Medical officers holding appointments as civil surgeons are entitled to a fee of Rs. 32 for conducting post-mortem examinations done otherwise than in course of ordinary duty. Medical officers of the Provincial Medical Service other than civil surgeons and of the Provincial Subordinate Medical Service will under similar conditions be entitled to a fee of Rs. 16 per examination.

(6-A) A medical officer holding civil medical charge of a district is entitled to a fee of Rs. 16 for conducting a medico-legal examination, and a medical officer of the Provincial Medical Service or Provincial Subordinate Medical Service not in civil medical charge of a district is entitled to a fee of Rs. 8 for such work when this does not form part of his ordinary official duty.

(7) No fee is admissible to a medical officer for giving evidence in criminal cases either for the prosecution or for the defence when he is summoned to give evidence on behalf of the Government. Similarly, fees cannot be claimed by a medical officer when he is requested by the police to report on the age of an accused person or as to whether injuries inflicted are simple or grievous.

In all other cases, when evidence is given for a private person or a public body, medical officers should settle their fees before they go into court. Once they have been summoned to give evidence by a competent court, the additional fee, if any, will be settled at the discretion of the court:

Provided that no government medical officer is permitted without first obtaining the permission of the Director of Medical and Health Services to give evidence for the defence in a case in which the Government is the complainant.

(8) A civil surgeon is entitled to a fee of Rs. 4 for each candidate examined by him under the Postal Life Insurance Rules.

(9) A civil surgeon is entitled to a fee of Rs. 8 for each applicant, examined by him, who applies for commutation of a sum such that the total amount of pension to be commuted, together with the amount or amounts previously commuted, if any, is Rs. 25 or less of the monthly pension.

The medical examination of an applicant for commutation of pension who has been granted an invalid pension, or who has applied for commutation of a sum which together with the amount or amounts previously commuted, if any, is more than Rs. 25 of the monthly pension, shall be conducted by a medical board.

When the examination is conducted by a medical board, the applicant shall pay a fee of Rs. 4 into a Government treasury and make over the receipt for the fee to the board before examination, together with an additional fee of Rs. 12 in cash to be retained and divided by the members of the board among themselves.

In cases where the Government, in the exercise of the discretion allowed by the rules for commutation of pensions desire a second medical opinion, the applicant for commutation of pension shall not be required to pay any further fee.

(10) A medical officer-in-charge of a civil station is entitled to a fee of Rs. 16 for giving an opinion in an arbitration case under the Workmen's Compensation Act, 1923 (Act VIII of 1923).

(10-A) A medical officer is entitled to a fee of Rs. 4 for furnishing a report on an injured workman.

(11) No fee shall be charged for any certificate recommending a government servant for leave or extension of leave, and no fee may be charged for a consultation as a result of which such a certificate is granted.

NOTE—Except in cases of an urgent nature or of a few days only, a government medical officer should, as far as circumstances permit, avoid granting a medical certificate recommending leave, and more particularly extension of leave, without the cognizance of the head of the office or department to which the applicant belongs, in order that the head of the office may communicate any essential facts about the applicant's case.

(12) Except as provided by rule 13, a candidate who has been accepted for Government employment, subject to his being declared medically fit for Government service, shall be examined and certified free of charge by the civil surgeon of the district in which the candidate is resident or to be employed. He should bring a letter from the recruiting authority to the effect that he has been accepted for Government employment if passed medically fit.

In other cases, e.g., of candidates for Government appointments who have to submit a medical certificate of fitness with their original applications, a civil surgeon will be entitled to a fee of Rs. 8 per candidate. Medical officers of the Provincial Medical Service may charge Rs. 4 and of the provincial Subordinate Medical Service Rs. 2 for each candidate for Government service examined by them and not previously approved or accepted subject to medical fitness or sent by the head of office or department.

(13) A civil surgeon is entitled to a fee of Rs. 5 for each candidate for the post of naib tahsildar examined by him.

(14) A fee of Rs. 4 may be charged by a civil surgeon for examining candidates for admission to the Police Training School, Moradabad, the Agricultural College, Kanpur, the Forest College, Dehra Dun, the Punjab, Patna and Calcutta Veterinary Colleges, the Medical School. Agra and the Qanungo Training School, Hardoi.

The same fee is chargeable from any candidate for admission to any technical or industrial institution under the Department of Industries who is required by the head of the institution concerned to produce a certificate by a civil surgeon. Such heads of institutions are, however, at liberty, should they see fit to do so, to accept certificates of medical fitness from other medical officers in the employment of Government, in which case the fee chargeable by such medical officers will be Rs. 2.

(15) In the hill patts of the Kumaun Division, Assistant surgeons who are required to examine candidates for appointment as patwaris are entitled to a fee of Rs. 2 per candidate.

(16) Medical officers of the Provincial Subordinate Medical Service attached to district or municipal board dispensaries and paid by those bodies shall examine candidate for training at normal schools without any remuneration.

Candidates for posts under district or municipal boards shall, when required by the boards to be medically examined, be examined by such medical officers free of charge.

(17) A civil surgeon appointed as a certifying surgeon under the Indian Factories Act, 1911 (Act XII of 1911), shall not charge any fee for the examination of children applying for employment in factories or for the re-examination of children in respect of whom notice has been served upon the manager.

(18) The lecturers of the Agra Medical School are entitled to the following remuneration for conducting the grade examinations of sub-assistant surgeons from district and municipal boards and from Rajputana:

(1)	For marking each answer book in medicine, surgery, and medical jurisprudence	Re. 1 per book per subject.
(2)	For conducting oral and practical examinations in medicine and surgery	Rs. 2 per candidate per subject.



(3)	For conducting the viva voce examination in jurisprudence, hygiene, and materia medica	Re. 1 per candidate per subject.
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(19) Lecturers of the Agra Medical School are entitled to 75 per cent of the fees charged to licentiates for post-graduate instruction.

(20) Medical officers will be entitled to remuneration on a scale \*fixed by the authorities concerned for conducting the various examinations of medical students of a college or school when required to do, subject to the condition that such examinations do not form part of the official duties of the officer conducting them.

\*NOTE—The scale is subject to variation and is fixed by the University or the State Faculty concerned.

The scales of remuneration are at present as follows:

#### M.D. Examination

		Rs. paise
(a)	For setting each question paper	100.00
		Rs. paise
(b)	For examining each answer-book	2.50
(c)	For examining each thesis	100.00
(d)	For practical examination including viva voce in Science	100.00
(e)	For practical and clinical examination including viva voce in medicine	50.00

#### First M.B.B.S. Examination

		Rs. paise
(a)	For setting each question paper	75.00
(b)	For examining each answer-book	1.50
(c)	For practical and clinical examination including viva voce per candidate (with a minimum of Rs. 100 for the external examiner)	2.00

#### Final M.B.B.S. Examination

(a)	For setting each question paper	75.00
(b)	For examining each answer-book	2.00
(c)	For practical and clinical examination including viva voce per candidate—	

	In pathology, medicine, surgery, ophthalmology and midwifery (with a minimum of Rs. 150 for pathology, ophthalmology and midwifery, and with a minimum of Rs. 200 for medicine and surgery for the external examiner)	3.00
	In hygiene and medical jurisprudence (with a minimum of Rs. 75 for the external examiner)	1.50
	In pharmacology (with a minimum of Rs. 100 for the external examiner)	2.00

#### D.P.H. Examination

(a)	For setting each question paper	40.00
(b)	For examining each answer-book	1.50
		Rs. paise
(c)	For practical examination including viva voce per candidate (with a minimum of Rs. 40)	3.00
(d)	For examination in outdoor work, per candidate with a minimum of Rs. 100	2.00

#### Membership Examination (final)

For setting a paper, looking over written answers and conducting the oral and practical examination, Rs. 150.

#### Licentiate Examination

		Rs. paise
(i) Primary and Intermediate Examination—		
(a)	External examiner for setting a paper	75.00
(b)	External examiner for marking each answer-book	2.00
(c)	External examiner for oral and practical examination, per candidate	2.00
(ii) Final Examination—		
(a)	External examiner for setting a paper	75.00
(b)	External examiner for marking each answer-book	2.00
(c)	External examiner for oral examination in each subject other than medicine and surgery per candidate with a minimum of Rs. 50	2.00
(d)	External examiner for oral, practical and clinical examination in medicine and surgery per candidate with a minimum of Rs. 75	3.00

(21) Medical officers will be entitled to receive 60 per cent of the fees charged for private bacteriological examinations in Government laboratories, the details of which are given below. The medical officer may divide it with his assistants and subordinates in such manner as he considers equitable:—

		Rs. paise
(1)	Widal's reaction (to any combination of organisms, i.e. typhoid, paratyphoid malta fever, etc.,	10.00
(2)	Widal's reaction (to a single organism)	5.00
		Rs. paise
(3)	Wassermann reaction	32.00
(4)	Examination of blood smears (for malaria, relapsing fever, etc.)	5.00
(5)	Examination of blood smears (for differential leucocytic count)	5.00
(6)	Examination of sputum for tubercle bacilli, etc.	5.00
(7)	Examination of urine—	
(a)	Clinical and qualitative (i.e. chemical and physical)	5.00
(b)	Clinical and quantitative (i.e. estimation of sugar, urea, albumen, acetone, indican, etc.)	10.00
(c)	Bacteriological	10.00
(8)	Pus smears	5.00
(9)	Scrapings from ulcers, sores, films, etc.	5.00
(10)	Treponoma palidum—	
(a)	Dark ground illumination	
(b)	Both methods combined	5.00
(11)	Examination of faeces—	
(a)	Microscopical	5.00
(b)	Bacteriological	10.00
(c)	Microscopical and bacteriological combined	15.00
(12)	Bacteriological examination of diphtheria-swabs or cultures	10.00
(13)	Examination of water—	
(a)	Bacteriological examination alone for each sample	15.00

(b)	Chemical examination alone for each sample	20.00
(c)	Bacteriological and chemical examination combined for each sample	30.00
(d)	Special for locomotive or industrial purposes	50.00

		Rs. Paise
(14)	Inoculation of small animals for diagnostic process, tubercle, etc.	16.00
(15)	Routine examination of an organism	20.00
(16)	Sections of morbid tissues	16.00
(17) Preparation of autogenous vaccines—		
(a)	By use of simple culture of media	16.00
(b)	By use of complicated media	
(c)	By series of tests on complicated media with animal experiments	
(18)	Riddel Walker test	32.00
(19)	Chemical and bacteriological examination of milk	20.00
(20)	Chemical examination of milk for adulteration with water or chemicals only	20.00
(21)	Chemical examination of butter, ghee, oils or drugs	20.00
(22)	Chemical examination of malt liquors, spirit and wine	20.00
(23)	Blood cultures (negative)	15.00
(24)	Blood cultures (positive)	25.00

## CHAPTER VI—AUTHORITIES BY WHOM LEAVE MAY BE GRANTED

### Rules made by the Governor under Fundamental Rule 66

35. Any leave, other than disability leave, admissible under the Fundamental Rules, may be granted to a non-gazetted government servant by the authority whose duty it would be to fill up his post if it were vacant, or such other competent authority mentioned in Part IV of this volume. [See note 2 below rule 66 of the U.P. Fundamental Rules]

36. Leave to a gazetted government servant ordinarily requires the sanction of the Government, but may be granted by the competent authority to the extent mentioned in Part IV of this volume. In all cases of leave to a

gazetted government servant a report as to the admissibility of the leave must first be obtained from the Accountant General. [See notes under rule 66 of the Uttar Pradesh Fundamental Rules in Part II of this volume].

37. The powers in rules 35 and 36 above are not to be exercised in cases in which leave granted to a government servant will extend beyond the date on which he must compulsorily retire from service. All such cases require the previous sanction of the Government.

NOTE—The date of compulsory retirement is the date on which the government servant attains the age of superannuation under Fundamental Rule 56—viz. 58 years or 60 years, as the case may be. In the case of leave preparatory to retirement whilst the authority empowered to sanction leave under rules 35 and 36 above can sanction it, that authority should refer the case to Government if it proposes to refuse the leave on public grounds, of the order of the Governor regarding Fundamental Rule 86. Sanction of Government should also be obtained in all cases in which it is proposed to grant leave to government servants who have been allowed an extension of service under Fundamental Rule 56.

## CHAPTER VII

### COMBINATION OF HOLIDAYS WITH LEAVE AND JOINING TIME

#### Rules made by the Governor under Fundamental Rule 68

NOTE—(1) The provisions of the rules in this chapter, so far as they are applicable to government servants under the rule making control of the Secretary of State, are the same as in the original Subsidiary Rule (in Chapter VII of the fourth edition, 1936, of the Financial Handbook, Volume II) as they stood on March 31, 1937. The rules in this chapter, in their application to above government servants should now be deemed by virtue of section 276 of the Government of India Act, 1935, as rules made by the Secretary of State under section 247(1)(a) of the said Act and are consequently alterable by that authority alone in their application to such government servants.

NOTE—(2) The conditions under which vacation may be combined with leave are stated in Fundamental Rule 82(d) and the rules in Chapter XI of these rules. Subject to those conditions, vacation for the purpose of the above rules will be treated as a gazetted holiday; if it is necessary to make any arrangement for work during vacation, it should be done without extra expense.

38. When the day immediately preceding the day on which a government servant's leave begins, or immediately following the day on which his leave or joining time expires, is a holiday, or one of a series of holidays, the government servant may with the permission of the competent authority 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 monies other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a government servant 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 government servant who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it.

NOTE—(1) Proviso (a) to this rule applies also when the transfer or assumption of charge involves handing or taking over of stamp and opium balances at a treasury.

NOTE—(2) It is not permissible to prefix holidays to joining time in any circumstances.

NOTE—(3) Where a government servant has been allowed to combine leave with holidays, or to affix holidays to joining time, a specific order or the authority competent to sanction leave or transfer permitting such combination is necessary and should be communicated in each case to the Accountant General for audit purposes.

NOTE—(4) The grant of permission to combine leave with holidays and to affix holidays to joining time should be so regulated that both the relieved and relieving government servants do not take advantage of the same holiday or holidays.

39. On condition that the departing government servant remains responsible for the monies in his charge a competent authority may declare that proviso (a) under rule 38 is not applicable to any particular case.

40. Unless the competent authority in any case otherwise direct—

(a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and

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

41. In deciding whether the absence of a Government servant involves the transfer of a government servant from another station for the purpose of provisos (b) and (c) of rule 38 above, account should be taken only of the substitute who takes the place of the absent government servant, not of all government servants in the chain of arrangements arising from one government servants absence of leave.

42. \* \* \*

42-A. In the case of district and sessions judges and civil and sessions judges, the vacation will be treated as holidays and may be prefixed or suffixed to leave subject to the following conditions:

(1) that no extra expenditure is incurred by the Government for the period of the vacation;

(2) that vacation is not both prefixed and suffixed to leave;

(3) that such vacation will be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave, save that in the case of a government servant subject to the ordinary leave rules, the holidays are combined with leave on average pay for any period not exceeding four months taken by itself;

(4) that such vacation is treated as the equivalent of leave on average pay for the purpose of determining the period during which leave-salary is subject to the monthly maxima prescribed in Fundamental Rule 89;

(5) that such vacation is included in the maximum period of absence from duty prescribed in Fundamental Rule 81 (d).

## **CHAPTER VIII—MEDICAL CERTIFICATE OF FITNESS TO BE PRODUCED ON RETURN FROM LEAVE**

Rules made by the Governor under Fundamental Rule 71

43. (a) A government servant who has taken leave in Asia on medical certificate will be required to produce a certificate of fitness in the following form before he can be permitted to return to duty:

\_\_\_\_\_  
We/I the // do hereby certify that we/I have carefully

examined A. B. C. of the..... department and find that he has recovered from his illness and is now fit to resume duties in Government service.

We/I also certify that before arriving at this decision we/I examined the original medical certificate and statement of the case (or copies thereof certified by the officers granting the leave) on which leave was granted and have taken these into consideration in arriving at our/my decision.

NOTE—The above form has been prescribed by the Government of India for services under their rule-making control. The Governor has also prescribed this form for services under his rule-making control.

(b) If the government servant on leave is a gazetted servant, such certificate should be signed by a medical committee. In cases, however, where—

(i) the leave is for not more than three months, or

(ii) the leave is for more than three months or leave for three months or less is extended beyond three months but the medical committee granting the original certificate or certificate for extension state at the time of granting such certificate that the government servant need not appear before another committee for obtaining the certificate of fitness to return to duty,

the certificate may be signed by a commissioned medical officer or a medical officer-in-charge of a civil station. If the government servant on leave is not a gazetted servant the competent authority may in its discretion accept a certificate signed by a medical practitioner who has registered his name under the United Provinces Medical Act, III of 1917, provided that in the case of a female government servant, gazetted or non-gazetted, a certificate from a registered medical woman shall be accepted.

NOTE—A gazetted government servant required to obtain a certificate of fitness from a medical committee should, when there is no sitting of the committee on the date on which his leave terminates, present himself before the committee at its meeting previous to the date on which his leave expires.

Orders of the Governor regarding Subsidiary Rule 43

A certificate signed by one or two medical officers obtained under Subsidiary Rule 93 is equivalent for all practical purposes to a certificate from a medical committee and such cases should not be excluded from the operation of Subsidiary Rule 43(b).

44. (a) A government servant, who has taken leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:

"We certify that we have carefully examined C. D. of the \_\_\_\_\_ department and find that he is in good health and fit to return to his duty in India."

Date\_\_\_\_\_

Place\_\_\_\_\_

NOTE—The above form has been prescribed by the Government of India for services under their rule-making control. The Governor has also prescribed this form for services under his rule-making control.

(b) If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

45. Any government servant who has been granted leave or an extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may at the discretion of the competent authority be required to produce a similar certificate of fitness before being permitted to return to duty.

NOTE—When a government servant who has been granted leave for reasons of health, proceeds to any of the localities named in Subsidiary Rule 105 (i.e., outside India) the authority which granted the leave shall inform the High Commissioner for India if a certificate of fitness is required under the second sentence of Fundamental Rule 71. In the absence of specific intimation to the effect that such a certificate is required, the High Commissioner may act as if no certificate is necessary.

## CHAPTER IX—PROCEDURE RELATING TO LEAVE

Rules made by the Governor under the Fundamental Rule 74(a) (i) to (iii)

SECTION I—46—78 \* \* \*

### SECTION II—PROCEDURE RELATING TO LEAVE IN INDIA

79. \* \* \*

#### LEAVE ACCOUNTS

80. The leave account required by Fundamental Rule 76 in Part I shall be maintained in forms nos. 11 and 11A (prescribed by the Auditor General) in respect of government servants under the special leave rules and ordinary leave rules respectively. The leave account required by rule 76 of the Uttar Pradesh Fundamental Rules shall be maintained in form nos. 11B and 11C.

81. (a) The leave account of a gazetted government servant shall be maintained by, or under the direction of, the Accountant General.

(b) The leave account of a non-gazetted government servant shall be maintained by, or under the direction of, the head of the office in which he is employed. The entries in the leave account shall be signed by the head of the office, or if the head of the office be a non-gazetted government servant, by his immediate superior.

NOTE—(1) (i) When a non-gazetted government servant who is officiating in a gazetted post proceeds on leave, he should be treated as continuing to hold a gazetted status during his leave for all practical purposes (viz. for purposes of issue of notifications, drawal of leave salary and other allowances, grant of leave or extension of leave on medical certificate, etc.) irrespective of whether the leave counts for increment or not, whether, but for his going on leave he would have continued to officiate in the gazetted post or not, and whether on the expiry of his leave he would return to his gazetted post or not.



(ii) Such a government servant will, while on leave, be reckoned against a gazetted or a non-gazetted post, in the borrowing department itself except when leave is granted at the end of a period of appointment in the borrowing department. In the latter case the procedure laid down in Note 2 below should be followed strictly.

(iii) The above principle will apply also to a government servant transferred from one office of the State Government to another or from the Central Government to the State Government and vice versa and holding a lien (active or suspended) on a non-gazetted post in his parent office, when he proceeds on leave while officiating in a gazetted post in the borrowing office. The following procedure should be followed in the cases of such officers:

(a) Leave and any extensions thereof should be granted and notified the borrowing Government or office, and

(b) leave salary will be authorized by the Audit office of the borrowing Government or office as the case may be.

NOTE 2—(1) When a government servant is transferred from one department of the State Government to another the procedure followed by the borrowing department for the grant of leave or extension of leave and disbursement of leave salary should be the same as if they were being granted from duty in the leading department. When, however, the transfer from one department of the State Government to another takes place while the government servant is already on leave or in transit from one department to another department, the following procedure should be followed:

(i) In cases where a period of leave has already been sanctioned by a department of the State Government and the government servant concerned is transferred to another such department where he has to join on the expiry of leave, the issue of formal orders/notification sanctioning leave and the payment of leave salary shall devolve on the department from which he is transferred.

(ii) In cases where extension of leave is applied for in continuation of the leave already granted to him by the department from which he is transferred, the issue of formal orders/notification sanctioning leave and the payment of leave salary shall devolve on—

(a) the department where he is to report for duty, if the transfer or reversion of the government servant to such department is to take effect from the date of expiry of the original spell of leave, or

(b) the department from which he is transferred, if the transfer/reversion is to take effect from the date of expiry of extension of leave applied for.

(iii) In cases where the leave is applied for by a government servant during the period of transit from one department of the State Government to another such department, the leave should be sanctioned by the department where he has to report for duty and that department should also make suitable administrative arrangements incumbent on the sanctioning of leave.

(2) The procedure prescribed in clause (1) above will apply mutatis mutandis in cases of grant of leave and the disbursement of leave salary of government servants transferred from one office to another under the same department.

#### APPLICATION FOR LEAVE

82. Except as provided in rules 84 and 85, an application for leave or for an extension of leave shall be made to the authority competent to grant such leave or extension as specified in rules 35 to 37 or in the notes under rule 66 of the Uttar Pradesh Fundamental Rules.

83. Applications for leave from gazetted government servants whose leave accounts are maintained by, or under the direction of the Accountant General, should be submitted to the competent authority through that officer.

NOTE—When an application is supported by a medical certificate which is not in proper form, the transmission of the application to the Government should not be delayed on that account by the Accountant General. The certificate should be returned to the head of the department concerned, who should obtain a certificate in the proper form (vide rules 89,91 and 95) and forward it direct to the Government.

84. An application for leave by a chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese or to the Presidency Senior, Chaplain of the Church of Scotland in Bengal, as the case may be, who will transmit it with his remarks to the Government for orders in case it is not within his competence to sanction the leave. In cases of urgency, leave on medical certificate may be granted by the Government in anticipation of the concurrence of the Bishop or Presidency Senior Chaplain, who should however be informed without delay.

85. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise he will abstain from countersigning it. In either case he will forward the application for disposal to the authority competent to grant the leave.

NOTE—When leave or extension of leave to a commissioned medical officer in temporary civil employ is sanctioned by the Government, a copy of the order should be communicated to the Director General, Indian Medical Service.

86. A government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

#### MEDICAL CERTIFICATES

87. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the government servant concerned will ever be fit to resume his duties. In such cases the opinion that the government servant is permanently unfit for government service should be recorded in the medical certificate.

88. Every certificate of a medical committee or a medical officer recommending the grant of leave to a government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or the rules to which he is subject.

89. \*Before a gazetted government servant can be granted leave, or an extension of leave on medical certificate, he/she must obtain a certificate in the following form:

Statement of the case of \_\_\_\_\_

Name (to be filled in by the applicant in the presence of the Chief Medical Officer or the authorised medical attendant).

Appointment held

Age

Total service

Previous periods of leave of absence on medical certificate.

Habits

Disease

History

I \_\_\_\_\_ Chief Medical Officer/Authorised Medical Attendant at \_\_\_\_\_  
\_\_\_\_\_ or of \_\_\_\_\_ after careful and personal examination of the case hereby certify that  
Shri/Shrimati/Kumari \_\_\_\_\_ is in a bad state of health and I solemnly and sincerely  
declare that, according to the best of my judgement, a period of absence from duty is essentially necessary for  
the recovery of his/her health and recommend that he/she may be granted leave for \_\_\_\_\_ with effect  
from \_\_\_\_\_

\*In my opinion it is/it is not necessary for the office appear before a medical board.

Chief Medical Officer/Authorised Medical Attendant.

Dated \_\_\_\_\_

\*This sentence should either be modified by scoring out the irrelevant words or altogether scored out according  
as the period of leave recommended is up to three months or exceeds that period.

NOTE—(1) This form should be adhered to as closely as possible and should be filled in after the signature of  
the government servant applying for leave has been taken. The certifying officer is not at liberty to certify that  
the applicant requires a change from or to a particular locality or that he/she is not fit to proceed to a particular  
locality. Such certificate should only be given at the explicit request of the sanctioning authority to whom it is  
open to decide when an application on such grounds has been made to him, whether the government servant  
should go before a medical board to decide the question of his/her fitness for service.

NOTE—(2) The medical certificate and history of the case as also the certificate prescribed in rule 91 or 94(b),  
as the case may be, should be prepared in duplicate, one copy of which the government servant proceeding on  
leave should take with him/her for presentation to the medical board or officer who examines him/her for fitness  
before his/her return to duty.

90. \*(a) In case the certificate obtained under rule 89 recommends appearance of the government servant before  
a Medical Board or the period of leave recommended in the certificate obtained under rule 89 is for more than  
three months or leave for three months or less is extended beyond three months, the government servant must,  
except in cases covered by rule 93, obtain the permission of the head of his office or, if he/she himself/herself is  
the head of an office, of the head of his/her department to appear before a Medical Board. He/she should then  
present himself with two copies of the statement of his/her case before such a Board. The Board will be  
assembled under the provisions of paragraphs 255-258 in Chapter VI of the Uttar Pradesh Medical Manual.

(b) When the leave recommended by the C.M.O. /Authorised Medical Attendant, as the case may be, in the  
certificate obtained under rule 89 is for a period not exceeding three months, and such medical attendant  
certifies that in his opinion it is not necessary for the applicant to appear before

\*This amended rule may be deemed to have come into force from 1-7-1978.

the Medical Board, the authority competent to grant leave may dispense with the procedure laid down in sub-rule (a) of this rule.

91.\* Before the required leave or extension of leave can be granted in cases falling under rule 90 (a), the government servant must obtain from the Board a certificate to the following effect:

"We do hereby certify that according to the best of our professional judgement, after careful personal examination of the case, we consider the health of Shri/Shrimati/Kumari—————to be such as to render leave of absence for a period of —————absolutely necessary for his/her recovery".

NOTE—In cases in which the leave recommended is for more than three months or leave for three months or less is extended beyond three months, the Medical Board shall state at the time of granting the certificate whether the government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

92. Before deciding whether to grant or refuse the certificate, the committee, may in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:

"C. D., having applied to us for a medical certificate recommending the grant to him/her of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D. under professional observation for———days."

93. If the state of the applicant's health is certified by a commissioned medical officer of government or by a medical officer incharge of a civil station in the form given in rule 94 (a) to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 91, either—

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers incharge of civil stations in whatsoever province they may be serving; or

(b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the district officer of the district or the commissioner of the division or in the case of a government servant of the Judicial Department by the district and sessions judge.

NOTE—In cases in which the leave recommended is for more than three months or leave for three months or less is extended beyond three months, the certificate granted under this rule shall state whether the government servant should or need not appear before another medical committee for obtaining the certificate of fitness for return to duty.

94. (a) When action is proposed to be taken under rule 93, the certificate of the certifying officer shall be in the following form:

I hereby certify that the state of health of —————is such as to make it highly inconvenient for him/her to proceed to—————for the purpose of appearing before a medical committee.

\*This amended rule may be deemed have to come into force from 1-7-1978.

(b) The form of medical certificate prescribed in rules 93(a) and 93(b) shall be the following:

I/We do hereby certify that, according to the best of my/our professional judgement, after careful personal examination of the case,

I/We consider the health of \_\_\_\_\_ to be such as to render leave of absence for a period of \_\_\_\_\_ absolutely necessary for his/her recovery.

NOTE—This certificate, if it is signed by one medical officer only should in the case of a government servant in the Judicial Department, invariably be countersigned by the district and sessions judge in the case of a government servant in any other department should invariably be countersigned by the district officer of the district or the commissioner of the division.

95. An application by a non-gazetted government servant in superior service for leave, or for an extension of leave, on medical certificate shall be accompanied by a medical certificate in the following form given by a registered medical practitioner or a government medical officer:

Signature of applicant \_\_\_\_\_

I, \_\_\_\_\_ after careful personal examination of the case, hereby certify that \_\_\_\_\_ whose signature is given above is suffering from \_\_\_\_\_. The symptoms of the disease now present are \_\_\_\_\_. In my opinion the cause of the disease is \_\_\_\_\_. The duration of the disease reckoned to this date is \_\_\_\_\_ and the outline of the previous history of the disease ascertained from \_\_\_\_\_ is as follows:

I consider that a period of absence from duty of \_\_\_\_\_ with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his/her health.

NOTE—(1) 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 certificates should only be given at the explicit desire of the head of the office to whom it is open to decide when an application on such grounds has been made to him, whether the applicant should go before a medical board to decide the question of his fitness for service.

NOTE (2) The medical certificate and history of the case as also the second medical opinion (if any) prescribed in rule 96, should be prepared in duplicate, one copy of which the government servant proceeding on leave should take with him for presentation to the medical officer or committee who examines him for fitness before his return to duty.

96. (a) Where the leave is for a period of one month or less and the incapacity is not due to definite injury, the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the civil surgeon to have the applicant physically examined. Should it decide to do so, it must arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(b) In all cases of illness necessitating leave beyond one month and in all cases of definite injury, the sanctioning authority should, except in cases covered by clause (c) of this rule, obtain a second medical opinion from the authorised medical attendant and should, for this purpose, arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. The sanctioning authority may relax the provisions of this rule, provided it refers each case for such relaxation to the authorised medical attendant and the latter considers it desirable that relaxation should be given either on account of distance or the nature of illness.

(c) If the applicant for leave is a female and a second medical opinion is considered necessary whether the leave exceeds one month or not, the civil surgeon should be requested to obtain this whenever possible from a medical woman in government employment. If this is not possible, he himself should give this second medical opinion in cases where full examination by him is permitted by the applicant. In cases where this is not permitted, the authority competent to sanction leave may obtain a second medical opinion from a private registered female practitioner. Should such a practitioner not be available, he may dispense with a second medical opinion.

(d) In all cases in which a second medical opinion is obtained, it will be the duty of the person giving that opinion to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended. In the case of a male applicant the civil surgeon may require the applicant to appear either before himself or before a medical officer nominated by him. The civil surgeon, or, in case where a second medical opinion is obtained from a private registered female practitioner under clause (c) above the authority competent to sanction leave, will arrange for the medical examination to take place at the applicant's residence if this course is necessary on account of the nature of the applicant's illness.

97. The possession of a certificate under rule 91 or 94 or 95 or 96 does not in itself confer upon the government servant concerned any right to leave. The certificate should be forwarded to the authority competent to sanction leave and the orders of that authority should be awaited.

98. In support of an application for leave, or for an extension of leave, on medical certificate, from a non-gazetted government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

#### GRANT OF LEAVE

99. In cases where all applications for leave cannot, in the interests 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 consideration:—

(a) The government servants 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 the public interests.

99-A. (1) When a government servant returns from leave on average pay, a further spell of leave on average pay should not, save in the most exceptional circumstances, be granted within three months of his return to duty if the two periods of leave on average pay combined would exceed the limits imposed by Fundamental Rule 81(b) or Subsidiary Rule 157(a) on the maximum amount of leave on average pay which may be taken at any one time. It is, however, left to the sanctioning authority to decide whether the circumstances of any particular case are exceptional or not. When any such leave is specially sanctioned, the sanctioning authority should record the reasons, and send a copy to the Accountant General.

(2) When a government servant returns after availing himself of a vacation either taken alone or combined with leave on average pay and applies for leave on average pay within three months of his return to duty, and the period of leave on average pay applied for together with the vacation and leave on average pay, if any, already

availed of, exceed the limits laid down in Fundamental Rule 81(b) or in Subsidiary Rule 157 (a), the provisions of clause (1) shall apply.

(3) If a government servant whose leave is governed by Fundamental Rule 81-B, or Subsidiary Rule 157-A, applies for earned leave within three months of return from vacation, either taken alone or combined with earned leave, a further spell of earned leave should not, save in most exceptional circumstances be granted if the total combined period of earned leave applied for and the vacation and earned leave, if any, already availed of exceeds the amount of earned leave admissible at a time under the proviso to sub-rule (1) of Fundamental Rule 81-B or proviso to sub-rule (1) of Subsidiary Rule 157-A.

NOTE—When leave is required for obtaining higher technical qualifications it shall be deemed to be a most exceptional circumstance for the purposes of this rule.

100. When a medical committee in India has reported that there is no reasonable prospect that a particular government servant will ever be fit to return to duty, leave may nonetheless be granted to such government servant, if due, by a competent authority on the following conditions:

(a) If the medical committee is unable to say with certainty that the government servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee.

NOTE—In the case of a government servant who is granted leave under this rule and who subsequently returns to duty, the leave should be treated as leave on medical certificate for the purpose of the proviso to Fundamental Rule 81 (b) (ii), in Part I or the proviso to rule 81 (b) of the Uttar Pradesh Fundamental Rules in Part II.

(b) If the medical committee declares the government servant to be completely and permanently incapacitated for further service in India the government servant should except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.

(c) A government servant declared by the committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account (where such an account is maintained for the government servant), if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the government servant's breakdown in health has been caused in and by government service, or when the government servant has taken a comparatively small amount of leave during his service or will complete at an early, date an additional year's service for pension.

101. Leave should not be granted to a government servant who is to be dismissed or removed from service for misconduct or general inefficiency if such leave will have the effect of postponing the date of dismissal or removal, or to a government servant whose conduct is at the time forming, or is in the near future about to form the subject of departmental inquiry.

102. If, in a case not covered by rule 101, the Government decide, before a government servant whom they have the power to remove from the service leaves India, that he shall not be permitted to return to duty in India they shall give notice to him before he leaves India, so that any remonstrance which he may wish to make may be considered on the spot.

103. If, when a government servant is going on leave out of India, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is not possible to say, before his departure from India, whether it will be permanent or temporary, or if for any reason it is considered

inexpedient that a government servant who is on leave should return to India, the Government shall report the circumstances fully to the Central Government for transmission to the India Office so that the Secretary of State may take any necessary measures before the government servant would in the ordinary course be permitted to return to duty. The report should reach the Central Government in time to permit of their transmitting it so as to reach the India Office at the latest three months before the end of the government servant's leave.

104. \* \* \* \*

105. When leave on medical certificate or ordinary leave on medical grounds has been granted to a government servant, or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, Government shall, without delay, forward a copy of the medical statement of the case to the High Commissioner for India for transmission to the medical board at the India Office.

NOTE—All statements of medical cases for government servants proceeding on leave out of India on medical certificate should contain the fullest possible information for the guidance of the Medical Board at the India Office, London.

106. Leave to a gazetted government servant must not be granted without obtaining a report from the Accountant General upon his title to leave. Such a report from the Accountant General is not required in the case of a non-gazetted government servant.

#### DEPARTURE ON LEAVE

107. Every government servant proceeding on leave out of India should procure from the Accountant General and take with him a copy of the memorandum of information issued for the guidance of government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

108. A government servant taking leave out of India must report his embarkation to the Accountant General in form no. 9

#### RETURN FROM LEAVE

109. A gazetted government servant, on return from leave, must report his return to the Government. A chaplain must report his return to the Bishop of his Diocese also.

110. A government servant, returning from leave, is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave. He must report his return to duty and await orders.

NOTE—In the absence of a definite order to the contrary, the order sanctioning leave for a period not exceeding four months, should be considered as sufficient authority to enable a government servant to resume his old duties on return from leave. This should not, however, be taken to mean as dispensing with the necessity of furnishing the certificates required under the 'General Notes' relating to the rules in Chapter XII.

### SECTION III—PROCEDURE RELATING TO LEAVE ELSEWHERE THAN IN INDIA

Rules made by the Governor under rule 74(b) of the Fundamental Rules



NOTE—The rules contained in this section are the same as the rules made by the Governor General in Council under rule 74(b) of the Fundamental Rules contained in Part I of this volume and they have been extended by the Governor for application to government servants under his administrative control including government servants his rule making power.

## REPORT OF ARRIVAL IN THE UNITED KINGDOM

111. A government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

## PAYMENT OF LEAVE-SALARY

### Payment at the Home Treasury

112. No government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in form no. 2 which has been prescribed by the Auditor General.

113. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

114. Payment will be made, at the option of the government servant drawing leave-salary, by any of the following methods:

(a) To the government servant himself on his personal application.

(b) To his banker or other agent, duly authorized, under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

NOTE—A supply of life certificate forms may be obtained from the High Commissioner.

(c) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the government servant.

NOTE—If the government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

### Payment in a colony

115. No government servant can begin to draw leave-salary from a colonial treasury until a warrant in form no. 3 has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the government servant's signature, will be forwarded by the issuing authority to the colonial authority concerned, the duplicate to the High Commissioner, and the triplicate will be retained by the government servant. Payment of leave-salary will not be made unless the colonial authority is in possession of the original and the government servant of the triplicate of the warrant.

116. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the government servant upon the back of both copies.

117. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the government servant submitted through the colonial disbursing officer.

118. If the transfer from one colony to another of payment of the leave-salary of a government servant is sanctioned by the colonial authorities, such transfer must be reported by the government servant to the Government and to the High Commissioner.

Transfer of payment from the Home Treasury to a colony and vice versa

119. (a) If a government servant who is drawing his leave-salary in a colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner.

(b) If a government servant who is drawing his leave salary from the Home Treasury desires to transfer payment to a colony he must obtain a warrant in form no. 3 from the High Commissioner, who will forward the original of the warrant to the colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the government servant to the Government.

#### EXTENSION OF LEAVE

120. A government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

121. An application for extension of leave by a government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

#### Orders of the Governor regarding rule 121

When an application for extension of leave is received from a government servant on leave in any of the localities mentioned in the rule, the Government will inform him whether or not there is any objection to the grant of the desired extension and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

122. If a government servant on leave in any of the localities named in rule 121 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the medical board at the India Office of the necessity for the extension. In order to do so, he must as a general rule, appear at the India Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

123. If a government servant on leave in any of the localities named in rule 121 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the medical board at the India Office, by the procedure prescribed in rule 122, that he has recovered his health.

124. An application for extension of leave by a government servant on leave out of India elsewhere than in the localities named in rule 121 must be made to the authority which granted the leave.

125. If an application made under rule 124 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:-

We hereby certify that we have carefully examined C.D. of the—————-who is suffering from—————  
———-and we declared upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on—————-shall be extended by—————-months/weeks.

Date—————

Place—————

The certificate must describe in full detail the nature of the disease and the present condition of the government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

126. An extension of leave will not be granted by the High Commissioner to a government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form no. 7.

#### RETURN FROM LEAVE

127. A government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

128. If the government servant desiring to return is on leave in any of the localities named in rule 121, his application must be made to the High Commissioner and he must satisfy the medical board at the India Office of his fitness return at least two months before the expiry of his leave. In order to do so he must follow the procedure prescribed in rule 122, When the medical board has been satisfied, the High Commissioner will grant permission to return.

129. If the government servant desiring to return is on leave out of India. elsewhere than in the localities named in rule 121, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

130. Permission to return cannot be granted to a government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in form no. 7.

131. Before returning to duty, a government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a government servant to whom no leave-salary certificate has been issued, unless he produces a certificate of leave in form no. 7. A government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate.

# CHAPTER X—PROCEDURE RELATING TO THE MAINTENANCE OF RECORDS OF SERVICE

SECTION I— \* \* \*

132-133. \* \* \*

[For instructions issued by the Auditor General under Fundamental Rule 74, see Section 11 of Appendix 'A' at the end of this Part].

SECTION II—RULES MADE BY THE GOVERNOR UNDER FUNDAMENTAL RULE 74(a)(iv)

Gazetted servants

134. A record of the services of a gazetted government servant will be kept by the Accountant General and in such form as the Auditor General may prescribe.

SERVICE BOOKS

Non-gazetted servants

135. With the exceptions noted below, a service book (form no. 13 prescribed by the Auditor General) should be kept for every non-gazetted government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post in which every step in his official life should be recorded, each entry being attested, except as mentioned in the notes below this rule, by the head of his office or by his immediate superior if the government servant is himself the head of an office.

The following are the exceptions referred to:

- (i) Inferior servants of all sorts.
- (ii) Police servants of rank not higher than head constables.
- (iii) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies for short periods and are not eligible for permanent appointment.

NOTE—(1) Entires made in the service books of clerks of a commissioner's office will be attested by the head assistant of such office. Entries in the service book of the head assistant himself will be attested by the commissioner.

NOTE—(2) In the divisional offices at Jhansi and Naini Tal, the duty of attesting entires in the service books will be performed by the Office Superintendent in the case of clerks and by the Collector-in-charge or Deputy Commissioner-in-charge in the case of the Office Superintendent himself.

136. A service book is supplied at his own cost to every government servant on his first appointment. It is kept in the custody of the head of the office in which he is serving and transferred with him from office to office. The head of the office should see that all entries in the service book are duly made and attested. There should be no erasure or overwriting, all corrections being neatly made and properly attested.

NOTE—The head of the office may, on his own responsibility, entrust the custody of service books to the ministerial head of his office.

136-A. If a government servant retires on reaching the age of superannuation his service book may, if desired, be returned to him after his pension has been finally sanctioned. Where the service book is not given up, it should be retained for a period of five years after retirement, or until six months after the government servant's death, whichever is earlier, after which it should be destroyed. In the event of a government servant's service terminating by his death, his service book may be given to his relatives on application. Should no application be made within six months of the death of the government servant, the service books should be destroyed.

The service book of a government servant who retires, resigns or is discharged from the service without fault prior to his reaching the age of superannuation, should not be given up to him before the expiry of five years from the date of retirement, resignation or discharge. If he applies for it within six months after the expiry of this period, it may be given to him after an entry about his retirement, resignation or discharge has been made therein. Should no application be made within this time-limit, the service book may be destroyed. In the case of the government servant's death, the service book should be destroyed after six months from the date of death or returned to his relatives if they apply for it within that period.

When a government servant's service is terminated by dismissal or removal, his service book should be retained for a period of five years after the date of dismissal or removal or until six months after his death, whichever is earlier, after which it should be destroyed.

The service book of a government servant who has been dismissed or removed and who is afterwards reinstated should on requisition be returned to the head of the office in which he is re-employed. A similar course should be adopted when a government servant has been discharged without fault or has resigned and is subsequently re-employed.

137. It shall be the duty of every Head of Office to initiate action to show the Service Books to the Government servants under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the end of every September. The Government servants shall inter alia ensure before affixing their signature that their service have been duly verified and certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer has made therein necessary entries connected with his foreign service.

NOTE—The pay bills of government servants for whom records of service as above are maintained being preserved only for six years, the following procedure should be observed before the bills are destroyed:

(1) The periods of temporary and officiating service should be verified by the heads of offices from the pay bills concerned and the fact of verification recorded under proper attestation in the service books.

(2) The service books in each year should be taken up for verification at a fixed time in the year, say in January, by the head of the office who after satisfying himself that this services of the government servant concerned are correctly recorded in his service book should record and sign a certificate in the memorandum of verification in form no. 15, which should be made part of the service book.

The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state in the remarks column of the memorandum of verification that for the excepted periods (naming them) a statement in writing by the government servants as well as a record of the evidence of his contemporaries is attached to the book.

(3) When a non-gazetted government servant is transferred from one office to another, the head of the office under whom he was originally employed should in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls in respect of the whole period during which the government servant was employed under him, before forwarding the service book to the office where the services are transferred.

(4) In regard to temporary and officiating service, the head of the office should also invariably give necessary particulars with reference to Articles 370 and 371 of the Civil Service Regulations with a view to enable the audit office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or nos. For example, in the case of officiating service, the nature of the vacancy in which the government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent, should be stated.

(5) It is not intended that the procedure laid down in the above paragraph should be applied with retrospective effect or that the verification of the past temporary officiating service of all government servants should be undertaken all at once. So far as the past service prior to April 1, 1932, is concerned, the former procedure should continue that is, an ad hoc verification should be made when the pension claim arises or is about to arise, in such individual cases in which there is any doubt; and the verification of service subsequent to the above date should be made in accordance with the above procedure.

138. Personal certificates of character should not, unless the Government so direct in a particular case, be entered in column 15; but if a government servant is reduced to a lower substantive post, the cause of the reduction should be briefly stated thus, "Reduced for inefficiency," "Reduced owing to revision of establishment," etc.

139. Every period of suspension from employment and every other interruption in service should be noted, with full details of its duration, by an entry written across the page, and attested by the head of the office or other attesting officer. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-gazetted government servant concerned.

140. (a) If a government servant is transferred to foreign service, the head of the office or department should send his service book to the Accountant General who will return it after noting therein, under his signature, the orders sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which the Accountant General may consider to be necessary in connexion with the transfer. On the government servant's reversion to government service, his service book should again be sent to the Accountant General, who will then note therein, under his signature, all necessary particulars connected with the government servants' foreign service including the fact of recovery of leave and pension contributions.

NOTE—No entries made in the service book of a government servant on foreign service under an employer who is not under the control of the Government can be attested by any government servant except the Accountant General.

(b) The above rule does not apply to foreign service under an employer who is under the control of the government in cases in which the pay is audited by the Accountant General.

## SERVICE ROLLS

### Inferior servants of all sorts

141. Service rolls in form no. 14 to be supplied at the expense of the Government should be maintained for all inferior servants (other than members of the Police force referred to in rule 142 below) holding substantive

appointments on a permanent establishment, and for those officiating in a post or holding a temporary post except those ineligible for permanent appointment who are appointed in a purely temporary or officiating vacancy for a short period only. The rolls should be most carefully examined and under "Details of service" should be entered all the informations required by rule 142 below, full particulars in regard to every entry being given in the remarks column. These service rolls should invariably be submitted with the pension papers to the Accountant General.

NOTE—(1) Where service books existed for inferior servants on January 1, 1922, they will be kept on and the rules as to service books will apply to them. But service rolls must be introduced in these cases as soon as the existing service books have been filled up.

NOTE—(2) The procedure laid down in paragraphs (1) to (5) of the note below Subsidiary Rule 137 should be followed in respect of the service rolls maintained for inferior servants under the above rule except that the verification of service of these servants according to such procedure should have effect from April 1, 1937.

### Police servants

142. In the case of police servants of rank not higher than head constables, whether holding a permanent or temporary post or officiating in a permanent post, except those who are appointed in a purely temporary or officiating vacancy for a short period and are ineligible for permanent appointment, there shall be kept up for each district by the superintendent of police a service roll in English in which shall be recorded the date of the enrolment of each man in the constabulary; his caste tribe, village, age, height, and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; the interruptions in his service; and every other incident in his service which may involve forfeiture of portions of his service or affect the amount of his pension. The roll shall be checked by the vernacular roll and order book and the punishment register, and every entry in it shall be signed by the superintendent of police to ensure its proper maintenance, as the necessary statement of service of every applicant for pension shall be prepared from this roll.

NOTE—The services of police servants of rank not higher than head constables as entered in the service rolls should be verified in accordance with the procedure laid down in paragraphs (1) to (5) of the note below Subsidiary Rule 137 except that the verification shall take place once in every five years instead of every year.

## CHAPTER XI—VACATION DEPARTMENTS

### Rules made by the Governor under Fundamental Rule 82 (a)

NOTE—The provisions of the rules in this chapter, so far as they are applicable to government servants under the rule-making control of the Secretary of State, are the same as in the original Subsidiary Rule (in Chapter XI of the fourth edition, 1936, of the Financial Handbook, Volume II) as they stood on March 31, 1937. The rules in this chapter in their application to above government servants should now be deemed by virtue of section 276 of the Government of India Act, 1935, as rules made by the Secretary of State under section 247 (1)(a) of the Act and are consequently alterable by that authority alone in their application to such government servants.

143. The following departments or parts of departments are treated as vacation departments for the purpose of Fundamental Rule 82:

Judicial Department—The High Court of Judicature at Allahabad, the Chief Court of Oudh, and all civil courts subordinate to these courts; with the following exception:

District and Sessions Judges and Civil and Sessions Judges, including I. C. S. officers appointed as temporary Civil and Sessions Judges for undergoing judicial training.

Forest Department—The Subordinate Forest Service.

Medical Department and departments of Education, Agriculture and Industries—Government Colleges and Schools in which regular vacations are allowed.

Police Department—Criminal Tribes School at Kalianpur Settlement, district Kanpur.

Revenue Department—Principal of the Quanungo Training School and Patwari school teachers including assistant teachers.

NOTE—(1) In the case of members of the Subordinate Judicial Service in the province of Agra, the Dasehra vacation is treated as a vacation for the purpose of Fundamental Rule 82.

NOTE—(2) (a) Members of the Subordinate Forest Service who have elected to remain under the old leave rules which applied to them before January 1, 1922, are allowed the concession of the rules in Articles 271—277, Civil Service Regulations.

(b) For the purposes of vacation, store-keepers, range clerks and range orderlies are treated as members of the Subordinate Forest Service.

(3) The following is the list of posts which have been classed as vacational at the Agricultural College, Kanpur.:

No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
1	Assistant Professor of Agriculture.	(i) From the date of creation to 5th October, 1925.	(C)
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
		(ii) 19th May, 1932 to 7th July, 1933. During the periods during which the post was nonvacational, it was designated as Assistant Professor of Agriculture and Estate Superintendent. The designation of the post has been changed into Assistant Professor of Zoology from 8th July 1933.	(G) and (H)
2	Assistant Professor of Zoology.	From the date of creation (8th July, 1933) to 13th February, 1935.	(B), (D) and (F).
3	Research Assistant in Botany.	From the date of creation to 31st July, 1932.	(A), (B) and (C).
4	Lecturer in Zoology.	(i) From the date of creation (1st June, 1826) to 13th October, 1933.	(B) and (E).
		(ii) Again from 1st November, 1935.	
5	Assistant Professor of Botany.	From the date of creation to 30th April, 1934.	(A), (B) and (C).
6	Assistant Professor of Chemistry.	Ditto	Ditto



7	(i) Lecturer in Agriculture.	From the date of creation to 6th July, 1932 (Reduced from 7th July, 1932).	(A), (B), (C) and (D).
	(ii) Ditto	From the date of creation to 31st July, 1932 (Reduced from 1st August, 1932).	Ditto
	(iii) Ditto	From the date of creation.	Ditto
8	Lecturer in Accounts and Book-keeping.	From the date of creation to 30th April, 1934.	(A), (B) and (C).
9	Lecturer in Engineering.	From the date of creation.	Ditto
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
10	Lecturer in Chemistry.	From the date of creation to 30th April, 1934.	Ditto
11	Lecturer in Botany.	From the date of creation.	(A), (B) and (C).
12	(i) Lecturer in Physics and Mathematics.	From the date of creation to 30th April, 1934.	(A), (B), (C) and (D)
	(ii) Lecturer in Physics and Soil Science.	From the date of creation.	Ditto
13	Lecturer in Horticulture.	From 1st May, 1934.	(A), (B) and (C).
14	Lecturer in Statistics and Meteorology.	From 22nd October, 1940.	
15	Lecturer in Chemistry.	Ditto	
16	Lecturer in Dairying.	Ditto	
17	Lecturer in Estate Management.	Ditto	
18	(i) Demonstrator in Chemistry.	From 5th July, 1940.	
	(ii) Ditto	From 22nd October, 1940.	
19	Demonstrator in Physics.	Ditto	
20	(i) Demonstrator in Zoology.	Ditto	
	(ii) Demonstrator in Zoology and Entomology.	From 29th January, 1941.	
21	(i) Demonstrator in Botany.	From 22nd October, 1940.	
	(ii) Ditto	From 30th January, 1941.	
22	(i) Demonstrator in Agriculture.	From 22nd October, 1940.	
	(ii) Ditto	From 9th July, 1941.	
	(iii) Ditto	From 12th July, 1941.	
23	Demonstrator in Engineering.	From 1st November, 1939.	

24	Demonstrator in Horticulture.	From 30th January, 1941.	
No.	Name of post	Period during which it was vocational and the date from which it is vocational	Authority
25	Demonstrator in Plant Pathology.	Ditto	
26	Member of the Subordinate Agricultural Service working in the Botany section.	From 22nd October, 1940.	
27	Members of the Subordinate Agricultural Service working in the Agriculture section.	Ditto	
28	Lecturer in English.	From the date of creation.	(B), (C) and (D).
29	Demonstrator in Botany.	Ditto	Ditto
30	Demonstrator in Zoology.	Ditto	Ditto
31	(a) Laboratory Assistant (Zoological Laboratory).	From the date of creation to 30th April, 1934.	(A), (C), (E) and (G).
	(b) Laboratory Assistant (Research section of the Economic Botanist, Oilseeds).	From the date of creation to 30th April, 1934.	(A), (B), (C) and (G).
32	(a) Both the Laboratory Assistants (Chemical Laboratory).	1st May, 1934 to 13th February, 1935.	(B) and (G).
	(b) Laboratory Assistant (Botanical Laboratory).	Ditto	(B) and (G).

(A) G.O. no. 597/XII-A—13, dated the 10th July, 1926.

(B) G.O. no. 774-II/XII-A—13, dated the 10th August, 1935.

(C) G.O. no. 356-A/XII-A—13, dated the 25th February, 1936.

(D) G.O. no. 1909-A/XII-A—13, dated the 18th July, 1936.

(E) G.O. no. 766-A/XII-A—13, dated the 31st March, 1937.

(F) G.O. no. 3321-A/XII-A—13, dated the 25th October, 1937.

(G) G.O. no. 4400-A/XII-A—13, dated the 18th June, 1938.

(H) G.O. no. 774/XII-A—13, dated the 10th August, 1935.

N.B.—The above mentioned posts at the Agricultural College, Kanpur, are the only vocational posts in the Agriculture Department, the two Agricultural Schools at Bulandshahr and Gorakhpur being non-vocational (G.O. no. 549/XII-A—149, dated the 24th April, 1934).

(4) The following is the list of vocational posts in the Industries Department:

Harcourt Butler Technological Institute, Kanpur.	Vacational since 1923 with the exception of the following posts which are non-vocational: (a) Research Chemists. (b) Industrial Chemists.
	(c) Workshop Superintendent.

	(d) Clerks, librarian, storekeeper and the establishment of the laboratories
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[G.O. nos. 343-B, dated the 24th March, 1923, 1206/XVIII—200, dated the 25th June, 1923, 1536/XVIII—161, dated the 19th August, 1924 and 1232/XVIII—263, dated the 23rd May, 1934].

Central Wood Working Institute, Bareilly. Vacational since 1924.

[G.O. no. 1405/XVIII—358, dated the 27th July, 1926]

All other technical and industrial Vacational from the time of their establishment. institutions with the following exceptions:

[G.O. no. 2360/XVIII—263, dated the 18th July, 1936].

(a) Government Technical School, Jhansi, which has been declared non-vacational with effect from 12th August, 1937.

(b) Posts of demonstration instructors attached to the Government Model Weaving Schools which have been declared non-vacational with effect from 31st May, 1938.

(c) Posts of peripatetic instructors attached to the Government Central Textile School, Kanpur, which have been declared non-vacational with effect from 31st May 1938. [G.O. nos. 2591/XVIII—420, dated the 12th August, 1937, and 2236/XVIII—344, dated the 31st May, 1938].

N.B.—The ministerial staff of all these institutions do not enjoy the vacations. [G.O. no. 1232/XVIII—263, dated the 23rd May, 1934].

(4-A) The teaching staff of the Medical College, Agra, has been declared as vacational with effect from the dates the posts were created.

Exception—The post of Principal-cum-Superintendent, Sarojini Naidu Medical College and Hospital, Agra, was non-vacational from August 1, 1956 to May 8, 1957 (A.N.). The post of Principal-cum-Professor created with effect from May 8, 1957 (A.N.) will be treated as non-vacational with effect from that date.

(5) All members of the Upper Subordinate Forest Service except those working in the Kumaun and Working Plan Circles and those in the Chakrata Division of the Western Circle should be treated as belonging to a vacation department.

(6) The following is the list of posts which have been classed as vacational at the U.P. College of Veterinary Science and Animal Husbandry, Mathura:

No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
	Professor of Physiology.	From the date of creation (September 3, 1947).	G.O. no 9646 XII—E-540-1951, dated December 10, 1953.
2	Professor of Anatomy.	From the date of creation (September 1, 1947).	

3	(a) Professor of Animal Husbandry.	From the date of creation (December 3, 1948 to July 17, 1949).	
	(b) Professor of Medicine ((a) above as re-designated).	From the date of re-designation (July 1949).	
4	Professor of Parasitology.	From the date of creation (March 18, 1949).	
5	Professor of Materia Medica.	From the date of creation (May 9, 1949).	
6	Professor of Animal Nutrition.	From the date of creation (February 17, 1950).	
7	Professor of Surgery	From the date of creation (May 14, 1951).	
8	Professor of Pathology and Bacteriology.	From the date of creation.	
9	Assistant Professor of Bacteriology.	From the date of creation (June 10, 1950)	
No.	Name of post	Period during which it was vocational and the date from which it is vocational	Authority
10	Assistant Professor of Parasitology.	From the date of creation.	
11	Lecturer in Bio-Chemistry.	From the date of creation (August 25, 1947).	
12	Lecturer in Histology.	From the date of creation (August 20, 1947).	
13	Lecturer in Hygiene	From the date of creation (November 7, 1947).	
14	Lecturer in Materia Media.	From the date of creation (November 30, 1948).	
15	Lecturer in Physiology.	From the date of creation (January 14, 1950).	
16	Lecturer in Animal Management.	From the date of creation (September 13, 1955).	G.O. no. 3125, XII-E—540-51 dated November 13, 1957.
17	Demonstrator in Anatomy.	From the date of creation (December 23, 1947).	

18	Ditto	From the date of creation (January 21, 1948).	
19	Demonstrator in Physiology.	From the date of creation (December 31, 1947).	
20	Ditto	From the date of creation (January 26, 1948).	
21	Demonstrator in Bio-Chemistry.	From the date of creation (January 3, 1948).	
22	Ditto	From the date of creation (January 27, 1948).	
23	Demonstrator in Histology.	From the date of creation (December 25, 1947).	
24	Demonstrator in Hygiene.	From the date of creation (August 12, 1948).	
No.	Name of post	Period during which it was vocational and the date from which it is vocational	Authority
25	Demonstrator in Parasitology.	From the date of creation (February 1, 1949).	
26	Ditto	From the date of creation (February 26, 1949).	
27	Demonstrator in Animal Managements.	From the date of creation (January 14, 1956).	G.O. no. 3125/XII-E—540-51 dated November 13, 1957.
28	Demonstrator in Animal Nutrition.	From the date of creation (January 31, 1956).	G.O. no. 3125/XII-E—540-51, dated November 13, 1957.
29	Ditto	From the date of creation (February 11, 1956).	Ditto
30	Demonstrator in Surgery.	From the date of creation (June 14, 1956).	Ditto
31	Demonstrator in Animal Genetics and Breeding.	From the date of creation (June 10, 1956).	Ditto
32	Demonstrator in Medicine.	From the date of creation (June 10, 1956).	Ditto
33	Laboratory Assistant in Anatomy.	From the date of creation (September 19, 1947).	
34	Laboratory Assistant in	From the date of creation (January 7,	

	Bio-Chemistry.	1948).	
35	Laboratory Assistant in Physiology.	From the date of creation (August 24, 1948).	
36	Laboratory Assistant in Histology.	From the date of creation (July 16, 1948).	
37	Laboratory Assistant in Parasitology.	From the date of creation (August 1, 1948).	
38	Laboratory Assistant in Pathology and Bacteriology.	From the date of creation (December 4, 1948).	
39	Laboratory Assistant in Materia Medica.	From the date of creation (November 28, 1949).	
No.	Name of post	Period during which it was vocational and the date from which it is vocational	Authority
40	Laboratory Assistant in Animal Nutrition.	From the date of creation (August 1, 1950).	
41	Laboratory Attendant in Anatomy.	From the date of creation (July 5, 1948).	
42	Ditto	From the date of creation (September 1, 1948).	
43	Laboratory Attendant in Physiology.	From the date of creation (August 30, 1948).	
44	Laboratory Attendant in Hygiene.	From the date of creation (September 20, 1948).	
45	Laboratory Attendant in Materia Medica.	From the date of creation (December 6, 1948).	
46	Laboratory Attendant in Parasitology.	From the date of creation (January 31, 1949).	
47	Ditto	From the date of creation (July 18, 1949).	
48	Laboratory Attendant in Pathology and Bacteriology.	From the date of creation (February 8, 1950).	
49	Laboratory Attendant in Animal Nutrition.	From the date of creation (February 18, 1950).	

50	Laboratory Attendant in Animal Genetics and Breeding.	From the date of creation (April 1, 1954).	G.O. no. 3125/XII-E-540-51, dated November 13, 1957.
51	Laboratory Attendant in Animal Management.	From the date of creation (April 1, 1954).	Ditto

(7) The posts of Professors, Readers, Lecturers and Demonstrators at the Ganesh Shanker Vidyarthi Medical College, Kanpur, have been declared as vacational with effect from the dates the posts were created.

144. \* \* \* \*

145. A government servant whose work requires him to be present at his station for a portion of the vacation is not considered to have availed himself of the vacation if he has not been absent from the station except on duty for more than fifteen days of the vacation. Every such government servant should, immediately after the close of the vacation, furnish a certificate in the form and according to the procedure prescribed in note 2 under Subsidiary Rule 146.

146. Other government servants shall be considered to have availed themselves of a vacation unless by general or special orders of higher authority they are required to forego such vacation or a portion of it. A government servant who has only routine duties to discharge during a vacation, which do not require his presence at his place of duty but which can be performed either by himself at some other place or by some other government servant, should be considered to have availed himself of a vacation. A government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for the performance of, such routine duties without any cost to the Government.

NOTES—(1) When a portion only of a vacation is foregone under orders of higher authority the provisions of rule 145 will apply.

(2) If a government servant has been required to forego 3 vacation or a portion of it under the orders of a higher authority, a certificate in the following form should be sent immediately after the close of the vacation to the Accountant General. In the case of a gazetted government servant to whom the exception under Subsidiary Rule 157-A applies the certificate should be sent to the Accountant General at the time the government servant concerned applies for leave along with his leave application and not immediately after the close of the vacation. In the case of gazetted government servants the certificate should be sent to the Accountant General by the government servant himself through the higher authority under whose order he was required to forego the whole or a portion of the vacation, and in the case of non-gazetted government servant the certificate duly countersigned by the higher authority it should be appended to his leave account and a note to that effect made in his service-book:

I certify that I was detained on duty from \_\_\_\_\_ to \_\_\_\_\_ during the vacation of the (school, College, etc. \_\_\_\_\_) of the year \_\_\_\_\_ under the order of (name of higher authority) \_\_\_\_\_ communicated in his letter no. \_\_\_\_\_, dated \_\_\_\_\_.

Signature of the government servant.

Designation.

Countersigned.

Signature of the higher authority.

Designation.

(3) In the case of a government servant who is prevented from availing himself of the full period of a vacation by reason of his transfer, the time actually spent in travelling from one station to another and not the full joining time admissible under the rules shall be deducted from the period representing the part of the vacation enjoyed for the purpose of Fundamental Rule 82(b).

## CHAPTER XI-A—STUDY LEAVE RULES

### Rules made by the Governor under rule 84 of the Uttar Pradesh Fundamental Rules

NOTE—The rules in this chapter apply only to government servants under the rule-making power of the Governor. They do not apply to Secretary of State's officers to whom the Study Leave Rules reproduced below Fundamental Rule 84 in Part I of this volume apply.

146-A. The following rules have been made by the Governor to regulate the grant of additional leave to government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction. These rules relate to study leave only. They are not intended to meet the case of government servants deputed to other countries at the instance of the Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of rules 50 and 51 of the Uttar Pradesh Fundamental Rules. These rules apply to the Public Health and Medical Research Departments, the Civil Veterinary Department, the Agricultural Department, the Education Department, the Public Works Department and the Forest Department (except in respect of Continental tours, to which special rules apply). The rules may be extended by the Government to any government servant not belonging to any of the departments mentioned above in whose case they may be of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

NOTE—The extension of these rules to the Public Works Department does not effect the existing rules under which government servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers under these rules may be delegated by the Government to the High Commissioner for India, subject to any conditions they may think fit to impose.

2. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a government servant of any of the departments named above by the Government, provided that when a government servant borne permanently on the cadre of one department is serving temporarily in another department the grant of leave is subject to the conditions (a) that local arrangements can be made to carry on his work in his absence, and (b) that the recommendation of the department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to government servants of less than five year's, or to government servants within three years of the date at which they have the option of retiring.

3. Study leave shall be granted with due regard to the exigencies of the public service. In no case the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, shall involve an absence of over 28 months from a government servant's regular duties, or exceed two years in the whole period of a government servant's service; nor shall it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of twelve months at one time will ordinarily be regarded as a suitable maximum, and shall not be exceeded save for exceptional reasons.



### Audit instructions regarding rule 3

The limit of 28 months of absence from a government servant's regular duties prescribed in this rule includes the period of vacation, if any, with which study leave and other leave may be combined.

4. A government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

5. When a government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty shall be reduced by the excess period of study leave unless the Government permit him to take that period as ordinary leave.

6. Except as provided in rule 7, all applications for study leave should be submitted with the Accountant General's certificate to the head of the department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is in Europe or America, the head of department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the government servant to give full details, as above, in his original application, or if, after leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit particulars as soon as possible to the Secretary to the High Commissioner for India, General Department. In such cases he should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connexion therewith, until he receives approval to the course through the High Commissioner.

7. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, before commencing study and before incurring any expenses in connexion therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course, or examination has the approval of the Government. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the Government is received. Similarly, government servants on leave in the United Kingdom who desire to have it extended for purposes of study under these rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the Government to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the Government to the grant of study leave and/or study allowance.

8. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the Government in accordance with rules 6 and 7 above, and unless, in cases, where it has not been found possible to submit full particulars to the Government, it has been approved in detail by the High Commissioner before it is begun.

9. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 16s. a day in the United Kingdom, £1 a day on the continent of Europe, and 30s. a day in the United States of America. These rates are liable to revision. The rate to be granted to government servants who take study leave in other countries, including India, will be specially considered by the Government in each case. In no case will

subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government.

10. Study allowance will be admissible up to fourteen days for any period of vacation. A period during which a government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government for any period up to fourteen days at one time during which the government servant is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited, and the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above, which cannot be so converted, will be excluded in reckoning service for pension.

11. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government will be prepared to consider proposals that such fees should be paid by the Government.

12. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner) together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed on of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the Government. In the case of a definite course of study at a recognized institution the study allowance will be payable by the High Commissioner for India, as the case may be, on claim submitted by the government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under rule 6 does not include or does not consist entirely of such course of study, the government servant shall submit to the High Commissioner or to the Government, as the case may be a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestion as to the possibility of applying such methods or operations to India. The Government will decide whether the diary and report show that the time of the government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 9 may be granted.

13. Study leave will count as service for promotion and pension but not for leave. It will not affect any leave which may already be due to a government servant; will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the government servant towards the maximum period admissible under the Uttar Pradesh Fundamental Rules.

NOTE—In the case of government servants recruited on or after 1st January, 1936, study leave will be counted as extra leave on half average pay calculated in accordance with the provisions of clause (2) of rule 87-A of the Uttar Pradesh Fundamental Rules.

14. During study leave a government servant will draw half average pay as defined in rule 9 (2) of the Uttar Pradesh Fundamental Rules, subject to the maxima and minima laid down in rules 89 and 90 *ibid*. The rate of exchange prescribed for the conversion of leave (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A government servant may, subject to the approval of the proper authorities being obtained as required by rule 6 or 7, undertake or commence a course of study during leave on average pay and, subject to rules 9 and 10, draw study allowance in respect thereof provided that study allowance is not drawn for an aggregate period exceeding two years during the whole period of a government servant's service.

NOTE—In the case of government servants recruited on or after 1st January, 1936, "leave on average pay" occurring for the second time in this paragraph should be taken to mean "earned leave" and the term "during the first four months of a period of leave on average pay" shown within brackets in this paragraph should be taken to mean "earned leave not exceeding 120 days".

#### Audit instruction regarding rule 14

A government servant of the vacation department can draw daily allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

15. On an application for study leave in Europe or America being sanctioned by the Government, it should inform the High Commissioner of the particulars of the case. It will be necessary for the government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned, the particulars should be reported to the Government of India.

#### Orders of the Governor regarding the above rules

(1) A member of the Provincial Medical Service may be permitted to take ordinary study leave not exceeding one year in the course of his service and in addition to it further study leave not exceeding three months for each post-graduate course from attendance at which he is excused for the purpose of undertaking professional studies elsewhere.

(2) Extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in rule 3 of the rules reproduced above.

(3) The High Commissioner for India has been allowed to exercise discretion in dealing with applications from government servants on study leave for the grant of concessions under the study leave rules (e.g. travelling expenses and fees under rules 9 and 11). To assist the High Commissioner in dealing with such applications, it should be stated in the report furnished with reference to rule 15, or in the documentary evidence referred to in rule 7 in the case of a government servant on leave out of India who may get a part of his leave converted into study leave, whether the Government are prepared to meet the cost of travelling expenses or tuition fees should the High Commissioner consider their grant desirable.

(4) With reference to rules 6 and 15 of the above rules a government servant granted study leave should submit a programme of the study to the High Commissioner for India before embarking on a course of study irrespective of the fact whether the study leave is granted in India or the application for leave is made in England.

(5) Government servants on leave in England who desire to obtain the assistance of the High Commissioner in securing facilities for study should not apply to the High Commissioner without the authority of the Government.

(6) With reference to rule 9 of the rules reproduced above, the following rates of allowances are fixed for government servants permitted to take study leave in India:

Rupees 3 per day for all places other than Calcutta, Madras and Bombay, and a special rate of Rs. 5 per day for these three places.

(7) With reference to rules 9, 11 and 12 of the above rules the Government have delegated powers to the High Commissioner for India in the following matters:

(1) to fix the rate of study allowance to be granted to government servants who take study leave in countries other than Europe or the United States of America;

(2) to grant, in exceptional cases, subsistence allowance and travelling expenses in addition to study allowance;

(3) to grant, in exceptional cases, the cost of fees paid for courses of study in addition to study allowance; and

(4) to decide, in the case of government servants who take study leave in countries other than Europe and America whether the report and diary of the-government servant show that his time has been properly employed, and accordingly to determine the period for which the allowance should be granted.

The delegations in items (1) to (3) are subject to the following conditions:

(1) that in cases where there is any difficulty or doubt a reference is made to the Government; and

(2) that in deciding whether the concessions should be granted, the general principles which guided past practice are observed and that any deviation from the broad lines of policy already accepted is referred to the Government.

(8) With reference to rule 10, of the above rules, the Government have delegated powers to the High Commissioner to grant study allowance for any period up to fourteen days at one time during which a government servant is prevented by sickness duly certified by a medical practioner from pursuing a sanctioned course of study.

(9) When a government servant applies for study leave, he should submit with his application—

(a) an estimate of the expenses to which he expects to be put;

(b) a statement of the financial arrangements that he will make to meet those expenses; and

(c) a signed agreement to the effect that he under takes to serve the Government for a period of at least three years from his return to duty; and, in the event of a breach of this agreement, to pay to the Government the expenditure actually incurred by them on his study leave.

When considering an application for study leave, Government will also consider whether the applicant is in a position to meet the consequent expense.

The Government, when reporting to the High Commissioner the particulars of any-study leave that they have granted, will also report the result of the above inquiries and especially mention whether the government servant has raised the question of financial assistance, either in the shape of the payment from the revenues of the State of his fees or in any other shape.

## **CHAPTER XII—DRAWAL OF COMPENSATORY ALLOWANCES DURING LEAVE**

## GENERAL

147. Save as provided by the rules in this chapter, a compensatory allowance attached to a post will cease to be drawn by a government servant when he vacates the post.

148. \* \* \* [See rule 1-A (3).]

## DRAWAL DURING LEAVE AND TEMPORARY TRANSFER

149. \* Under the rules in this chapter, a city compensatory allowance and house rent allowance may be drawn during leave and temporary transfer subject to provisions contained in S. R. 1A (3).

150.\* A government servant will be entitled to draw city compensatory and house rent allowance during leave at the same rates at which he was drawing these allowances before he proceeded on leave.

151. \* During the period of transfer not exceeding four months, a government servant shall draw city compensatory and/or house rent allowance at the same rate at which he was entitled to it/them at the time of transfer. The quantum of the allowance shall, however, be determined with reference to the pay which he would have drawn but for the transfer. For periods of transfer exceeding four months the grant of these allowances shall be regulated with reference to the new headquarters. If a transfer, initially made for a period not exceeding four months is later extended, the city compensatory and house rent allowance shall be paid up to the date of issue of orders extending the transfer or for a period of four months, whichever is less.

152. A portion not exceeding Rs. 45 of an allowance granted on condition that a motor-car or motor-cycle is maintained may be drawn during leave or temporary transfer if—

(i) the substantive pay of the government servant during the period of claim does not exceed Rs. 1,500;

(ii) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor-car or motor-cycle, as the case may be, will be advantageous from the point of view of his efficiency; and

(iii) the government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

NOTE—The maximum allowance that may be drawn under the above rule for a motor-cycle is limited to Rs. 10. \*As Amended vide Go. No. G—1—1816/X—229—1966 dated 15-11-1979 and come into force with effect from 15-11-1979.

152-A. An allowance the grant of which is subject to the condition that a horse or other animal is maintained may be drawn during leave or temporary transfer in the following instances:

(1) A chaplain and a military medical subordinate employed in a civil department in receipt of a conveyance or horse allowance.

(2) Inspectors and sub-inspectors of police in receipt of a conveyance or horse allowance.

(3) Camel sowars of the Public Works Department, Irrigation Branch in receipt of a camel allowance.

(4) Members of the Subordinate Engineering Service and lower subordinates of the Public Works Department in the Buildings and Roads and Irrigation Branches in receipt of a horse allowance.

(5) Mounted linemen and members of the Subordinate Electrical and Mechanical Engineering Service on the Hydro-Electric Grid in the Public Works Department, Irrigation Branch, in receipt of a horse allowance.

(6) Members of the Subordinate Engineering Service in the Local Self-Government Engineering Department in receipt of a horse allowance:

Provided that in all the above instances—

(i) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency;

(ii) the government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted; and

(iii) the drawal of the allowance during leave or temporary transfer does not involve extra expense to the Government.

152-B. A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

152-C. A permanent monthly travelling allowance admissible to a government servant of the Forest Department or of the Tarai and Bhabo Government Estates of and below the rank franger may be drawn during leave or temporary transfer if—

(i) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and

(ii) no extra expense is thereby caused to the Government.

152-D. A compensatory allowance, other than a permanent monthly travelling allowance and an allowance (including the permanent monthly travelling allowance mentioned in the preceding rule) for the regulation of which provision is made in any of the rules in this chapter, may be drawn during leave or temporary transfer if—

(a) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance, and

(b) the government servant certifies that he continued for the period for which the allowance is claimed to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE—(1) The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied direct that no part of the allowance shall be drawn.

(2) A government servant on hospital leave on full average pay under the rules in Chapter XIV may draw a compensatory allowance attached to his post only when there is no locum tenens to whom it is payable and when the condition in clause (b) of the above rule is fulfilled.

(3) Exchange compensation allowance, if otherwise admissible under the orders issued under Fundamental Rule 44, may be drawn by a government servant during the first four months of any leave on average pay.

(4) The certificate required under clause (b) of this rule shall not be necessary in the case of the members of the Nursing Services.

152-E. A government servant on joining time under Fundamental Rule 105(a), if he is entitled to tentage while holding his old post, and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another post carrying a similar allowance he may draw the compensatory allowance, during joining time:

Provided that if the rates differ in the two posts, he may draw the lower rate only.

152-F†. (1) A Government servant who is permitted to undergo a course of instruction or training in India and is treated as on duty under F.R. (9) (6) (b) during the period of such instruction or training, shall be entitled to draw, during the entire period of such training, City Compensatory Allowance and House Rent Allowance at the rates admissible to him, from time to time, at either the place of training or the place of duty from where he proceeded on training, whichever is more beneficial to him. For claiming the allowance admissible at the place of duty from where a Government servant proceeded to another station for training, he will be required to furnish the relevant certificate prescribed below:

(2) A Government servant who is permitted to undergo a course of instruction or training abroad and is treated as on duty under F. R. (9)(6)(b) during the period of such instruction or training shall be entitled to draw during the first six months of such training City Compensatory Allowance and during the entire period of such training House Rent Allowance at the rates admissible to him from time to time at the station from where he was deputed abroad for training

† As added vide G. O. No. G—1—2470/X—82—209/79, dated 3-3-83 and came into force w.e.f. 3-3-83. subject to the production of the relevant certificate prescribed below:

(3) A Government servant who has compulsorily to wait for his posting to a particular post and whose period of compulsory waiting is treated as on duty under F. R. (9) (6) (b), shall be entitled to draw during the first six months of such waiting City Compensatory Allowance and during the entire period of such waiting House Rent Allowance at the rates admissible to him from time to time subject to the production of a certificate on the proforma prescribed below:

(1) For drawal of Compensatory (City) Allowance

The Government servant concerned or his family or both continued, for the period from——— to——— for which City Compensatory Allowance is being claimed, to reside at the same station from where he was placed under training in India/abroad/remained in compulsory waiting.

(2) For drawal of House Rent Allowance

The Government servant concerned continued for the period from——— to——— for which house rent allowance is being claimed, to retain the house at the same station from where he was placed under———

\_\_\_\_\_training in India/abroad/remained in compulsory waiting and paid rent for it and did not sub-let it or any part of it.

GENERAL NOTES—(1) To obviate all misunderstanding, the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders in terms of the above rules a certificate regarding the likelihood of the government servant returning to the post or station, as the case may be. Cases of uncertainty in which it is not known whether the government servant will resume his post or not on return from leave should be referred to the Government for orders and pending their decision will be dealt with as if it is known that the government servant taking leave will not return to the post. In deciding whether the allowance may be granted or not, the main question for consideration will be whether if the government servant had remained on duty, he would have been displaced by the government servant who relieves him.

(2) In all cases falling under-Subsidiary Rules 149 Note 2,152, 152-A, 152-C and 152-D, in which compensatory allowances are claimed for non-gazetted government servants in respect of periods of leave or temporary transfer, a certificate in the following form should be given by the authority controlling the leave and postings of such government servants and attached to bill:

"Certified that in cases where the compensatory allowances have been claimed during leave

temporary transfer

the likelihood of the government servants returning to the same or similar posts are recorded in the original orders sanctioning the leave

temporary  
transfer"

(2-A) A certificate regarding the likelihood of the government servant returning to a qualifying post required to be furnished under the rules in this Chapter shall not be considered as a valid certificate acceptable in audit unless it is embodied in the original order granting leave or sanctioning transfer or given along with such an order, except that if a revised certificate is issued along with a revised order or leave or transfer or is incorporated in such revised order before the government servant hands over charge, the revised certificate shall be considered as valid and accepted in audit.

(2-B) If an original sanction to leave is in fact given after the event, i. e. after the close of the leave then sanctioned, the certificate regarding likelihood of return, which must logically be in the past tense, would be no less acceptable to audit on that account. What is wanted by audit is a written assurance by the competent authority that not later than the time he formally sanctioned the original leave, he then intended to re-post the grantee to a qualifying post. The fact that the grantee was so posted on return from leave is logically corroborative but not conclusive evidence of this intention, because the sanctioning authority may have intended otherwise when he first became aware of the fact of the absence, but changed his mind before the leave itself ended. Hence the contention that the fact of return to a qualifying post dispenses with the need for a declaration of intention is not correct nor would audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense.

(2-C) A question was raised whether on the analogy of subsidiary Rule 149 (iii), it was not reasonable to hold that a change in the element of likelihood of re-posting occurring during the course of the leave, should also affect the admissibility of compensatory allowance, e.g.,



(a) Sri X.....while holding a post in station A, proceeded on leave on average pay for 2 months and 15 days. In the original orders sanctioning the leave, a certificate was recorded that on the expiry of leave he was likely to be re-posted to the same post. Before the expiry of the leave fresh orders were issued posting him to station B.

(b) Sri Y.....while holding a post in station C, proceeded on leave on average pay for one month. In the original sanction to leave it was stated that on the expiry of leave he would be posted to station D. Before the expiry or leave orders were issued re-posting him to the same post in station C.

Under the General Note (2-B) above, stress is laid on the original intention of the competent authority at the time of sanction of leave and it shows by implication that the title to compensatory allowance remains unaffected during the leave by any subsequent changes in the intention of the competent authority. Accordingly, the grant of compensatory allowance during leave should be regulated in accordance with the original certificate issued before the commencement of the leave and not with reference to the revised orders altering the prospects issued after the commencement of the leave.

(3)\* In the case of establishment bill it is not necessary that the certificates provided in Subsidiary Rules 152 (iii), 152-A proviso (ii) and 152-D (b) from individual government servants should be submitted to the audit authority. A consolidated certificate to the following effect should, however, be recorded by the drawing officers in the bill:

"Certified that individual certificates have been obtained to the effect that the conditions in Subsidiary Rule——  
——have been fulfilled and recorded in my office."

(4) The question was raised whether a compensatory (including house-rent) allowance attached to a post can be drawn by a government servant officiating in that post when he proceeds on leave if it is certified by the authority sanctioning leave that he is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or to another station in which he will be entitled to a similar allowance. At the time of going on leave, a government servant drawing a compensatory allowance is expected to return on the expiry of his leave, either—

(i) to the same post from which he proceeds on leave and to which the allowance is attached, or

(ii) to another post in the same or another station carrying a similar allowance at the same rate, or

(iii) to another post in the same or another station carrying a similar allowance at a reduced or enhanced rate, or

(iv) to another post in the same or another station not carrying a similar allowance.

It has been decided that subject to the fulfilment of the requisite conditions laid down in the preceding Subsidiary Rules, such a government servant will draw during leave—

(a) if his case falls under (i) and (ii) above, the allowance at the same rate as he was drawing immediately before proceeding on leave.

(b) if his case falls under (iii) above the allowance at the same rate at which he was drawing it immediately before proceeding on leave or at the rate admissible for the post to which he is expected to return, whichever is less, and

(c) if his case falls under (iv) above, no allowance.

This decision will apply uniformly in all cases irrespective of whether the post to which the allowance is attached is held by the government servant in a substantive or officiating capacity.

(5)\* If a government servant dies during leave or temporary transfer, the certificates required by Subsidiary Rules 152 (ii), 152-A proviso (iii) and 152-D (b) from individual government servant may be furnished by the representative of the deceased who claims the compensatory allowance. Such a certificate shall be attested by the authority who sanctioned the leave or transfer.

\* As Amended vide G. O. No. G—1—1816/X—229—1966, dated 15-11-1979 and came into force w.e.f. 15-11-1979.

## CHAPTER XIII—MATERNITY LEAVE

### Rules made by the Governor under Uttar Pradesh Fundamental Rule 101

153\*. Maternity leave on full pay which a female government servant, whether permanent or temporary, may be drawing on the date or proceeding on such leave may be granted to her by the head of the department or by a lower authority to whom power may be delegated in this behalf subject to the following:—

(1) In cases of confinement the period of maternity leave may extend up to the end of three months from the date of the commencement of leave:

Provided that such leave shall not be granted for more than three times during the entire service including temporary service:

Provided also that if any female government servant has two or more living children, she shall not be granted maternity leave even though such leave may otherwise be admissible to her. If, however, either of the two living children of the female government servant is suffering from incurable disease or is disabled or crippled since birth or contracts some incurable disease or becomes disabled or crippled later, she may, as an exception, be granted maternity leave till one more child is born to her subject to the overall restriction that maternity leave shall not be granted for more than three times during the entire service.

Provided further that no such leave shall be admissible until a period of at least two years has elapsed from the date of expiry of the last maternity leave granted under this rule.

(2) In cases of miscarriage, including abortion, the period of maternity leave may extend up to a total period of six weeks on each occasion, irrespective of the number of surviving children of the female Government servant concerned, provided that the application for leave is supported by a certificate from the Authorised Medical Attendant:

NOTE—(1) Deleted.

NOTE—(2) In the case of a person to whom the provisions of Employees. State Insurance Act, 1948, apply, leave salary payable under this rule shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

NOTE—(3) Abortion induced under the Medical Termination of pregnancy Act, 1971, should also be considered as a case of 'abortion' for the purpose of 'granting' 'Maternity leave' under this rule.

154\*\*. Maternity leave shall not be debited against the leave account and may be combined with leave of any other kind.

NOTE—(1) Deleted.

\*(This amended rule shall be deemed to have come into force at once Vide Notification No, G.4-484/X-90-216-79, dated 3-5-90.)

\* This rule may be deemed to have come into force with effect from 1-7-78.

NOTE—(2) Regular leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female government servant producing a medical certificate from the Authorised Medical Attendant to the effect that the ailing baby warrants the mother's personal attention and that her presence at the baby's side is absolutely necessary.

NOTE—(3) In the case of temporary government servants the leave granted under rules 153 and 154 shall not extend beyond the period the appointment is likely to last.

## CHAPTER XIV—HOSPITAL LEAVE

### Rules made by the Governor under Uttar Pradesh Fundamental Rule 101

155. Subject to the conditions specified below, the authority whose duty it would be to fill up the post (if vacant) may grant hospital leave to the following categories of government servants whether permanent or temporary, whose duties expose them to special risk of accident or illness, during periods of illness in a hospital or dispensary or while receiving medical aid as an outdoor patient at the station or headquarters of the district in which they are serving:

- (1) the government servant eligible for the concession shall be drawing a pay not exceeding Rs. 300 per mensem;
- (2) the period of hospital leave shall in no case exceed six months in any one term of three years, whether such leave is taken at one time or by instalments;
- (3) leave salary for the first three months of such leave shall be allowed on full average pay in the case of government servants governed by Fundamental Rule 81 or Subsidiary Rule 157 and on full pay which they may be drawing on the date of proceeding on such leave in the case of government servants governed by Fundamental Rule 81-B or subsidiary Rule 157-A. Leave salary for the remaining period of any such leave shall be allowed at half the rates mentioned above;
- (4) the illness or injury is certified not to have been caused by irregular or intemperate habits and is directly due to risk incurred in the course of official duties of the government servants concerned;
- (5) the leave granted to temporary government servants does not extend beyond the period the appointment is likely to last:—
  - (a) guards of all departments in permanent employ;
  - (b) executive government servants in the Police Department enrolled under any Act of the Legislature;
  - (c) head warders, warders and orderlies of the Jail Department, and guards, warders, dressers and compounders of lunatic asylums inclusive of female servants;
  - (d) subordinates of the Forest Department including range clerks but excluding other clerks;
  - (e) Syces in the Animal Husbandry Department;
  - (f) and employee in the government Press, whether on fixed pay or at piece rates;
  - (g) subordinates employed in government laboratories;
  - (h) subordinates employed on the working of government machinery;
  - (i) peons and other government servants serving the Tarai and Bhabar;

(j) tindals, regulation beldars and boatmen employed by Irrigation Department at Canal head works and at torrent crossings on the Eastern Yamuna Canal; also subordinates employed along the main Sarda Canal and the Deoha Bahgul Feeder Canal;

(k) excise peons;

(l) members of the U.P. Fire Service, and

(m) all other government servants whose duties involve handling of dangerous machinery, explosive materials, poisonous gases and drugs etc. or who are obliged to perform hazardous tasks.

(This rule comes into force with effect from April 1, 1979).

NOTES—(1) The grant of hospital leave is subject to the condition that leave salary is not additional to, but inclusive of the benefits to which the employee may be entitled under section 4 (1) (d) of the Workmen's Compensation Act, 1923.

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

(3) The term of three years mentioned in clause (2) of the rule should at any time be calculated backward from the end of the actual period of hospital leave proposed to be granted, whether on average/full pay or on half of those rates.

156. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible, provided that the total period of leave, after such combination, shall not exceed twenty-eight months.

NOTE—The limit of eight months or six months prescribed by rule 81(b) of the Uttar Pradesh Fundamental Rules as the maximum leave on average pay which a government servant may take at any one time is not applicable when hospital leave is taken in combination with ordinary leave on average pay.

## CHAPTER XV—LEAVE EARNED BY TEMPORARY AND OFFICIATING SERVICE.

### Rules made by the Governor under Uttar Pradesh Fundamental Rule 103(a)

157. A government servant in the superior service without a lien on a permanent post appointed prior to January 1, 1936, and in continuous employ under the Government may be granted leave while employed in an officiating or temporary capacity provided that the leave salary (limited to average or half average pay, as the case may be) drawn by him shall not exceed—(i) if no substitute is appointed in his place, the normal duty pay which he would have drawn had he not proceeded on leave, and (ii) if a substitute is appointed the difference between such normal duty pay and the pay of the substitute. On this condition such a government servant may be granted—

(a) leave on leave-salary equal to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time; or

(b) on medical certificate, leave on leave-salary equal to half average pay up to two-elevenths or one-eleventh of the period spent on duty according as the government servant was appointed prior to or on or after 1st January, 1931 and before 1st January, 1936, subject to a maximum of three months at a time; or

(c) extraordinary leave for three months at any one time, provided that in the case of a government servant, who is undergoing treatment for tuberculosis in a recognised sanatorium or is suffering from tuberculosis of bones or joints, extraordinary leave up to twelve months on any one occasion may be granted in addition to the leave which may be admissible under clause (a) or (b) above, subject to the following conditions:—

(i) The post from which he proceeds on leave is likely to last till his return to duty;

(ii) the extraordinary leave shall be granted on the production of a certificate from the medical officer-in-charge of the sanatorium or, in the case of a patient suffering from tuberculosis of bones or joints, on the production of a certificate from a qualified T. B. Specialist or a Civil Surgeon, or if such a patient is undergoing treatment in a recognised sanatorium from the medical officer-in-charge of the sanatorium and in each case the period for which leave is recommended shall be specified in the certificate;

(iii) the Medical officer, or the T. B. Specialist, or the Civil Surgeon in recommending the leave, shall bear in mind the provisions of Subsidiary Rule 87.

NOTES—(1) The concession of extraordinary leave up to twelve months will be admissible also to a temporary government servant who for want of accommodation in any recognised sanatorium at or near the place of duty receives treatment at his residence under a Tuberculosis Specialist recognised as such by the Director of Medical and Health Services, Uttar Pradesh, 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.

(2) The concession of grant of extraordinary leave up to twelve months will be admissible only to those temporary government servants who have been in continuous government service for a period exceeding one year.

Government servants of Asiatic domicile engaged on contract prior to January 1, 1936, whether recruited in the United Kingdom or in India, may be given only such leave as is admissible under this rule.

Exception 1—If the government servant has been employed in an officiating or temporary capacity for at least two years continuously, he may receive under clause (a) above such leave as may be admissible to him even if its grant involves extra expense to the Government.

Exception 2—In the case of a government servant who is employed in an officiating or temporary capacity in a vacation department, leave granted under clause (a) of this rule shall be on leave salary equivalent to half average pay; provided that such a government servant may be granted, under that clause, leave on leave salary equivalent to average pay to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation. If a part only of the vacation has been taken in any year, the period of leave on average pay admissible under the above proviso will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation. The provisions of Subsidiary Rules 145 and 146 also apply in the case of such a government servant; but the certificate prescribed in Note 2 under Subsidiary Rule 146 should, in the case of a gazetted government servant of this class, be sent to the Accountant General along with the leave application and not immediately after the close of the vacation.

Exception 3—The condition about extra expense is waived in the case of the government servants without a lien on substantive posts who are employed in an officiating or temporary capacity, while proceeding to a Pasteur Institute for anti-rabic treatment.

Exception 4—Government servants who hold quasi-permanent posts in the Settlement Department, as shown in the note below the Exception to Fundamental Rule 59, in a substantive capacity shall earn leave under sections I to V of Chapter X of Part II of this Handbook.

NOTES—(1) Any kind of leave under this rule may be granted in combination with or in continuation of any other kind of leave, provided that the total period of leave so taken shall not exceed four months at any one time.

Exception—In the case of government servants undergoing treatment for tuberculosis and to whom extraordinary leave up to 12 months may be granted at any time, vide clause (c) of this rule as amended, the total leave that may be granted at any one time shall not exceed a period of 16 months made up of leave on average pay and leave on half average pay on medical certificate for an aggregate period not exceeding four months (provided it is due) and extraordinary leave for not more than 12 months.

(2) Extension of a temporary post with a view to cover the period of leave granted to its holder is expedient only in cases where the grant of leave is subject to the condition laid down in the proviso contained in the first sentence of this rule; but is improper in the absence of this condition.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under this rule, provided that when it is taken in combination with or in continuation of leave on average pay admissible under clause (a) which is subject to the provisions of exception 2 above, the total duration of vacation and leave on average pay taken in conjunction, whether the leave on average pay is taken in combination with or in continuation of other leave or not, shall not exceed four months.

(4) In cases where the leave reserve for several grades of the same establishment is provided for in the lowest grade and officiating arrangements in leave vacancies in the higher grades by the appointment of persons from the lower grades entail extra expense, the net extra cost involved in arranging for the work of the absentee should be taken in place of the "pay of the substitute" mentioned at the end of the proviso contained in the first sentence of the above rule.

157-A. The following leave rules shall apply to:

(a) all Government servants who enter Government service on or after April 1, 1966, and hold no lien on a permanent post but are employed in an officiating or temporary capacity;

(b) all government servants who were recruited before April 1, 1966 and to whom Subsidiary Rule 157-A applied on that date:

Provided that the earned leave at their credit on April 1, 1966, shall stand and they shall earn further leave under sub-rule (1) of this rule with effect from that date:

(c) all government servants recruited before January 1, 1936, to whom Subsidiary Rule 157 applies and who elect in writing to come under these rules by making a specific declaration to Government to this effect. The option once exercised shall be final:

Provided that:

(i) the balance of leave on average pay at the credit of such a government servant on the date of exercising the option referred to above shall not lapse. He will first exhaust all such leave in excess of one hundred and eighty days and when the balance of such leave falls below this period, he shall begin to earn leave under these rules;

(ii) half the amount of leave on medical certificate on half average pay already availed of under clause (b) of Subsidiary Rule 157 shall be deducted from the maximum limit of four months' leave on medical certificate on average pay admissible under sub-rule (2) of this rule.

\*(1) Earned Leave:—A government servant to whom these rules apply shall earn leave at one-eleventh of the period spent on duty from the date of commencement of continuous service:

Provided that—

- (i) when the total of his earned leave amounts to one hundred and eighty days he shall cease to earn such leave;
- (ii) subject to the provisions, of Fundamental Rules 67 and 86-A:
  - (a) the maximum period of earned leave that may be granted to him at a time shall be one hundred and twenty days if spent in Asia;

\* For calculation of leave see revised order contained in O. M. No. G-4-1751/X-201-76 dated 24-6-78.

- (b) earned leave may be granted to him exceeding a period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion thereof is spent outside Asia but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days:

Provided further that in the case of a government servant serving in a vacation department—

- (i) the earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation;
- (ii) if he is prevented by reason of Government work from availing himself of the full vacation in any year, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation;
- (iii) if in any year he does not avail himself of the vacation, the earned leave admissible to him shall not be subject to any reduction;
- (iv) vacation may be taken in combination with, or in continuation of, any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave admissible to him at a time under the first proviso to sub-rule (1) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.

NOTE—The provisions of Subsidiary Rules 145 and 146 also apply in the case of government servants to whom these rules apply if belonging to a vacation department, but the certificate prescribed in Note 2 under Subsidiary Rule 146 should, in the case of a gazetted government servant, be sent to the Accountant General along with the leave application and not immediately after the close of the vacation.

(2)\* Leave on medical certificate—A Government servant to whom this Subsidiary Rule applies may also be granted leave on medical certificate not exceeding four months in all during his entire temporary service. Such leave shall be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority:

Provided that the amount of leave on medical certificate availed of by a government servant under Subsidiary Rule 157-A, before the date of application of this rule as amended by notification no. G-2-2688 /X—206-1965, dated August 12, 1966 shall be taken into account in calculating the leave due to him under this rule:

Provided further that—

- (i) the post from which the government servant proceeds on leave is likely to last till his return to duty;
- (ii) no leave may be granted under this rule, unless the authority competent to sanction leave is

\* This rule came into force w. e. f. April 29, 1980.

satisfied that there is reasonable probability that the government servant will be fit to return to duty on the expiry of the leave applied for. (See also Subsidiary Rule 87):

Provided also that the government servant who has put in continuous service for three years or more, may be granted leave, on medical certificate up to twelve months (including four months of leave on medical certificate mentioned in this rule) subject to the following conditions:—

- (1) the government servant must have been appointed in a regular manner (not on ad hoc basis) in accordance with the relevant rules of recruitment or formal orders of the Government in this regard;
- (2) he must have been working against a duly sanctioned cadre post, permanent or temporary, and he may not have been appointed on contract basis;
- (3) his work and conduct must have been satisfactory and integrity certified; and
- (4) no action regarding suspension or instituting disciplinary proceedings is contemplated or pending against the government servant concerned.

(3) \*Leave on private affairs—A government servant to whom this Subsidiary Rule applies may also be granted leave on private affairs not exceeding one hundred and twenty days in all during his entire temporary service provided that the leave shall not be admissible until after continuous temporary service of two years has been rendered. Such leave shall be earned by him at one-eleventh of the period spent on duty and when the leave earned amounts to sixty days, he shall cease to earn such leave:

Provided that—

- (i) the post from which the government servant proceeds on leave is likely to last till his return to duty; and
  - (ii) the amount of leave on private affairs availed of by a government servant under Subsidiary Rule 157-A before the date of application of this rule shall be taken into account in calculating the leave due to him under this rule.
- (4) Extraordinary leave—(a) A government servant to whom this Subsidiary Rule applies may be granted extraordinary leave in accordance with the provisions of Fundamental Rule 85 where the post is likely to last till his return to duty, provided that the duration of extraordinary leave on any one occasion shall not exceed the following limits:
- (i) three months;
  - (ii) six months, in cases where the government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months extraordinary leave under (1) above] and his request for such leave is supported by a medical certificate as required under the rules;
  - (iii) eighteen months where the government servant has completed one year's continuous service and is undergoing treatment for:

\* For calculation of leave see revised orders contained in O. M. No. G. 4—A. G. —3/ X—200—79 dated 30-10-79.



(1) pulmonary tuberculosis or tuberculosis of any other part of the body in a hospital or sanatorium or at his residence by the Civil Surgeon or by a qualified tuberculosis specialist recognised as such by the Director of Medical and Health Services, U.P., or

(2) leprosy in a recognised leprosy institution or by the Civil Surgeon or a specialist in leprosy recognised as such by the Director of Medical and Health Services, U.P.;

subject to the condition that the extraordinary leave shall be granted on the production of a certificate from medical-officer-in charge of the hospital or sanatorium, as the case may be, or from the qualified tuberculosis/leprosy specialist or the Civil Surgeon if such patient is undergoing treatment at his residence and in each case the period for which leave is recommended shall be specified in the certificate.

NOTE—The medical officer incharge of the hospital or of the sanatorium or leprosy institution, the tuberculosis/leprosy specialist or the Civil Surgeon, as the case may be, shall while recommending leave bear in mind the provisions of Subsidiary Rules 87.

(iv) twenty-four months, subject to a maximum limit of thirty-six months in all during entire temporary service, where the leave is required for the purposes of prosecuting studies in India or abroad certified to be in the public interest, provided that—

(1) the government servant concerned has completed three years of continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months of extraordinary leave under sub-rule (I) above];

(2) before grant of the extraordinary leave the government servant concerned gives an undertaking by executing a bond prescribed in Form No. 10 to the effect that he would, if required, serve the Government after returning from leave in the same post or in any other capacity as may be required for a period of at least three years and, in default, pay to Government an amount equal to ten times the monthly pay which he was drawing at the time of proceeding on leave, and other expenses, if any, which may be incurred on him together with interest thereon from the day following the expiry of the sanctioned leave at the rate of one per cent over and above the Bank rate in force on the first day of April of the financial year in which the leave may commence.

NOTE—The expression 'Bank rate' mentioned above means the rate made public by the Reserve Bank of India as the standard rate at which it is prepared to buy or rediscount bills of exchange or other commercial paper eligible for purchase under the Reserve Bank of India Act.

\*(b) Unless the Governor in view of the special circumstances of the case otherwise determines no Government servant, shall be granted extraordinary leave on any one occasion in excess of the limits mentioned in sub-rule (a). Absence from duty after the expiry of leave will attract the provisions of rules relating to disciplinary proceedings.

\* (This sub-rule shall be deemed to have come into force w.e.f. 12-9-89 vide Notification No. G—4—34— I/X—89-4—1983 dated 12-9-89).

(5) Any kind to leave under these rules may be granted in combination with or in continuation of any other kind of leave.

\* (6) Leave salary—A government servant to whom this subsidiary Rule applies, when on leave, will be entitled:

(a) If on earned leave, or on leave on medical certificate to leave salary equal to the pay drawn immediately before proceeding on leave:

Provided that if the government servant is reverted from a post carrying a higher scale of pay to a post carrying a lower scale of pay and proceeds on leave, he will be entitled to leave salary equal to the pay which would have been admissible under the rules had he not proceeded on leave.

(b) If on leave on private affairs, to leave salary equal to half the amount specified in clause (a);

(c) If on extraordinary leave to no leave salary.

NOTE —In the case of a person to whom the provisions of Employees' State Insurance Act, 1948 apply, the leave salary payable under this sub-rule in respect of leave on medical certificate shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

(7) Whole time government servants who are of the nature of seasonal or casual employees and continue to be paid from contingencies shall only get leave without allowance.

Orders of the Governor regarding rule 157-A.

(1) In the cases of government servants to whom rule 157-A applies, the authority competent to grant leave has no power to alter the nature of leave applied for.

(2) The authority which granted leave to a government servant governed by rule 157-A can commute it retrospectively into leave of a different kind which was admissible at the time the leave was originally granted but the government servant concerned cannot claim it as a matter of right.

(3) The commutation of one kind of leave into another automatically carries with it the drawal of arrears of leave salary or recovery of amounts overdrawn.

158. If a government servant in the superior service recruited prior to January 1, 1936, is without interruption of duty appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively and debited with the amount of leave actually taken under rule 157. Similarly a government servant who is entitled to leave under rule 157-A when appointed without interruption of duty substantively to a permanent post will be

\* This amended sub-rule shall be deemed to have come into force with effect from April 1, 1978 vide Notification No.G-4-1395/X-88-200-76, dated October 13, 1988).

(The above orders of Governor shall be deemed to have come in to force with effect from April 1, 1973 Vide Notification No. G-4-1395/X-88-200-76, dated October 13, 1988).

credited with the earned leave which would have been admissible if his previous duty had been duty as a government servant in permanent employ diminished by any earned leave already taken. Leave taken under rule 157 or 157-A is not an interruption of duty for the purpose of this rule.

Except in the case of a government servant recruited or after January 1, 1936, temporary or officiating service rendered under the Central or any other State Government and followed by confirmation in post under the

Government of the Uttar Pradesh without interruption of duty will, up to the extent mentioned in this rule, be taken into account in calculating the net amount of leave to be credited to the government servant; provided that under the rules laid down by the other Government such service would have counted had the government servant in question continued in the service of that Government without a break of service till confirmation.

Audit instruction regarding Subsidiary Rule 158

Interpretation of the words "interruption of duty": See audit instruction regarding Fundamental Rule 65 (a).

Orders of the Governor regarding rule 158

The commutation of extraordinary leave taken during temporary service when other leave was due into earned leave on confirmation without interruption of service by giving retrospective effect to the benefit of rule 158 would be irregular. The real intention of this rule is to provide only for a retrospective recalculation of the 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 a credit on confirmation, leave earned and taken should be closed chapter at that point and re-adjustment of any leave taken is not permissible as a consequence of such recalculation. The "closed chapter" may, however, properly be reopened, for instance, to correct 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 the leave was originally taken.

(See also orders of the Governor under Fundamental Rule 87-A).

159. A temporary engineer of the Public Works Department may be granted at the discretion of the Government leave other than what is admissible under rule 157 or rule 157-A above on such terms and with such leave-salary as they may think fit. This indulgence will be granted only as a matter of grace and cannot be claimed as a right. The terms and leave-salary shall not, however, be more favourable than those which would be admissible if the service were substantive, permanent and continuous.

160. A military sub-assistant surgeon temporarily lent to the civil department before January 1, 1936, may be granted leave on average pay up to one-eleventh of the period spent on duty in the civil department subject to a maximum of four months at a time. Any other leave which it may be found necessary to grant to a military sub-assistant surgeon should be under the military rules.

The grant of leave to a military sub-assistant surgeon temporarily lent to the civil department on or after January 1, 1936, shall be regulated by clause (1) of rule 81-B and clause (1) (b) of rule 87-A of the Uttar Pradesh Fundamental Rules. Any other leave which it may be found necessary to grant to him shall be under the military rules.

161 \*\*\*\*\*

161-A. Assistant teachers of local board Vernacular middle schools, appointed before or on or after January 1, 1936, for a specified period not exceeding five years to non-pensionable posts of teachers in model schools attached to Government normal schools for boys or in Government central training schools, shall not be entitled to any leave except leave on medical certificate on half average pay up to one-eleventh of the period spent on duty, subject—

(1) to a maximum of one month at a time; and

(2) to a total amount not exceeding two months during the period of deputation. No substitute shall be appointed to fill the vacancy caused by the leave.

NOTE—In the case, of assistant teachers appointed on or after January 1,1936, their half average pay shall continue to be calculated in the manner prescribed for assistant teachers appointed before that date.

## **CHAPTER XVI—LEAVE ADMISSIBLE TO PART-TIME LAW OFFICERS AND GOVERNMENT SERVANTS REMUNERATED BY FEES, PIECE-WORK, OR DAILY WAGES.**

### **Rules made by the Governor under Uttar Pradesh Fundamental Rule 103(c)**

162. A law officer holding one of the posts mentioned in Fundamental Rule 99 in Part I of this Volume and a Government Pleader, Deputy Government Advocate, Junior Standing Counsel, Law Reporter, Assistant Law Reporter or Government Prosecutor if his pay is fixed at definite rate but his whole-time is not retained for the service of the Government, may be granted leave as follows:

(a) Leave on average pay during the vacation of the High Court of Judicature at Allahabad or the Chief Court of Oudh within whose jurisdiction he serves; provided that no extra expense is thereby caused to the Government. Such leave will be counted as duty.

(b) Leave on half average pay for not more than six months once only in his service after six years of duty.

(c) On medical certificate, leave on half average pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.

(d) On the conditions prescribed in Fundamental Rule 85, extraordinary leave.

Exception—This rule shall also apply to a law officer, a Government Pleader, Deputy Government Advocate, Junior Standing Counsel, Law Reporter, Assistant Law Reporter or Government Prosecutor appointed on or after January 1, 1936, except that the grant of leave on medical certificate to him shall be regulated by sub-clause (b) of clause (2) of rule 81-B of the Uttar Pradesh Fundamental Rules. His leave salary shall, however, continue to be calculated in the manner prescribed for officers appointed before that date.

NOTE—When a law officer who held a part-time appointment on December 31, 1921, takes leave, his pay at the time of taking leave may be treated as his average pay for the purpose of this rule.

163. Leave under any one of the clauses of rule 162 may be combined with leave under any other clause.

NOTE—The remuneration receivable by the Advocate General during leave is as admissible under rules 162 and 163 above and this has been determined by the Governor under sub-section (3) of section 55 of the Act.

164. A government servant remunerated by honoraria may be granted leave on the terms laid down in rules 162 and 163 above, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to the Government, and that during leave of the kind contemplated by clause (b) of rule 162 the whole of the honoraria are paid to the person who officiates in his post.

165. \* \* \* \*

165-A. The following rules regulate the grant of leave to piece-workers employed in the Uttar Pradesh Government Central Press who are not classed as inferior:

1. (a) Leave on full pay will be granted to permanent piece-workers and on half pay to temporary piece-workers according to their service as shown below:

Length of service	Leave admissible
Less than 5 years	10 days in each calendar year.
5 years but less than 15 years	15,,,,,,,,
15 years and over	30,,,,,,,,

Exception—Those piece workers, whether permanent or temporary, who were recruited before 26th February, 1941 and who were entitled to 31 days' leave in each calendar year after putting in service exceeding 25 years, will continue to enjoy this concession.

(b) Leave under sub-rule (a) will be non-cumulative, i.e. any leave not taken during the year will lapse without any monetary compensation.

(c) Gazetted holidays actually enjoyed may, at the option of the piece-worker, be counted against leave admissible to him under sub-rule (a) and, if so counted, will be paid for. But a Sunday at the commencement and/or conclusion of the period of leave will not be paid for.

(d) The grant of leave under these rules cannot be claimed as a right and can be refused on administrative grounds. It may also be withheld from piece-workers who have been irregular in attendance.

2. Leave on medical certificate on half pay will be earned at the rate of one month's pay for every complete period of twenty-two months' duty, and as regards incomplete periods one day's leave for every twenty-two days duty. It will be cumulative up to a limit of six months and will be granted only when no leave is admissible under rule 1 above.

3. Leave without pay may be granted when no other leave is due.

4. No continuous period of leave with pay to permanent piece-worker shall exceed six months or in the case of a temporary piece-worker three months; any extension over either period shall be leave without pay. Leave on medical certificate on half pay shall not be granted to any piece-worker for more than twelve months during his service.

5. Injury leave on half pay may be granted from the commencement of disablement to a piece-worker who is injured in circumstances which would give rise to claims for compensations in the case of a workman as defined in the Workmen's Compensation Act, 1923 (VIII of 1923) whether or not proviso (a) to sub-section (1) of section (3) of the Act is applicable to him. This leave shall be continued as long as is necessary subject to a limit of one year for any one disability and three years during a piece-worker's total service. It shall not be taken into account in calculating the limits laid down in rules 2 and 4. Leave-salary payable under this rule will in the case of a workman to whom the Workmen's Compensation Act applies be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

NOTE—For the purposes of the foregoing rules "pay" means the minimum of a piece-worker's grade rate.

6. A piece-worker transferred to the temporary salaried establishment for a period of less than twelve months continuously shall be eligible only for such leave and on such pay as would have been admissible to him under these rules if he had continued to work as a piece-worker in the plains. Where the transfer is for a period of more than 12 months continuously, leave rules as applicable on the date of transfer, to the salaried staff shall apply to a piece-worker on his transfer to the salaried establishment. Any leave under piece-work terms which may be due to him on the date of transfer shall, to the extent permissible under the rules, be credited to his leave account.

7. A salaried worker on his transfer to the piece establishment for a period of more than 12 months continuously shall be governed by these leave rules. Earned leave due to him at the time of transfer shall, to the extent permissible under the rules, be credited to his leave account.

166. A labourer employed in a Government workshop or other similar institution when temporarily absent from work owing to injury received while on duty may be granted leave on full pay by the head of the department for a period not exceeding three months, which may be extended on half pay thereafter up to six months with the previous sanction of the Government.

NOTE—The limits prescribed above are to be regarded as inclusive of compensation under section 4(1)D of the Workmen's Compensation Act, where that is payable.

167. A female servant employed at piece rates or daily rates in a permanent or quasi-permanent government institution or concern may be granted by the head of the department maternity leave on the same conditions and terms as laid down in rule 153.

168. Any leave of absence granted to government servants referred to in rules 166 and 167 above in circumstances other than those described in or in continuation of leave permitted under those rules, shall be without allowances or any kind whatever.

## CHAPTER XVII—LEAVE EARNED BY PROBATIONERS AND APPRENTICES

Rules made by the Governor under rule 104(b) of the Uttar Pradesh Fundamental Rules.

NOTE—The rules in this chapter apply only to government servants under the rule-making power of the Governor. They do not apply to officers appointed by the Secretary of State.

169. \* \* \*

[See rule 1A(1) and (4)].

170. Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation.

171. \* \* \*

172. Leave of the following kinds may be granted to an apprentice:

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

(b) Extraordinary leave under Fundamental Rule 85, provided that in the case of an apprentice appointed on or after January 1, 1936, the extraordinary leave shall not exceed three months at any one time.

NOTE—(1) Service as an apprentice even if followed by appointment substantively in a permanent post does not qualify for leave under rule 77 or under clause (1) of rule 81-B of the Uttar Pradesh Fundamental Rules.

NOTE—(2) For purposes of this rule supernumerary kanungos come within the definition of "apprentice" as given in Subsidiary Rule 1 A (1).

## CHAPTER XVIII—JOINING TIME

### Rules made by the Governor under Fundamental Rule 106

173. Not more than one day is allowed to a government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

NOTE—No joining time is admissible in the case of a Government servant transferred from one department to another under the control of the same officer and in the same station.

174. In cases involving necessary change of station, the joining time-allowed to a government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:

(a) A government servant is allowed—for that portion of the journey which he travels or might travel—

One day for each—

By railway	500 Kilometers	Or any longer time actually occupied in time actually.
By ocean steamer	350,,	
By river steamer	150,,	
By motor car or horse-drawn conveyance plying for public hire	150,,	
In any other way	25,,	

(b) For any fractional portion of any distance prescribed in clause (a) an extra day is allowed.

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(363)

### 174-175] SUBSIDIARY RULES [CHAP. XVIII

(d) Travel by road not exceeding eight Kilometers to or from a railway station at the beginning or end of a journey does not count for joining time.

(e) A government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire and his joining time is calculated accordingly.

(f) A Sunday will count as a day for the purpose of the calculations in this rule.

\*(g) When a Government Servant on transfer joins the new post at the new station without

\*This insertion shall be deemed to have come into force w.e.f. 14-7-88 vide Notification no. G-1-1038/x-204/81 dated 4-9-1989.

availing of the full joining time of 6 days admissible to him under clause (a) he may be allowed to avail the unavailed period of joining time as special Casual leave within six months from the date of his transfer.

NOTE—The presiding officers and the establishment of the peripatetic court of the second Civil Judge, Meerut, Additional Civil Judge, Moradabad Additional Munsif, Moradabad, and the Additional Munsif of Kaimganj, Farrukhabad, will on the occasion of their transfer from one place to another within their jurisdiction, be entitled to the full joining time admissible under the above rule; provided that the period of their stay at the place of transfer is not less than two months, otherwise they will be entitled only to the period spent on the journey.

Exception—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

175. When a government servant returning from leave out of India exceeding four months takes joining time before joining his post, his joining time shall be calculated as prescribed in rule 174 provided that it shall, if he so desires, be subject to a minimum of ten days.

NOTE—In the case of Government servants recruited to the provincial, specialist and subordinate services on or after January 1, 1936, and inferior government servants the term "four months" occurring in this rule shall be taken to mean "120 days."

176. By whatever route a government servant actually travels his joining time shall, unless a competent authority for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

177. If a government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he makes over charge.

178. If a government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

NOTE—A second period of six days for preparation should not be included in the joining time of a Government servant when his appointment is changed while he is in transit from one appointment to another.

179. If a government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

#### Order of the Governor regarding rule 179

It has been decided that the principle underlying Audit Instruction no. 4 below Fundamental Rule 105 is applicable also to the balance of joining time admissible on return from leave in the case of a government servant who proceeds on leave on average pay for a period not exceeding four months on medical certificate while in transit from one post to another. The balance of joining time to which the government servant will be entitled is the full joining time admissible under Fundamental Rule 105(b) (i) reduced by the period of joining time actually availed of prior to the commencement of the leave on medical certificate. Should the government servant join his new appointment before the expiry of such leave plus the balance of joining time admissible, the leave should be re-adjusted on the analogy of Audit Instruction no. 4 below Fundamental Rule 105.

180. If a government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time.



Provided that if he receives intimation of his posting to another station before proceeding on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place from which he proceeds to join his new appointment, whichever calculation will entitle him to the less joining time.

NOTE—In the case of Government servants appointed to the provincial, specialist and subordinate services on or after January 1, 1936, and inferior Government servants the term "leave on average pay of not more than four months, duration" occurring in this rule shall be taken to mean "earned leave not exceeding 120 days".

181. The authority which granted the leave will decide whether the notice referred to in Fundamental Rule 105 (b)(ii) was insufficient.

182. A government servant transferred to a post in a vacation department during vacation may join his new post at the end of the vacation even though the joining time calculated under rule 174 above is thereby exceeded.

183. The sanction of the Government is required to the grant of joining time in excess of 30 days and such sanction will be given only in cases in which the spirit of the rules is not infringed.

#### Audit instruction regarding rule 183

Extension of joining time beyond a period of 30 days for the reasons stated in clause (b) of Subsidiary Rule 184 should be treated as a case in which the general spirit of the rules has been observed.

184. Within the prescribed maximum of 30 days a competent authority may, on such conditions as it thinks fit, grant to a government servant a longer period of joining time than is admissible under the rules in the following circumstances:

(a) when the government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or

(b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or

(c) when the rules have in any particular case operated harshly, as for example, when a government servant has though no fault on his part missed a steamer or fallen sick on the journey.

184—A. When a government servant under the administrative control of one Government is transferred to the control of another Government which has made rules prescribing the amounts of joining time, his joining time for the journey to join his post under the borrowing Government and for the return journey will be governed by the rules of the borrowing Government. This rule will apply even to cases where the government servant is on leave either before his transfer or before returning to his original post.

## CHAPTER XIX—INTEREST ON OVERDUE CONTRIBUTIONS

### Rules made by the Governor under Fundamental Rule 119 (b)

185. (1) Contribution for leave salary and/or pension, due in respect of a government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service,

if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the Governor, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the government servant or the foreign employer according as the contribution is paid by the former or the latter.

(2) The leave salary and pension contribution should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account, should be set off against these contributions.

NOTE—Recoveries representing leave salary contributions are to be credited to the receipt head corresponding to the functional head to which the establishment relates or where there is no corresponding receipt head to the minor head "Other Receipt" under the residuary receipt major head in the respective sector. Recoveries representing pension contribution will be credited to the minor head under the major head "066".

### Orders of the Governor regarding rule 185

If the foreign employer, or the government servant placed on foreign service as the case may be, has contacted the Accountant General, Uttar Pradesh, to ascertain from him the rates and the manner of payment of the contributions, immediately on receipt of the orders sanctioning the transfer to foreign service, and the delay in the repayment of the contributions is solely due to the information regarding the rates and manner of payment of the contributions not having been received from the Accountant General, no interest, in terms of the above rule, shall be recovered from the foreign employer or the government servant concerned, as the case may be, if the payment is made within one month from the date of issue of the Accountant General's letter in which the information is communicated.

186. If any amount due, including interest is not paid within twelve months of its accrual, the government servant concerned shall forfeit his claim to pension and leave-salary. In order to revive such claim the government servant must first pay the amount due and then represent his case to the Government.

(This amendment shall be deemed to have come into force with effect from April 1, 1979).

## CHAPTER XX—SUBSIDIARY RULES

### Rules made by the Governor in connection with the Fundamental Rules

187. Where no age-limit has been prescribed in the rules regulating recruitment to a superior pensionable service or post under Government, a person whose age exceeds twenty-five years shall not be admitted to that service or post without the sanction of the Governor where he is the appointing authority and in other cases, the head of the department.

#### Charge of office

188. Unless for special recorded reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case else-where or otherwise the charge of an office must be made over at its headquarters, both the relieving and the relieved government servants being present.

189. The conditions imposed by rule 188 that both the relieving and relieved government servants must be present is not enforced in the case of government servants who are permitted to combine vacation with leave.

In such cases the following procedure will be followed:

(a) When vacation is prefixed to leave, the outgoing government servant will report before leaving headquarters, or if for urgent reasons the leave is granted during vacation as soon as it is granted, that he makes over charge with effect from the end of the vacation.

(b) When vacation is affixed to leave, the government servant to be relieved will make over charge in the ordinary way before the vacation, the incoming government servant on return at the end of the vacation taking over charge from the beginning of the vacation.

190. As a general rule and subject to any special orders to the contrary in particular cases, the headquarters of a government servant on the staff of the Government, as for instance, a Secretary or a member of the Secretariate establishment, are the headquarters of the Government for the time being.

191. The headquarters of any other government servant are the station where the records of his office are kept, or in special cases, the station which has been declared to be his headquarters by the authority which appoints him.

#### Leaving jurisdiction

192. No government servant (other than a police officer acting within his legal powers or an excise officer acting under the orders of the district officer) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

193. The Government or such subordinate authority to whom the power is delegated may authorize any government servant to proceed on duty to any part of India, whether within or beyond the limits of the State, Provided that the Secretaries to Government may undertake such journeys on their own certificate which shall be appended to the appropriate T.A. bill stipulating that the journey was in public interest.

194. A government servant permitted under rule 193 to proceed to any place on duty may take with him such subordinate establishment and records as are absolutely necessary for the efficient discharge of his duties.

195. A controlling officer (see rule 88 of the Travelling Allowance Rules) may allow any government servant subordinate to him to proceed on duty to any part of the State or to a district adjoining the jurisdiction of the controlling officer and to draw travelling allowance under the rules.

#### Arrangements in leave vacancies

196. As a general rule the duties of a government servant absent on leave for a period not exceeding four months shall be discharged by another government servant in the same station or district. Only in exceptional cases where there is absolutely no suitable government servant available on the spot can the transfer of a government servant from another station or district to act in consequence be allowed. In the case of posts held by members of an all-India service, if a qualified member of that service is not available on the spot, a member of a provincial service should be appointed, if this is otherwise permissible, to officiate in or carry on the work of the appointment.

#### Grant of compensatory allowances during joining time

197. A government servant transferred from a post in which he drew a compensatory allowance to another post to which a compensatory allowance is also attached, may draw the allowance during joining time calculated where the rates differ in the two posts, at the lower rate only.

NOTE— This rule does not apply to the drawal of conveyance or house allowance during joining time which is regulated by rules in Volume III of the Financial Handbook.

Orders of the Governor regarding rule 197

A government servant transferred from a post in which he drew a house rent allowance to another post in which he is provided with rent-free accommodation may continue to draw the house rent allowance for the period during which he continues to reside in his old station and actually incurs expenditure on house rent, during joining time. No house rent allowance will, however, be admissible during journey time.

Suspension

198. Fundamental Rules 53 and 54 include government servants holding temporary posts, but in deciding whether an allowance should be granted to such government servants, the period for which the temporary posts have been sanctioned should be taken into account.

198–A. Posts vacated by government servants who are dismissed or removed from service may be filled substantively subject to the condition that the arrangements thus made will be reversed if the government servant is reinstated on appeal.

Suspension during pendency of criminal proceedings or proceedings for arrest for debt or during detention under a law providing for Preventive dentention.

199. Deleted with effect from October 30, 1976.

Leave to government servants serving under a contract or agreement

200. Except as provided in paragraph 6 of the leave terms below rule 103 of the Uttar Pradesh Fundamental Rules, in the case of a government servant who is serving on a contract or agreement no leave, including leave on medical certificate, shall be granted for a period extending beyond the term of the contract or agreement unless or until it has been decided to retain him in permanent employ.

Recess Leave

200-A. The government servants specified below belonging to Garhwal-Bhabar Government Estates and under the administrative control of the Deputy Commissioner, Garhwal, may at his discretion, be allowed recess leave on full pay for one month between May and October every year subject to the following conditions:

- (1) that they serve all the year round in Garhwal-Bhabar Government Estates.
- (2) that their work can be arranged for without extra cost, and
- (3) that this leave is not prefixed or affixed to any other kind of leave:
  - (i) Clerks 2,
  - (ii) Peons (including Jamadar and Chain bearers) 6,
  - (iii) Pound Keepers 4,
  - (iv) Forest Guards 2, and
  - (v) Lekhpals 4.

200-B. The two compounders and the orderly who are permanently attached to the Ramnagar Forest Travelling Dispensary in the Ramnagar Forest Division and are under the administrative control of the Conservator of

Forests, Western Circle, may, at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, be allowed recess leave on full pay for one month and a half between July 1 and October 15 every years, subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

- (1) that they serve all the year round in the Ramnagar and Kalagarh Forest Divisions;
- (2) that the actual period of recess in each case is at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, subject to the control of the Conservator, Western Circle;
- (3) that in order that during the recess period the work of the dispensary may be carried on satisfactorily by the Medical Officer with the help of at least one compounder, both the compounders will not be permitted to go on recess leave at the same time; and
- (4) that the duties of the orderly, during the period of his recess, will be carried out by the khalasi and the dispensary servant.

200-C. The compounder who is permanently attached to the Dudwa Forest Travelling Dispensary in the North Kheri Forest Division and is under the administrative control of the Conservator of Forests, Eastern Circle, may, at the discretion of the Divisional Forest Officer, North Kheri Forest Division, be allowed recess leave on full pay for one month and a half between 1st July and 15th October every year, subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

- (1) that he serves all the year round in the North Kheri Forest Division;
- (2) that the actual period of recess every year is at the discretion of the Divisional Forest Officer, North Kheri Forest Division, subject to the control of the Conservator of Forests, Eastern Circle; and
- (3) that during the recess period the work of the dispensary can be carried on satisfactorily by the Medical Officer.

200-D. The medical officer-in-charge of the Ramnagar Forest Dispensary may, at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, be allowed recess leave or full pay for one month and a half between July 1 and October 15 every year subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

- (1) that he serves all the year round in the Ramnagar and Kalagarh Forest Divisions;
- (2) that the actual period of recess is at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, subject to the control of the Conservator of Forests, Western Circle;
- (3) that in order that the work of the dispensary may be carried on satisfactorily, the recess leave of the compounders is so arranged that at least one of them is on duty when the Medical Officer is on recess leave; and
- (4) that during the absence on recess leave of the medical officer—
  - (a) the work of the dispensary is supervised by the local medical officers in-charge of the civil dispensary and of the Public Health Department, without any extra cost to Government, and
  - (b) his travelling duties are carried out by the compounder and serious cases are removed to Ramnagar where they will be treated by the other local medical officers.

200-D(1). The Medical Officer-in-charge and the Compounder of the Boxar Dispensary in the Kalagarh Forest Division, may, at the discretion of the Divisional Forest Officer, Kalagarh Forest Division, be allowed recess leave on full pay for one month and a half between July 1 and October 15 every year subject to the conditions laid down in clauses (2) and (3) of Subsidiary Rule 200-A and the following further conditions:

- (i) that they serve all the year round in the Kalagarh Forest Division;
- (ii) that the actual period of recess is at the discretion of the Divisional Forest Officer, Kalagarh Forest Division, subject to the control of the Conservator, Western Circle;
- (iii) that in order that the work of the dispensary may be carried on satisfactorily, the recess leave of the medical officer and the compounder is so arranged that at least one of them is on duty during the recess period; and
- (iv) that during the absence on recess leave of the medical officer:
  - (a) serious cases are admitted in the military hospital at Lansdowne and the District Board hospitals at Kotdwar and Dogadda, without any extra cost to Government.
  - (b) his travelling duties are carried out by the compounder.

200-D (2). The Farm Superintendent, Kotdwar, district Garhwal, under the control of the Director of Agriculture, may, at the discretion of the latter, be allowed recess leave for one month and a half between July 1 and October 15 every year subject to the conditions laid down in rule 200-A above and to the further condition that the actual period of recess leave shall be granted in such a way that work of the department does not suffer in any way.

200-D (3). The government servants of the Agriculture Department serving at Kotdwar in the Garhwal Development Scheme under the control of the Director of Agriculture may, at his discretion, be allowed recess leave for one month and a half between July 1 and October 15 every year subject to the conditions laid down in rule 200-A above and to the further condition that the actual period of recess leave in each case shall be granted in such a way that the work of department does not suffer in any manner.

200-E. The recess leave allowed under the above rules shall count as duty for the purpose of pension and also for the purpose of earning leave on average pay or earned leave and shall not be debited to the government servant's leave account where such an account is maintained or affect earned leave.

#### Casual leave

201. Casual leave is not recognized and is not subject to any rule. Technically therefore a government servant on casual leave is not treated as absent from duty, and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding—

- (i) date of reckoning allowances,
  - (ii) charge of office,
  - (iii) commencement and end of leave,
  - (iv) return to duty,
- or so as to extend the term of leave beyond the maximum period admissible by rule.

NOTE—Casual leave may not be combined with vacation.

202. (a) Rule 201 should not be read as precluding the treatment as casual leave of absence from duty before or after leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to the matters above specified, as for instance, when it is necessitated by—

(1) detention in plague camps on the way to rejoin, or

(2) orders not to attend office in consequence of the presence of infectious disease in the family or household of the person concerned.

(b) Casual leave necessitated by reasons of the nature specified in clause (a) will be exclusive of and in addition to the casual leave that may be ordinarily granted under rule 201 and paragraph 90 of the Manual of Government Orders, Volume I, and it may be granted in combination with ordinary leave.

(c) Casual leave in the circumstances specified in clause (a) may be granted by the head of the office on the certificate of a medical or public health officer up to—

(1) the actual period of detention in a plague camp; or

(2) a period not exceeding 21 days or in exceptional circumstances not exceeding 30 days.

(d) Any leave necessary for quarantine purposes in excess of the period mentioned in clause (c) above shall be treated as ordinary leave.

NOTE—(1) The total period for which a government servant may be asked to desist from attending office on account of the presence of an infectious disease in his family or household is indicated in the table below

Name of disease	When the patient is removed to hospital, or has died, or when the government servant himself has left the patient (i.e. when the source of infection has ceased to exist)	When the patient is treated at home (i.e. when the government servant is constantly exposed to the source of infection) and none of the events mentioned in column 2 occurs
1	2	3
1. Small-pox	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus (a) 16 days or (b) 7 days after vaccination or revaccination to the satisfaction of the medical officer of health.	Period of exclusion shall be throughout the illness of the patient until 16 days after the last scab on the patient has separated, the contacts having been vaccinated or revaccinated meanwhile to the satisfaction of the medical officer of health.
2. Scarlet fever	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus 14 days.	Period of exclusion shall be throughout the illness of the patient till 14 days after all abnormal discharge have ceased.
1	2	3
3. Cholera	Period of exclusion shall be from the	Period of exclusion shall be throughout the

	date of commencement of the illness until one or other of the above mentioned events takes place plus 5 days, prophylactic inoculation having been done in the mean while.	illness of the patient till 5 days after the patient is declared fit, prophylactic inoculation having been done in he mean while.
4. Cerebrospinal meningitis.	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus one week or until throat wabs are negative, if found to be a carrier.	Period of exclusion shall be throughout the illness of the patient till one week after the patient is declared fit and well.
5. Diphtheria	Period of exclusion shall be from the date of commencement of the illness until one or other of the abovementioned events takes place plus 10 days.	Period of exclusion shall be throughout the illness of the patient till 10 days after the patient is declared fit.
6. Enteric fever.	Period of exclusion shall be from the date of commencement of the illness or until one or other of the abovementioned events takes place plus 21	Period of exclusion shall be throughout the illness of the patient till 14 days after the patient is declared fit and well, prophylactic inoculation
	days, prophylactic inoculation having been done in the meanwhile.	of the contacts having been done in the meanwhile.

NOTE— In this case, quarantine leave will be granted only to those government servants who are required to handle foodstuffs and drinks in the discharge of their official duties.

7. Plague	Period of exclusion shall be from the date of commencement of the illness or until one or other of the abovementioned events takes place plus 10 days, prophylactic inoculation having been done in the meanwhile.	Period of exclusion shall be throughout the illness of the patient until he is declared fit, prophylactic inoculation having been done in the meanwhile.
1	2	3
8. Typhus	Period of exclusion shall be from the date of commencement of the illness until one or other of the abovementioned events takes place plus 21 days, delousing having been done in the meanwhile.	Period of exclusion shall be throughout the illness of the patient till 21 days after the patient is declared fit and well.

(2) A substitute may be allowed with the sanction of the authority competent to fill the post if vacant for an absentee, who is prohibited from attending his duties on account of some infectious disease in his family, and whose duties cannot be arranged for without prejudice to his pay, provided that the absence does not exceed 30 days and the pay of the absentee does not exceed Rs. 100 a month.



203. \* \* \*

204. \* \* \*

205. \* \* \*

#### Procedure for payments of contribution by government servants transferred to foreign service

206. A copy of the orders sanctioning a government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in rule 207) by the authority by whom the transfer is sanctioned. The government servant himself should without delay send a copy to the Accountant General and take his instructions as to the audit officer to whom he is to account for the contribution, report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

207. (a) In the case of foreign service out of India, the Account Officer is the Accountant General, Central Revenues.

(b) In the case of foreign service in India—

(1) if pay in foreign service is paid from a Government treasury and is subject to audit by an audit officer of Government, the Account Officer is such audit officer.

(2) otherwise, the Account Officer is the audit officer of the State in which the municipality or other body concerned is situated.

208. Not later than 15 days after the end of each quarter for which pay in foreign service is earned, the government servant concerned must remit in such manner as may be arranged with the Account Officer, the contribution payable by him for the quarter.

## APPENDIX 'A'

### Instructions issued by the Auditor General under Fundamental Rule 74

1. Instruction issued by the Auditor General in order to secure efficiency and uniformity of audit in relation to leave procedure.

#### Certificate of admissibility

(1) Gazetted government servants—Leave should be sanctioned to a gazetted government servant only after its admissibility has been certified by the Accountant General who has been auditing his pay.

NOTE—The leave accounts of the Archdeacon, Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal are maintained by the Accountant General, Central Revenues. The leave accounts of all other chaplains both of the Church of England and of the Church of Scotland, including those attached to regiments, are maintained by the Accountant General of the province in which they serve. In the case of Chaplains, therefore, the certificate of admissibility of leave required by this rule will be issued by the Accountant General who maintains the leave accounts.

(2) Non-gazetted government servants—Before leave in India is sanctioned to non-gazetted government servant, the authority sanctioning the leave should either consult the leave account prescribed in paragraph(33), and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account. When the application is for leave out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant General concerned before sanctioning the leave.

(3) Military Officers—When a Military officer becomes subject to the Civil Leave Rules, the Defence Account Officer-in-charge of the record of pension service will, on application and on being furnished with the date of commencement of active service in Civil employ, furnish to the Accountant General to whose audit he becomes subject, a memorandum showing the furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the maximum furlough admissible) and the balance or furlough due under the Military Rules.

(4) (a) Application for leave from Military officers in Civil employ, whether they are subject to the Military Leave Rules or the Civil Leave Rules, should be sent through the Civil Accountant General who audits the pay of the officer going on leave. The Civil Accountant General will, if he considers it necessary, consult the Defence Account Officer from whose payment the officer is transferred to the Civil Department before certifying to the leave and specifying the leave-salary. No leave should be sanctioned to such an officer before a report is received from the Civil Accountant General.

(b) In the case of a Military Officer subject to the Military Leave Rules, the Civil Accountant General should obtain from the Defence Account Officer from whose payment the officer is transferred to the Civil Department a certificate stating the amount of leave to which the officer is entitled, and the rate of leave, pay and allowances admissible during the said period of leave before issuing a leave-salary certificate, or a warrant, or a certificate of leave granted to an officer proceeding on leave out of India who does not intend to draw his leave-salary at the Home Treasury or in a Colony.

(5) Government servants in foreign service—In the case of a government servant on foreign service, leave cannot be sanctioned until the Accountant General of the Government (Central or State), under which he was permanently employed at the time of his transfer to foreign service, has certified the amount of leave and the leave-salary admissible.

NOTES—(1) For the purpose of this rule, the Accountant General of the state in which the contribution towards leave salary and pension of a government servant on foreign service are recovered will act as the Accountant General of the Central Government.

(2) In the case of Military Officers in temporary civil employ, the Defence Account Officer who receives the foreign service contributions of military officers subject to the Civil Leave Rules being obtained from leave and leave-salary admissible, the necessary information in the case of military officers subject to the Civil Leave Rules being obtained from the Civil Accountant General concerned. Similarly, in the case of government servants in commercial departments (e.g., Railway and posts and Telegraphs Departments) the certificate will be given by the Accounts Officer concerned who is responsible for bringing the contribution to account.

#### Payment of leave-salary in India

(6) Non-gazetted government servant—The leave-salary of a non-gazetted government servant on leave in India or on leave out of India cannot be drawn in India, except over the signature of the head of his office and the latter is responsible for any overcharge.

(7) Gazetted government servants—No gazetted government servant can begin to draw his leave-salary at any office of payment in India without producing a leave-salary certificate from the Accountant General who audited his pay before he proceeded on leave.

[See rules 20 and 33(3) of the Treasury Rules (Uttar Pradesh)]

(8) If during leave the gazetted government servant desires to change the office at which he receives payment of his leave-salary, he must obtain a new certificate from the Accountant General within whose jurisdiction his leave-salary was last paid.

(9) A gazetted government servant desirous of discontinuing his subscription to the General Provident Fund during leave or of subscribing to the Fund at the usual rate during leave on average pay and at half rates during other leave, should intimate his wishes in the matter to his Accountant General before proceeding on leave.

(10) In the case of a government servant entitled to Sterling Overseas Pay, who draws his leave-salary in India that portion of leave-salary which represents Sterling Overseas Pay is payable by the High Commissioner for India. A separate authority should be issued to the High Commissioner for India for payment of the sterling portion of the leave-salary and to stop payment of duty Sterling Overseas Pay. A copy of this authority should also be sent to the government servant to enable him to draw the amount in accordance with the procedure laid down for the payment of leave-salary from the Home Treasury.

(11) If a gazetted government servant sign his bill himself he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well known and trustworthy person. If he draws his leave-salary through an authorised agent, the agent, whether he has or has not a power of attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificates may be given periodically, a bond being given to cover intermediate payments not supported by life certificates.

(12) The provisions of paragraphs (7) to (11) above apply also to gazetted government servants who spend their leave out of India but reside in Asia and who have to draw their leave-salary in rupees in India under Fundamental Rule 91.

NOTE—A certificate of residence should be obtained from government servants who draw their leave-salary at the rupee rate.

(13) Railway and Telegraph Departments and Military Engineer Services—In the case of the Railway and Telegraph Departments and the Military Engineer services these rules will be generally applicable subject to any modifications which may be made by the Account Officer in accordance with special rules of the Department concerned.

(14) Return to duty—Before returning to duty a government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Accountant General, within whose jurisdiction his leave-salary was last paid, and deliver it to the Accountant General who audits his pay. Without such a certificate he cannot obtain payment of any arrears of leave-salary or pay due to him.

Leave out of India

(15) Memorandum of Information A memorandum of information for the guidance of government servants proceeding on leave out of India should be supplied to such government servant proceeding on leave out of India by the Accountant General who audits his pay, as soon as the grant of leave is gazetted or otherwise notified to him.

(16) Leave-salary Certificate and Colonial Leave-salary Warrant— (a) A government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should be given a leave-salary certificate or a Colonial leave-salary warrant according as the leave-salary is to be drawn at the Home Treasury or in a Dominion or Colony by the Accountant General who audited his pay before he proceeded on leave.

NOTE—When leave under Military rules granted to a Military Officer in temporary civil employ, the authority sanctioning the leave will send a copy of the order to the Accountant General concerned to enable him to issue the leave-salary certificate or the colonial leave-salary warrant (vide Army Headquarter, India Adjutant-General's Branch Memorandum No. B/56380/I(A.G. XI), dated the September 14th, 1939).

[Audit Code, First Edition (1939), No. 4.]

(b) If during any period of leave on average pay a gazetted government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of paragraph (8) above.

NOTES—(1) When vacation is taken alone or combined with holidays and spent out of India, or when vacation or/and holidays is/are prefixed or affixed to leave out of India and is/are actually spent out of India, the government servant may, in the absence of any specific restriction laid down in the Service rules, be authorized to draw his pay or leave-salary or both for the whole period at the Home Treasury or in a Colony, but the exact amounts to be paid on account of each separate period must be stated in the certificate or warrant, as the case may be, issued by the Accountant General.

(2) When a Chaplain of the Church of Scotland proceeds to the United Kingdom on leave granted by the Civil authority on his being reverted for the purpose from the military to civil duty and intends to draw his leave-salary from the Home Treasury, the Defence Account Officer from whose office he was in receipt of pay sends to the Accountant General concerned a last pay certificate on receipt of which a leave-salary certificate should be issued by the Accountant General.

Auditor-General's decision— (1) Even in those cases where an officer, with the grant of leave, is transferred to an appointment under the audit control of another Audit Officer and where, in consequence, the leave is sanctioned by a Government other than that under which he was employed before proceeding on leave, the orders in Rule (16) should be observed, that is to say, the leave-salary certificate should be given by the Audit Officer who audited his pay before he proceeded on leave.

(Ar. G.'s No. 392-Amn./125-25, dated March 7, 1925).

(2) All colonial warrants issued to Dominions and Colonies which do not account direct with India, should bear an indication as to whether the claims for reimbursement should be submitted to the Secretary of State or the High Commissioner for India.

(Ar. G.'s letter No. T. 175-Admn. 1/69-30, dated May 22, 1930).

(17) In the case of a government servant proceeding on leave to a Dominion or Colony and intending to draw that portion of his leave-salary which represents Sterling Overseas Pay from the Home Treasury, the Colonial leave-salary warrant should authorise payment of leave-salary based on rupee pay only. A separate intimation should be sent to the High Commissioner to pay that portion of leave-salary which represents Sterling Overseas Pay. A copy of this intimation should also be given to the government servant in order that he may arrange to draw the amount in accordance with the procedure laid down for the payment of leave-salary from the Home Treasury.

(18) When a government servant proceeds out of India on leave other than extraordinary leave, the Accountant General who audits his pay will as soon as the leave is gazetted or otherwise notified, communicate with the government servant requiring him to call at his office or give the necessary information to enable him to prepare the leave-salary certificate, etc.

NOTE—If a government servant sent home to Europe as a lunatic is granted leave, a leave-salary certificate should be prepared, if necessary by the Accountant General who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date.

(19) If the government servant calls at the Audit Office he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form. In the case of government servants proceeding to a Colony, the Colonial leave-salary warrant will be issued in triplicate. The original, bearing the government servant's signature will be forwarded by the Accountant General to the Colonial authority concerned, the duplicate to the High Commissioner for India and the triplicate will be made over to the government servant concerned.

NOTE—If the Government servant takes a certificate under clause (b) of paragraph (16) above, he will not be paid up to the date of relief, but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

(20) If the government servant is unable to call at the Audit Office, the Accountant General will cause the leave-salary certificate to be sent to the address specified by the government servant and the pay and allowances to be paid through the officer from whom the government servant draws his pay and allowances.

NOTE—The orders in the Note under paragraph(19) apply also in the circumstances specified in this paragraph.

(21) When a government servant proceeds on extraordinary leave out of India, or on leave on average or half average pay out of India during which he does not propose to draw leave-salary, or when a government servant is given a Colonial leave-salary warrant, he should be given a certificate of leave in prescribed form. This certificate has to be presented by the government servant to the High Commissioner for India, if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave, or for permission to return to duty or for a last-pay certificate before returning to duty.

NOTE—Whenever a government servant is proceeding to a Dominion or Colony which does not account directly to India, a duplicate copy of the certificate should be sent to the High Commissioner with the duplicate copy of the Colonial leave-salary warrant (vide paragraph 19).

(22) A government servant to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable, will be required to report to the Accountant General from the first port at which the vessel touches, the day of his departure from India.

(23) As soon as an Accountant General has delivered a leave-salary certificate, certificate of leave or a Colonial leave-salary warrant to a government servant who proposes to spend his leave out of India, or has caused it to be sent to the address specified by him, he must forward a copy of the leave-salary certificate or certificate of leave, or the duplicate copy of the Colonial leave-salary warrant to the High Commissioner for India.

(24) Amended Certificate—If it becomes necessary to amend a leave salary certificate the amendment should take the form of a short corrigendum worded so as to show only the particular item or items in which alterations have been made; this corrigendum should be forwarded by the Accountant General at the earliest possible date to the High Commissioner for India. Every corrected leave-salary certificate, whether original or duplicate, should be marked "Amended Certificate."

(25) Extension or commutation of leave—Whenever leave of a government servant absent on leave out of India elsewhere than in Europe, North Africa, America or the West Indies is extended or commuted by the authority in India which granted the leave, the fact should forthwith be notified by the Accountant General to the High Commissioner for India to enable him to check the payment by Colonial Treasurers or Staff Officers.

NOTE—This rule applies to Military Officers subject to the Military Leave Rules.

(26) If the leave of a government servant who draws his leave-salary in India under the provisions of Fundamental Rule 91 is extended or commuted, the Accountant General who audited his pay at the time he proceeded on leave must, on receiving advice of such extension or commutation, forthwith communicate it to the Accountant General within whose jurisdiction his leave is drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Accountant General who passes the government servant's leave salary.

(27) Issue of a fresh Colonial leave-salary warrant—When no space for the entry of endorsements of payments remains upon the back of a Colonial leave-salary warrant, or when a warrant is lost or destroyed, a fresh warrant should be issued by the Accountant General who issued the original warrant on the application of the government servant concerned submitted through the Colonial Disbursing Officer.

(28) Return to duty—A government servant who was on leave in Europe must, on return to India, deliver to the Accountant General the last-pay certificate obtained by him from the high Commissioner before he can obtain a payment of any arrears of leave salary or pay due to him. A government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant, which will serve as a last-pay certificate.

(29) Railway and Military Accounts Departments—Changes in these rules except those which relate to Colonial leave-salary warrants, may be made by the Railway or the Defence Accounting authorities in accordance with the special rules of the respective department.

#### Special Rules relating to Military Officers

(30) As soon as the grant of furlough or leave to a Military Officer in Civil employ has appeared in orders, the Account Officer from whose payment the Officer is transferred to the Civil Department must, in the case of furlough to Europe, North Africa, America or the West Indies, forward to the High Commissioner for India a statement of the Officer's service in such form as the Military authorities may prescribe. This statement is not required in the case of Officers proceeding on furlough under the Staff or British Leave Rules.

(31) When furlough or leave or an extension of furlough or leave is granted to a Military Officer in Civil employ, whether subject to the Civil or the Military Leave Rules, the Civil Accountant General should intimate to the Defence Account Officer from whose payment the Officer is transferred to the Civil Department the date of the beginning and end of the furlough or leave, the dates of embarkation and disembarkation in the case of furlough out of India, as well those of being struck-off or of resuming duty.

(32) On the return of an Officer from furlough or leave, it will be the duty of the Defence Account Officer-in-charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not, to report the case to the authority which sanctioned the leave.

#### Leave Account

(33) The leave account should be kept in Forms\* 1 and 2 in respect of government servants under the Special Leave Rules and Ordinary Leave Rules respectively. The Office in which the account should be kept for any

government servant and the person by whom the entries should be attested will be such as are prescribed by the Government.

If the forms of the leave account prescribed above are not suitable for the maintenance of leave accounts of any class of government servant, the form may in such a case be prescribed by Government after consultation with the Accountant General concerned.

(\*Forms nos. 11 and 11-A in Part IV. The leave account of government servants under the Uttar Pradesh Fundamental Rules is maintained in Form no. 11-B and 11-C in that Part).

(34) In the case of government servants subject to the "Revised Leave Rule, 1933", leave accounts need not be maintained in the forms prescribed in paragraph (33) above, the particulars entered in Service Books or Histories of Service or other records of service being sufficient for the calculation of the amount of leave admissible at any time.

If a gazetted government servant subject to the Revised Leave Rules\* is transferred permanently to another Government, the Accountant General of the lending Government should draw up a leave account indicating therein the amount of "earned leave" at credit, leave salary for which should be borne by the lending Government, and send it to the Accountant General of the borrowing Government. The latter should pass on the debit in regard to leave-salary for "earned leave" up to the extent indicated in the leave account as and when the government servant takes that leave after permanent transfer to the borrowing Government.

When a non-gazetted government servant subject to the Revised Leave Rules\* is transferred permanently to another Government, the head of the office from which he is transferred should prepare a leave account showing the amount of "earned leave" at credit on the date of permanent transfer and send it to the head of the office to which the government servant is transferred. A copy of the leave account should also be sent at the same time to the Accountant General of the office from which the government servant is transferred so as to enable him to accept the debit on account of leave-salary for "earned leave" up to the extent indicated in the leave account, as and when the government servant takes leave.

\*In the case of a government servant of the Provincial, Specialist and Subordinate Services the reference is to the Revised Leave Rules of 1936 as in rule 81-B of the Uttar Pradesh Fundamental Rules.

## II—SERVICE BOOKS

(35) A service book in Form no. 10† should be maintained for every non-gazetted government servant for whom it is prescribed under the orders of the Government. In this book every step in the government servant's official life should be recorded and each entry should be attested by such superior officer as may be prescribed by the Government.

(†Form no. 13 as prescribed by the State Government).

(36) If a government servant is transferred to foreign service, the audit officer referred to in paragraph 5 above, will, on receipt of the service book from the head of the office or department concerned, note in it, under his signature, the order sanctioning the transfer the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which he may consider to be necessary, and return the same to the officer from whom he received it. On the government servant's re-transfer to government service, the audit officer will again note in the service book, under his signature, all necessary particulars concerned with the foreign service including the fact of recovery of leave and pension contributions. All entries relating to the time spent in foreign service should be attested by the audit officer.

# APPENDIX B

## Model Agreement Form No. I

(Initial agreement for recruitment outside India, with Memorandum for re-engagement for a further definite period)

### NOTICE

It must be understood that although the agreement as required by law is in form an agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his services to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day of.....one thousand nine hundred and.....BETWEEN.....of.....of the first part and the Governor of Uttar Pradesh (hereinafter called "the Government") of the second part.

WHEREAS the Government have engaged the party of the first part and the party of the first has agreed to serve the Government of Uttar Pradesh on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall be provided with a first or appropriate tourist class passage to India and on being provided with such passage shall proceed thither within such time and by such vessel as may be prescribed by or on behalf of the Government.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. If, at the time of booking a passage, a tourist class passage appropriate to the status of the party of the first part is not available at a cost less than the cost of a second class B passage, the latter class of passage will be provided.

2. The party of the first part shall on arrival in India forthwith report himself for duty without avoidable delay as directed by the officers of the Government and shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and shall, from the

date of his disembarkation at a port in India

date of his embarkation for India remain in the service for the

date of the execution of this agreement

term of..... years subject to the provisions herein contained. He shall devote his whole time to his duties and at all times obey the rules, including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he may belong and shall, whenever required proceed to any part of India and there perform such duties as may be assigned to him.

3. If the party of the first part fails to proceed to India or to join his appointment there as ordered or if he at any time during the said term of.....years voluntarily quits the service without giving due notice and without the permission of the Government, he shall forthwith on demand repay to the Government, the cost of the passage provided under clause 1 hereof.



4. The service of the party of the first part may be terminated as follows:

(1) At the end of the first year by either party with out notice.

(2) At any time on 'three calendar months' notice in writing given to him by the Government, if in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(3) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in Uttar Pradesh. PROVIDED always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(4) By the Government or their officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(5) By six calendar months' notice in writing given at any time during service under this agreement (except during the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned:

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months. PROVIDED further that in the event of a notice being given under sub-clause (2) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any), of his substantive appointment.

5. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (4) of clause 4 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence-grant at such rate as the Government may decide to allow him.

6. The scale of pay attached to the post of..... to which the party of the first part is appointed shall comprise the following monthly rates of pay in successive stages of twelve months' service:

					Pay
					Rs.
Stages					
1	...	...	...	...	

2	...	...	...	...	
3	...	...	...	...	
etc.	...	...	...	...	
			his embarkation for India be		
He shall from the date of			his disembarkation in		
			the execution of this agreement		

granted pay at the rate of rupees.....per mensem in the aforesaid scale and shall receive pay in the succeeding stages provided for in that scale in accordance with the provisions of the rules from time to time in force and applicable to his case, service in the stages reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties commencing from the aforesaid date and ceasing on the date of his quitting service in Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service. If at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

7. The party of the first part shall be eligible subject to the exigencies of the public service for leave and leave-salary (under the leave terms prescribed by the Government under Funda-

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(as follows.)\*

mental Rule 103 in the Uttar Pradesh Financial Hand Book, Volume II,

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Parts II–IV which may from time to time be applicable to him.

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8. If the party of the first part is required to travel in the interests of the public service he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III, from time to time in force and applicable to his case and similar travelling allowance shall also be payable to him in respect of his journey from the port of disembarkation to his station on first joining the appointment.

\* For those of non-Asiatic domicile specially recruited overseas the leave terms for them shall be specified in this agreement.

9. The party of the first shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by the Government for the class of officers serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

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10. During his service under these presents the party of the first part † shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund, and shall be subject to the rule of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory Subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

11. †† If during his service under these presents the party of the first part becomes or continues to be insured as a Voluntary Contributor under the National Health Insurance Act and Widows, Orphans and Old Age Contributory Pensions Acts for the time being in force the Government shall pay one-half of the combined contribution payable by him as such contributor during the first 5 years of his service and thereafter one-half of the contribution payable by him as a contributor under the Contributory Pensions Acts only, and in that event he shall authorize the Government to pay in the United Kingdom on his behalf the balance of such contribution and the surrender by the Government at the appropriate time of the duly stamped contribution card to his Approved Society or to the appropriate Insurance Department shall be sufficient discharge in respect of any liability incurred by the Government under this clause.

12. In any payments made to the party of the first part in the United Kingdom under these presents the rate of exchange then applicable to the class of transaction concerned as decided by the Government of India from time to time shall be observed.

13. Notwithstanding anything herein before contained, the party of the first part shall, unless otherwise decided by the Government be entitled to receive, in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first part shall operate so as to modify to that extent the provisions of these presents.

14. All acts authorized or required to be done by the Government may be done in the United Kingdom by the High Commissioner for India acting on their behalf.

† For optional subscribers

† For compulsory subscribers

†† For subordinate personnel only.

15. On the completion by the party of the first part of his full term of service under this agreement, or on his being allowed by the Government to proceed on leave preparatory to his retirement on the expiry of that term, or on the determination of his service by the Government under sub-clause (1),(2),(3) or (5) of clause 4 hereof, the Government shall provide him with a \*first or appropriate tourist class passage to England (or at his option with a passage to any other country at a cost not exceeding that of a first or appropriate tourist class passage to England) provided that he claims such passage and leaves India within three months of the completion of the said term or of the commencement of his leave or of the determination of his service, and that if his service is

determined on account of ill-health such ill-health has not been brought on by his neglect, or carelessness or misconduct ( of which the certificate of a medical officer nominated by the Government shall be conclusive).

16. Notwithstanding anything hereinbefore contained, the pay and leave-salary admissible under these presents whether payable in India or elsewhere shall be subject to any emergency cut that may be ordered by the Government for the same period and on the same terms as for other officers under the administrative control of the Government.

17. In respect of any matter for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made thereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution, shall apply to the extent they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and the High Commissioner for India for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of.....Signed by the said High Commissioner for India for and on behalf of the Governor in the presence of.....

**MEMORANDUM**

The within named Mr.....has been re-engaged and his service extended for a further period of.....years subject mutatis mutandis to the conditions of the within agreement and his scale of pay shall as from the.....day of.....henceforth comprise the following monthly rates of pay in successive stages of twelve months' service:

			Pay
Stages			Rs.
1	...	...	...

\*NOTE—The inappropriate words should be struck out at the time the agreement is entered into. If, at the time of booking a passage, a tourist class passage appropriate to the status of the party of the first part is not available at a cost less than the cost of a second class—passage the latter class of passage will be provided.

			Pay
Stages			Rs.
2	...	...	...
3	...	...	...
etc.	...	...	...

In addition he shall be eligible for the grant of passage at the expense of the State as provided in the.....

In witness whereof the party of the first part and.....on behalf of the Governor of Uttar Pradesh have hereunto set their hands.

Dated this.....day of.....19.

Model Agreement Form No. II

(Initial agreement for recruitment in India with Memorandum for re-engagement for a further definite period)

## NOTICE

It must be understood that although the agreement as required by law is in form an Agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his service to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day of.....one thousand nine hundred and.....BETWEEN.....of.....of the first part and the Governor of Uttar Pradesh (hereinafter called "the Government") of the second part.

WHEREAS the Government have engaged the party of the first part and the party of the first part has agreed to serve the Government of Uttar Pradesh on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and shall remain in the service for the term of.....years commencing from the.....day of..... one thousand nine hundred and.....subject to the provisions herein contained.

2. The party of the first part shall devote his whole time to his duties and at all times obey the rules including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he may belong and shall, whenever required, proceed to any part of India and there perform such duties as may be assigned to him.

3. The service of the party of the first part may be terminated as follows:

(1) At the end of the first year by either party without notice.

(2) At any time on three calendar months' notice in writing given to him by the Government if, in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(3) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in Uttar Pradesh. PROVIDED always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(4) By the Government or their officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(5) By six calendar months' notice in writing given at any time during service under this agreement (except the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned.

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months. PROVIDED further that in the event of a notice being given under sub-clause (2) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any) of his substantive appointment.

4. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (4) of clause 3 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence grant at such rate as the Government may decide to allow him.

5. The scale of pay attached to the post of.....to which the party of the first part is appointed shall comprise the following monthly rates of pay in successive stages of twelve months' service:

				Pay
Stages				Rs.
1.	...	...	...	...
2.	...	...	...	...
3.	...	...	...	...
etc.				

He shall from the.....be granted pay at the rate of rupees.....per mensem in the aforesaid scale and shall receive pay in the succeeding stages provided or in that scale in accordance with the provisions of the rules from time to time in force and applicable to his case, service in the stages reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties commencing from the aforesaid date and ceasing on the date of his quitting service in Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service. PROVIDED that, if at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

6. The party of the first part shall be eligible subject to the exigencies of the public service for leave and leave-salary according to the leave terms prescribed by the Government under Fundamental Rule 103 in the Uttar Pradesh Financial Handbook, Volume II, Part II to IV, which may from time to time be applicable to him.

7. If the party of the first part is required to travel in the interests of the public service he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III from time to time in force and applicable to his case.

8. The party of the first part shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by the Government for the class of officers, serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

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9. During his service under these presents, the party of the first part \*shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund and shall be subject to the rules of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

\*For optional subscribers.

‡For compulsory subscribers.

10. In any payments made to the party of the first part in the United Kingdom, under these presents the rate of exchange then applicable to the class of transaction concerned as decided by the Government of India from time to time shall be observed.

11. Notwithstanding anything hereinbefore contained the party of the first part shall unless otherwise decided by the Government be entitled to receive in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first shall operate so as to modify to that extent the provisions of these presents.

12. All acts authorized or required to be done by the Government may be done in the United Kingdom, by the High Commissioner for India acting on their behalf.

13. Notwithstanding anything hereinbefore contained the pay and leave-salary admissible under these presents whether payable in India or elsewhere shall be subject to any emergency cut that may be ordered by the Governor for the same period and on the same terms as for other officers under the administrative control of the Governor.

14. In respect of any matter for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made thereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and.....Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of.....

Signed by the said Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh in the presence of.....

**MEMORANDUM**

The within named Mr.....has been re-engaged and his service extended for a further period of.....years subject mutatis mutandis to the conditions of the within agreement and his scale of pay shall as from the.....day of.....henceforth comprise the following monthly rates of pay in successive stages of twelve months' service:

						Pay
Stages						Rs.
1	...	...	...	...	...	
2	...	...	...	...	...	
3	...	...	...	...	...	
etc.						

In witness whereof the party of the first part and.....on behalf of the Governor of Uttar Pradesh have hereunto set their hands.

Dated this.....day of.....19.

Model Agreement Form No. III

(Agreement for extension of service for an indefinite period)

**NOTICE**

It must be understood that although the agreement as required by law is in form an agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his service to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day of.....one thousand nine hundred and.....BETWEEN.....of.....of the first part and the Governor of Uttar Pradesh (hereinafter called "the Government") of the second part. WHEREAS the party of the first part was engaged by the Government to serve the Government of Uttar Pradesh under an agreement, dated the.....day of.....one thousand nine hundred and.....AND WHEREAS the said agreement has terminated AND WHEREAS the Government have now re-engaged the party of the first part and the party of the first part has agreed to continue to serve the Government of Uttar Pradesh on the terms and conditions hereinafter contained.



NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government. He shall devote his whole time to his duties and at all times obey the rules, including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he may belong and shall whenever required proceed to any part of India and there perform such duties as may be assigned to him.

2. Unless the service of the party of the first part is terminated as hereinafter provided he shall continue in the employment of the Government until he attains the age of fifty eight years when he shall retire: PROVIDED that the Government may retain his services after he has attained that age for such period as may be agreed upon subject to the provisions of the rules from time to time in force and applicable to him and to the provisions herein contained.

3. The service of the party of the first part may be terminated as follows:

(1) At any time on three calendar months' notice in writing, given to him by the Government if, in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(2) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in India: PROVIDED always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(3) By the Government or his officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(4) By six calendar months' notice in writing given at any time during service under this agreement (except during the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned:

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months: PROVIDED further that in the event of a notice being given under sub-clause (1) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any) of his substantive appointment.

4. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (3) of clause 3 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence grant at such rate as the Government may decide to allow him.

5. During the period of his employment under these presents the party of the first part shall receive subject to the provisions of the rules from time to time in force and applicable to him such rate and scale of substantive

pay (as defined therein) as may be attached under the orders of the Government to the appointment held by him from time to time. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties and shall cease on the day of his quitting service in Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service: PROVIDED that if at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

6. The party of the first part shall during his service under these presents be eligible subject to the exigencies of the public service according to the leave terms prescribed by the Government for leave and leave-salary \*under Fundamental Rule 103 in the

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Uttar Pradesh Financial Handbook, Volume II, Parts II—IV, which may from time to time be applicable to him

7. If the party of the first part is required to travel in the interests of the public service during the period of his engagement he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III, from time to time in force and applicable to him.

8. The party of the first part shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by the Government for the class of officers serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

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9. During his service under these presents, the party of the first part ‡ shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund and shall be subject to the rules of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

10. In any payments made to the party of the first part in the United Kingdom under these presents the rate of exchange then applicable to the class of transaction concerned as decided by the Government of India from time to time shall be observed.

11. Notwithstanding anything herein before contained the party of the first part shall unless otherwise decided by the Government be entitled to receive in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the

\*For persons of Asiatic domicile and also for those of non-Asiatic domicile not specially recruited overseas for service under Uttar Pradesh Government.

†For persons of non-Asiatic domicile specially recruited overseas. The leave terms for them shall be specified in this agreement.

‡For optional subscribers.

§For compulsory subscriber.

Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first part shall operate so as to modify to that extent the provisions of these presents.

12. All acts authorized or required to be done by the Government may be done in the United Kingdom by the High Commissioner for India acting on his behalf.

13. Notwithstanding anything herein before contained, the pay and leave-salary admissible under these presents, whether payable in India or elsewhere, shall be subject to any emergency cut that may be ordered by the Government for the same period and on the same terms as for other officers under the administrative control of the Governor.

14. In respect of any matter, for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made hereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and the Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of.....Signed by the said Secretary to Government of Uttar Pradesh in the Department for and on behalf of the-Governor of Uttar Pradesh in the presence of.....

## ANNEXURE

### Memorandum of information for the guidance of government servants proceeding on leave out of India

1. Report of sailing—If a certificate of departure accompanies this memorandum, the government servant should sign, stamp and post it to the Audit Officer from whom the memorandum is received.

2. Leave-salary certificate or colonial leave-salary warrant—A government servant before he leaves India should obtain from his Audit Officer a leave-salary certificate or colonial leave-salary warrant, to enable him to draw his leave-salary from the Home Treasury or in a Dominion or Colony as the case may be. If for any reason he is unable to do so, it will be forwarded to him at the address which he should leave with his Audit Officer.

3. Leave on medical certificate—A government servant taking leave out of India on medical certificate should take with him one copy of the medical report upon his case, and be prepared to produce it before the Medical Board at the India Office, if required to do so.

4. Certificate of leave necessary in certain cases—If a government servant proceeds on extraordinary leave out of India or on leave on average pay out of India during which he does propose to draw leave-salary or if a government servant proceeds to a Dominion or a Colony he should obtain a certificate of leave from the Audit Officer, who audits his pay in his last post. This certificate has to be presented by the government servant to the High Commissioner for India, if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave or for permission to return to duty or for a last pay certificate before returning to duty.

5. Report of arrival in the United Kingdom—When a government servant arrives in the United Kingdom, he should at once report his arrival by letter to the High Commissioner for India House, Aldwych, London, W. C. 2, giving an address at which letters will find him, and he should forward his leave-salary certificate to the same authority on arrival, or as soon as he receives it from India.

6. Military Officers in Civil employ visiting foreign countries—Military officer in civil employ are bound by instructions nos., 93 and 94 of Part II of the Military Leave Rules (India), requiring that permission shall be obtained before visiting certain foreign countries named in those instructions and prescribing the procedure for obtaining such permission and the necessary passports.

7. Payment at the Home Treasury—The leave-salary (including the sterling leave-salary of government servants drawing their leave-salary in India or in a Dominion or Colony) of all government servants is issued from the Home Treasury monthly in arrear on the first day of each calendar month. It will be paid to the government servant on his personal application or to his banker or other agent duly authorized under power of attorney, on production of a life certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having been permitted to execute a deed of covenant and indemnity guaranteeing the Secretary of State or the High Commissioner against loss consequent on his dispensing with the production of such proof), or on presentation of a payment form comprising a receipt and life certificate both completed by the Government servant. A supply of life certificate forms may be obtained from the High Commissioner on the government servant's written application.

NOTES— (1) If the leave-salary is drawn by a banker or agent who has executed a general bond of indemnity, a life certificate should be produced at least once a year,

(2) If the government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment from as the due date of issue approaches.

8 Payment in a Colony—Payment of leave-salary will not be made by a Dominion or a Colonial authority unless the government servant produces his copy of the warrant.

When no space for the entry of endorsements of payment remains upon the back of a colonial leave-salary warrant, or when a warrant is lost or destroyed, the government servant concerned should make an application for a fresh warrant through the Dominion or Colonial disbursing officer to the Audit Officer who issued the original warrant.

9. Transfer of payment from one Dominion or Colony to another—If the transfer from one Dominion or Colony to another of payment of the leave-salary of a government servant is sanctioned by the Dominion or Colonial authorities, such transfer must be reported by the Government servant to his Government and to the High Commissioner.

10. Transfer of payment from the Home Treasury to a Dominion or a Colony and vice-versa—If a government servant drawing his leave-salary in a Dominion or a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner, if one drawing his leave-salary from the

Home Treasury desires to transfer payment to a Dominion or a colony, he must obtain a warrant from the High Commissioner. A transfer of this kind must be reported by the government servant to his Government.

11. Extension or commutation of leave—A Government servant absent on leave in Europe, North Africa, America or the West Indies who wishes to have his leave extended or commuted, must apply to the High Commissioner for India about three months before the expiry of his leave, and unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Government on whose cader he is borne has been referred to by him and has no objection to the extension or commutation desired. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence and then for such period only as may be necessary to obtain the order of the Government concerned, which will be sought by telegraph at the applicant's expense.

12. If on medical grounds a government servant on leave in any of the localities named in paragraph II desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so he must, as a general rule, appear at the India Office for examination by the Board, but in special cases, and particularly if he is residing at a distance of more than sixty miles from London a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by Consular or other authority as bearing the signature of qualified medical practitioners. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinarily be charged to the government servant.

13. If a government servant on leave in any of the localities named in paragraph 11 has been granted leave on medical certificate and desires an extension on ground other than medical, he must satisfy the Medical Board as prescribed in paragraph 12 above that he has recovered his health. Any such extension without medical certificate will only be admissible if the extension was due at the time the original leave was granted.

In the case of a Commissioned Medical officer, the Government will make a reference to the Director General, Indian Medical Service, before granting the permission.

14. A government servant on leave out of India elsewhere than in any of the localities named in paragraph 11, who wishes to have his leave extended or commuted must apply three months before the expiry of the leave to the authority in India which granted it.

15. If an application made under paragraph 14 above is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:

"We hereby certify that we have carefully examined C. D. of the \_\_\_\_\_who is suffering from\_\_\_\_\_and we declare upon our honour that, according to the best of our judgment and belief, is at present unfit for duty in India and that is absolutely necessary for the recovery of his health that his present leave which will expire in India on\_\_\_\_\_shall be extended by months"

Date\_\_\_\_\_

Place\_\_\_\_\_

The certificate must describe in full detail the nature of the disease and the present condition of the government servant. If it be signed by foreigners, it must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

16 Return from leave—A government servant may not without the permission of the authority which granted him leave, return to duty more than fourteen days before the end of leave. The rule applies also to Military Officers subject to the Military Leave Rules. He must obtain permission to return to duty from the Government.

17. A government servant, who is required to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the government servant desiring to return is on leave in any of the localities named in paragraph 11, his application must be made to the High Commissioner and he must satisfy, the Medical Board at the India office of his fitness to return at least two months before the expiry of his leave. In order to do so he must follow the procedure prescribed in paragraph 12 above. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the government servant desiring to return is on leave out of India elsewhere than in the localities named in paragraph 11, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

20. Permission to return will not be granted to a government servant to whom no leave-salary certificate or colonial-leave-salary warrant has been issued, until he produces a certificate of leave.

21. Last pay certificate—Before returning to duty, a government servant on leave in Europe must obtain a last pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home agent as it will be required for presentation to the Audit Officer if it is desired to draw, on arrival in India any advance which is permissible under the relevant rules of his Government. In such an event the English last pay certificate should be with the government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last pay certificate will not be granted to a government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave. A government servant who has drawn his leave-salary on a warrant must, on return to India deliver to the Audit Officer by whom the pay of the post which he will join will be audited, his copy of the warrant which will serve as a last pay certificate.

22. Procedure on return to duty— A gazetted government servant must report his return to duty to the Government under which he is serving. A Chaplain must report his return to the Bishop of his Diocese also.

23. On return to duty, the last pay certificate obtained from the High Commissioner should be exchanged for a last pay certificate which the Audit Office of the State to which he has been posted will furnish addressed to the Treasury or Office at which after his return, the government servant intends to draw his pay and allowances.

24. Acceptance of service during leave—A government servant may not take any service or accept any employment without obtaining the requisite sanction in accordance with the relevant provision in the Fundamental Rules of the Government concerned.

A civilian government servant on leave, who has received orders from the War Office or any other department of State in England to undertake any duty in the case of a national emergency, should obtain the permission of the Secretary of State before complying with such orders.

25. Hospital for Tropical Diseases, Gordon Street—Government servants from India in the United Kingdom suffering from tropical diseases are not always aware that, whether they are actually on leave on medical certificate or not, it may be to their advantage to appear before the Medical Board in order that the Board may advise them as to the best steps to take regarding such diseases.

Arrangements have been made for the diagnosis and preliminary treatment of the diseases, and for the admission of officers, when necessary, as in-patients at the Hospital for Tropical Diseases, 25 Gordon Street, W.C.1. A report is furnished to officers by the hospital which they can take with them to their own medical adviser to enable him to carry out the treatment suggested. The cost of the examination and preliminary treatment at the hospital, and also that of the accommodation supplied to officers admitted as in-patients, is defrayed by the India Office but certain fees, for surgical treatment, physician's fees, etc., are payable by the officer himself. The hospital is also permitted to charge a special extra fee to senior officers of the Civil Department who, on admission as in-patients, are at their own request, given a special accommodation. This extra fee is payable by the officer himself the India Office paying that portion only of the total charge which represents the cost of ordinary, as distinct from special accommodation.

To secure these advantages, however, a recommendation to the Hospital for Tropical Diseases by the Medical Board is necessary, and therefore, government servants who wish to avail themselves of this arrangement should apply to appear before the Medical Board of the India Office as soon as possible after arrival.

## PART IV

### DELEGATIONS AND FORMS

#### Delegations

Orders issued by the Governor under rules 6 and 7 of the Fundamental Rules and rules 6 and 7 of the Uttar Pradesh. Fundamental Rules contained in Parts I and II, respectively.

1. (a) Statement I is a list of the authorities subordinate to the Government who have been empowered to exercise the powers of the head of a department in respect of the delegations made under the rules in Parts I, II and III of this Volume.

(b) Statement II is a list of the authorities who have been empowered to exercise the powers of the head of a department in respect of certain specific matters.

(c) Statement III is a list of the delegations of powers made by the Governor under rule 6 of the Fundamental Rules and rule 6 of the Uttar Pradesh Fundamental Rules contained in Parts I and II. Statement IV is a list of the delegations made under the Subsidiary Rules in Part III.

2. Statements III and IV also include powers delegated to the administrative departments of the Government. With reference to rule 7 of the Fundamental Rules and the Uttar Pradesh Fundamental Rules in Parts I and II and the rules made by the Governor under section 59(B) of the Act, referred to in rule 5 of the Uttar Pradesh Fundamental Rules, the delegations in the statements should be regarded as the only cases in which the Finance Department has declared that its consent may be presumed to have been given to the exercise by the administrative departments of powers specified in the Statements III and IV.

3. The delegations made in the statements are subject to the following conditions:

(a) Sanction to any proposal which may involve expenditure becomes operative only as soon as funds have been appropriated to meet it. Orders conveying sanction accorded under the powers delegated should indicate how the expenditure involved (if any) will be met.

(b) A power may be exercised by an authority to whom it is delegated in respect of those government servants only who are under the administrative control of that authority.

(c) The nature of each power delegated is shown in column 3 of the statements. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.

(d) If any power to be exercised by the Government or other authority under the Fundamental Rules or the Uttar Pradesh Fundamental Rules or the Subsidiary Rules, as the case may be, is not shown in the statements, it is to be understood that such power is not delegated to any authority subordinate to the Government or other authority, as the case may be.

(e) Any power delegated to any authority may also be exercised by any authority higher to such authority in the same department, and also by the administrative department concerned, and any such higher authority or the administrative department concerned may modify or cancel any orders passed by a lower authority.

(f) Nothing contained in the statements will operate to restrict powers conferred upon any authority by other rules made under the Act.

## Statement I

List of authorities who are declared to be heads of departments for the purpose of the Fundamental Rules in Part I the Uttar Pradesh Fundamental Rules in Part II and the Subsidiary Rules in Part III of this Volume.

- (1) The Board of Revenue.
- (2) The High Court of Judicature, Allahabad.
- (3) Rt. Revd. the Bishop of Lucknow.
- (4) Commissioners of Divisions including the Collector-in-charge of the Jhansi Division and the Deputy Commissioner-in-charge of the Kumaun Division.
- (5) The Chief Conservator of Forests.
- (6) Chief Engineer, Public Works Department.
- (7) The Director of Education.
- (8) The Director of Medical and Health Services.
- (9) The Inspector General of Police.
- (10) The Inspector General of Prisons.
- (11) The Legal Remembrancer.
- (12) Conservators of Forests.
- (13) Superintending Engineers, Public Works Department.
- (14) Chief Engineer, Local Self-Government Engineering Department.
- (15) The Director of Agriculture.
- (16) The Director of Industries.
- (17) The Commissioner of Excise.
- (18) The Inspector General of Registration.
- (19) The Registrar, Co-operative Societies.
- (20) The Director of Animal Husbandry.
- (21) The Director of Land Records.
- (22) The Settlement Commissioner.
- (23) The Superintending Engineers Electricity, Department.
- (24) The Advocate General.
- (25) Secretaries to Government.
- (26) The Labour Commissioner.
- (27) The Rural Development Officer.
- (28) The Chief Mechanical Engineer, Industries Department.
- (29) The Cane Commissioner.
- (30) Economic Adviser and Director of Statistics, Uttar Pradesh.
- (31) The Principal Veterinary College, Mathura.



- (32) The Director of Panchayats.  
 (33) Electrical Inspector to Government, Uttar Pradesh.  
 (34) Nideshak, Harijan tatha Samaj Kalyan, Uttar Pradesh, Lucknow.  
 (35) Consolidation Commissioner, U. P., Lucknow.  
 (36) Director, National Cadet Corps, Uttar Pradesh, Lucknow.  
 (37) Director, of Geology and Mining, Uttar Pradesh, Lucknow.  
 (38) Secretary, Uttar Pradesh, Vidhan Mandal.  
 (39) The Chairman, Public Service Commission, Uttar Pradesh, Allahabad.  
 (40) The Superintendent, Printing and Stationery, Uttar Pradesh, Allahabad.  
 (41) Director, Administrative Training Institute, Nainital.  
 (42) Mukhya Vitta Adhikari, Zila Parishads, Uttar Pradesh, Lucknow.  
 (43) Director of U.P. State Observatory, Naini Tal.  
 (44) Director of Ayurvedic and Unani Services, Uttar Pradesh, Lucknow.  
 (45) Director of Vigilance, Uttar Pradesh, Lucknow.  
 (46) President and Member, Administrative Tribunal, U.P. and Chairman, Vigilance Commission, Lucknow.  
 (47) Director, Civil Defence-cum-Commandant General, Home Guards, Uttar Pradesh.  
 (48) Director, Horticulture and Fruit Utilisation, Uttar Pradesh.  
 (49) Registrar, Firms and Societies and Chitts, Uttar Pradesh.

## STATEMENT II

List of authorities who are empowered to exercise the powers of heads of departments in respect of certain items included in Statements III and IV.

1.	The Secretary and the Military Secretary to the Governor.	Items 3 and 5 of Statement III and items 11, 13 and 18 of Statement IV.
2.	The Examiner, Local Fund.	
3.	The Chief Inspector of Offices.	

## STATEMENT III

**Statement showing the authorities to whom powers under certain rules in the Fundamental Rules and the Uttar Pradesh Fundamental Rules have been delegated by the Governor.**

NOTE—The reference to any rule in column 2 of this statement should be read as a reference to the rule in the Fundamental Rules in Part I in respect of Secretary of State's officers and to the rules in the Uttar Pradesh Fundamental Rules in Part II in respect of government servants under the rule-making power of the Governor.

Serial number	Number of rule	Nature of power	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
1	9(19)	Power to appoint a government servant to officiate in a vacant post.	Any authority who has power to make an officiating appointment to the post as (for instance)	Full power.

			in a leave vacancy.	
2	10	Power to dispense with a medical certificate of fitness before appointment to Government service in individual cases.	Department of the Government.	Ditto
2-A	10	Power to dispense with the requirement of production of a certificate of physical fitness from the competent medical authority at the time of substantive appointment of	Heads of Departments.	Full power, subject to the conditions mentioned below:  (1) The service rendered before substantive appointment should be continuous and
		such government servants as have produced this certificate at the time of their initial recruitment in a temporary capacity or during the course of their temporary appointment.		(2) The medical examination conducted at the time of initial temporary appointment or during the service was done by the prescribed competent authority, in accordance with the standard of fitness laid down for the post on which substantive appointment is to be made.
4	14	Power to suspend the lien of a government servant on a post and fill it provisionally substantive.	District and Sessions Judges.	Full power in the case of ministerial and inferior government servants provided they have power to make a substantive appointment to the post on which the lien is held.
5	14	Power to suspend the lien of a government servant on a post and fill it provisionally substantive.	District Officers	Full power in respect of ministerial and inferior servants to whom the District Officer is the appointing authority.
6	14B	Power to transfer the lien of a government servant from one post to another.	Departments of the Government and heads of departments.	Full power, provided they are authorised to make a substantive appointment to both the posts concerned.
7	14B	Power to transfer the lien of a government servant from one post to another.	District and Sessions Judges.	Full power in the case of ministerial and inferior government servants provided they are authorized to make a substantive appointment both the posts concerned.
8	19	Power to grant special pay.	See statement XIV in Financial Handbook, Volume I.	See statement XIV in Financial Handbook, Volume I.
9	24	Power to withhold increments.	Any authority who has power to make a substantive appointment to the post which the government servant holds.	Full power.
10	24	Power to with hold increments of members of the Subordinate Engineering Service in the	Superintending Engineers concerned.	Full power.

		Public Works Department, Buildings and Roads and Irrigation Branches.		
11	24	Power to withhold increments of civil armed and mounted Sub-inspectors of police and sub-inspectors in the Government Railway Police.	Superintendents of Police and Section Officers of the Government Railway Police.	Full power.
12	26(b)	Power to direct that extraordinary leave other than that taken for prosecuting higher and scientific and technical studies, shall be counted for increment.	Departments of the Government.	Full power.
13	27	Power to grant premature increments of pay to persons who having once resigned their appointments in the police force are re-enlisted in accordance with the provisions of paragraph 393 of the Police Regulations.	Superintendents of Police.	The exercise of this power is subject to the condition that only men whose previous record was clear and who had good reasons for resigning are re-enlisted and advance increments are limited to what a re-enlisted constable would have received if his service prior to resignation had counted for increments under rule 22 of the Uttar Pradesh Fundamental Rules.
14	27	(a) Power to grant premature incre-	Settlement and Revising Officers.	The exercise of this power is subject to the
		ments of pay to ex-Settlement employees who hold substantively or otherwise a post in a Government office or in a non-Government office (such as Court of Wards), and are re-employed in a Settlement office.		following conditions:
				(1) the number of premature increments does not exceed the number of completed years of service rendered in a previous settlement in the same class of post or in a higher class of post than the one in which the government servant is re-employed;
				(2) the number of such premature increments does not exceed four.
				(3) the initial pay does not exceed the maximum of the time-scale of the post.
		(b) Power to grant premature increments to ex-Settlement employees not covered by (a) above, provided their past service really merits this concession.	Settlement and Revising Officers.	The exercise of this power is subject to the following conditions:
				(1) the number of premature increments does not exceed the number of years of previous Settlement service;
				(2) the previous Settlement service is not less than two years;

				(3) the number of premature increments does not exceed four;
				(4) the initial pay does not exceed the maximum of the time-scale of the post.
		(c) Power to grant premature increments to ex-	Settlement and Revising officers.	The exercise of this power is subject to the follow-
		Settlement employees who, after having held a post in the Settlement Department in a substantive capacity, are transferred to, or re-employed after discharge in, a lower post in the same category of posts, otherwise than as a measure of punishment.		ing conditions: (1) the initial pay may be fixed at a stage in the time-scale of pay of the lower post equal to the pay which the official was last drawing in the higher post or if there is no such stage in the scale of pay of the lower post then his pay should be fixed in the next lower stage plus a personal pay equal to the difference between the pay last drawn in the higher post and the stage in the lower post at which his pay is fixed;
				(2) the total pay in the lower post does not exceed the maximum pay of the post; (3) service in seasonal posts such as field amins, etc. is not taken into account if persons holding such posts are re-employed in clerical posts in the Settlement, but it may be taken into account if such persons are re-employed in field posts;  (4) the approval of the Settlement Commissioner is obtained in each case.
15	33	Power to fix within certain limits the pay of a government servant	(1) Departments of the Government.	Full power in respect of non-gazetted government servants only.
		officiating in a post the pay of which is personal.		
			(2) Heads of departments.	Full power in respect of non-gazetted government servants subordinate to them.
16	35	Power to reduce the pay of an officiating government servant.	Any authority who has power to make an officiating appointment to the post.	Full power.
17	36	Power to make officiating arrangements in the place of medical officers and subordinates deputed to undergo training at the X-ray Institute, Dehra-Dun.	Director of Medical and Health Services.	Full power in cases where the arrangements do not involve the posting of a member of the Uttar Pradesh Medical Service.
		Power to make officiating arrangements in	The Inspector-General of Police.	Full power.

		the place of sub-inspectors of police deputed to undergo training in the Criminal Investigation Department, and Intelligence Department.		
		Power to make officiating arrangements in the place of sub-Inspectors of police deputed to the reserve lines to undergo their annual training with the training section.	The Inspector General of Police.	Full power.
		Power to make acting promotions in the place of non-gazetted police officers deputed for railway training.	The Inspector General of Police.	Full power.
		Power to make officiating arrangements in place of medical officers in-charge of travelling dispensaries during the course of their training for Licentiate in Public Health.	The Director of Medical and Health Services.	Full power in cases where the arrangements do not involve any extra cost to the Government.
18	36	Power to make acting promotions in place of the Sub-inspectors of the armed police deputed for refresher courses to either the Police Training College, Moradabad, or to any other selected centre, as for instance, Range Headquarters.	Inspector General of Police.	Full power.
19	40	Power to fix the pay of a temporary post which will probably be filled by a government servant.	Any authority who has power to create a temporary post on the pay fixed.	Full Power.
20	46(a)	Power to permit a government servant to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund and to receive as remuneration thereof, if the service is material, a non-recurring or recurring fee.	Departments of the Government.	Full power but in respect of a recurring fee, up to a limit of Rs. 100 per mensem for a period not exceeding one year.
21	46(a)	Power to sanction the acceptance of fees,	(1) Inspector General of Police.	Full power in respect of a recurring fee not

		from a source other than the State revenues, by members of the Police force or clerical staff for doing outside the scope of their ordinary duties, the clerical work and the maintenance of accounts of cooperative societies.	(2) Deputy Inspector General of Police, Criminal Investigation Department / Intelligence Department, U.P. Lucknow.  (3) The Superintendent, Government Railway Police, Allahabad.  (4) The Principal, Police Training College, Moradabad.	exceeding Rs. 10 per month in each individual case.
			(5) All Superintendents of Police in-charge of districts in the Uttar Pradesh.	
			(6) The Commandant, Uttar Pradesh Provincial Armed Constabulary, Sitapur.	
22	49	Power to appoint a government servant to hold temporarily or to officiate in more than one post, and to fix the pay of subsidiary posts, and the amount of compensatory allowances' to be drawn.	Departments of the Government.	Up to a period of three months provided that they have power to appoint a government servant permanently to each of the posts concerned. The amount of additional pay allowed shall be subject to the limits laid down in the orders of the Governor under this rule.
22-A	49	Power to appoint a government servant to hold temporarily or to officiate in more than one post, and to fix the pay of subsidiary posts, and the amount of compensatory allowances to be drawn.	Heads of departments.	Up to a period of three months, provided that they have power to appoint a government servant permanently to each of the posts concerned. The amount of additional pay allowed shall be subject to the
				limits laid down in the orders of the Governor under this rule.
23	49	Power to appoint a government servant to hold temporarily or to officiate in more than one post and to fix the pay of the subsidiary posts and the amount of compensatory allowances to be drawn.	District and Sessions Judges.	Up to a period of three months in the case of ministerial and inferior government servants provided they have power to appoint a government servant permanently to each of the posts concerned. The amount of additional pay allowed shall be subject to the limits laid down in the orders of the Governor under this rule.
24	49	Power to appoint a government servant to hold temporarily or to	District Officers	Up to a maximum period of three months, provided that—

		officiate in more than one post and to fix the pay of the subsidiary posts and the amount of compensatory allowance to be drawn.		(a) they have power to make permanent appointment to both the posts, and  (b) the amount of additional pay allowed shall be subject to the limits laid down in the orders of the Governor under this rule.
25	Orders 1, 2(a) and 3 of the Governor under rule 54.	Power to waive the recovery of, or write off, the additional pay drawn by a government servant who has received promotion on the suspension or dismissal of another government servant who upon reconsideration or appeal has been reinstated.	Departments of the Government, Heads of departments and subordinate revising and appellate authorities.	Full power. Up to a limit of Rs. 500 in each case, provided that the period involved does not exceed six months.
26	56(a)	Power to retain government servants in service after the age of 58 years.	(1) Departments of the Government.  (2) Authority competent to fill the post, if vacant.	(1) Full Power.  (2) Full power, provided that no government servant is retained in service beyond the age of 60 years.
27	56	Power to grant a three months' extension of service to an engineer who has attained the age of 58 years.	Public Works Department of the Government, Buildings and Roads and Irrigation Branches.	Full Power.
28	73	Power to extend leave.	The Authority who granted the leave.	Full power. If the government servant is no longer under the administrative control of the authority who granted the leave, the authority, to whose control he has been transferred and who has power to
				grant leave will exercise full power.
29	Note under rule 89.	Power to decide the period of leave on unrestricted average pay which may be taken by a government servant transferred to a vacation department with leave at his credit.	Departments of the Government.	Full power.
30	110(c)	Power to sanction transfer to foreign service in India.	(1) Departments of the Government.  (2) Heads of departments, except Secretaries to Government, and District and Sessions Judges.	(1) Full power.  (2) Full power to transfer to foreign service within Uttar Pradesh in the case of gazetted government servants, and within or beyond Uttar Pradesh in the case of non-gazetted government servants, in cases
				where they have power to appoint or

				transfer in the ordinary course of administration.
31	125	Power to decide the date of reversion of a government servant returning after leave from foreign service.	(1) Departments of the Government.	(1) Full power.
			(2) All heads of departments.	(2) Full power in respect of ministerial servants belonging to their offices and offices subordinate to them.
			(3) Commissioners of divisions.	(3) Full power in respect of ministerial servants belonging to their offices and to district offices within their divisions.
32	Rule 11 of the Rules in the Schedule to the Uttar Pradesh Fundamental Rules.	Power to decide the domicile of any government servant at the time of his appointment by the State Government.	Departments of the State Government.	Full power.

## STATEMENT IV

Statement showing the authorities to whom powers under certain rules in the Subsidiary Rules have been delegated by the Governor

Serial number	Number of rule	Nature of power	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
1	4 to 6	Power to allow time for preparation for certain examinations.	Departments of the Government.	Full power.
2	18-C	Power to suspend the allotment of a residence to a post.	(1) Departments of the Government.	(1) Full power.
			(2) Heads of departments.	(2) Full power in respect of residences allotted to non-gazetted posts provided that the period for which the allotment is suspended does not exceed two months.
3	18-D	Power to permit in special circumstances, an officer to sub-let his residence on rent exceeding the rent payable by him to Government.	Departments of the Government.	Full power.
4	24	Power to sanction the acceptance by teachers in government schools of fees for private tuition.	(1) Inspectors of Schools and Principals of Colleges.	(1) Full power to the extent of Rs. 250 during a school term in each case.



			(2) Inspectresses of Girls' Schools.	(2) Full power to the extent of Rs. 100 during a school term in each case.
5	35	Power to grant leave other than disability leave and leave extending beyond the date of compulsory retirement to non-gazetted government servants who are not in foreign service.	(i) District Officers.	(i) (a) Leave to sadar kanungos for periods not exceeding six weeks, provided local arrangements can be made to appoint a government servant to officiate in place of the absentee.
				(b) Full power in respect of revenue head clerks and treasury head clerks in cases
				where they can appoint substitutes in the resultant vacancies, i.e. for periods not exceeding four months.
				(c) Leave to Additional District Information Officers up to a limit of one month, provided that no substitute is required.
			(i-a) Tahsildar	(i-a) Leave to inferior servants of their tahsils for periods not exceeding four months.
		NOTE—In the case of government servants recruited to a service or post under the Government on or after January 1, 1936, and in the case of government servants to whom Fundamental Rule 81 applies and who elect to be governed by Fundamental—Rule 81-B as revised from September 1, 1949 the limit of four months wherever mentioned in column 5 shall be taken to mean one hundred and twenty days.		
			(ii) Superintendents of Police,	(ii) Leave to inspectors of police and sergeants up to a limit of six weeks, provided local arrangement can be made to appoint a government servant to officiate in place of the absentee.
			(iii) Inspectors of Schools, Principals of Training Colleges, Allahabad, Lucknow and Agra, and Inspectresses of Girls' Schools, Principal, Psychological Bureau, Allahabad and Superintendent, Reformatory School, Chunar.	(iii) Leave of any kind to non-gazetted members of the Uttar Pradesh Subordinate Educational Service for periods not exceeding four months.
			(iv) Principals of Colleges, excluding Intermediate Colleges, Inspectors of Schools and Assistant Inspectors of Schools, Kumaun Division.	(iv) Leave for period not exceeding four months to non-gazetted government servants of the Education Department whose pay does not exceed Rs. 100 per mensem.
			(v) Superintendents of	(v) All kinds of leave to members of the

			Police.	subordinate police force below the rank of inspectors and members of the office establishment.
			(vi) Principals of Technical Schools.	(vi) Leave for periods not exceeding four months to non-gazetted government servants serving.
				in the technical schools on pay not exceeding Rs. 100 per mensem.
			(vii) Superintending Engineers, Public Works Department, Buildings and Roads Branch.	(vii) Leave of all kinds to upper subordinates and members of the Subordinate Engineering Service in the Public Works Department, Building and Roads Branch (except honorary assistant engineers).
			(viii) Superintending Engineers, Irrigation Department.	(viii) Leave of all kinds to upper subordinate members of the Subordinate Engineering Service and ziledars:
				(a) In the case of the grant of leave to ziledars.
				extending for a period of more than six months or when the Superintending Engineer is unable to make arrangement for relief within his own circle, the Chief Engineer's orders must be obtained before granting leave.
				(b) In the case of upper subordinates and members of the Subordinate Engineering Service incharge of subdivisions, the orders of the Chief Engineer should be obtained about the relieving government servant.
			(ix) Superintending Engineers, Public Works Department.	(ix) Leave of all kinds to lower subordinates under them.
			(x) Superintending Engineers and Executive Engineers.	(x) Leave of all kinds of office and petty establishment in the Public Works Department, Buildings and Roads Branch under their control.
			(xi) Superintendent, Printing and Stationery.	(xi) Leave of all kinds to Assistant Superintendent and Head Assistant in the Government Press.
			(xii) Executive Engineers.	(xii) Leave of all kinds to all members of the divisional establishment except engineers.
				sub-divisional officers, deputy revenue officers Accountants and ziledars in the Irrigation Department.

		NOTE—The exception in the case of ziledars does not apply to leave not exceeding four months when "recommended amins" are available to officiate in the divisions concerned.	
			(xiii) Executive Engineers, Local Self-Government Engineering Department.
			(xiii) Full power.
			(xiv) Commissioners of Divisions.
			(xiv) Full power in respect of naib-tahsildars.
			(xv) District Officers.
			(xv) Leave to naib tahsildars in cases in which they can appoint substitutes.
			(xvi) District Officers.
			(xvi) Leave to teachers and assistant teachers of Patwari Schools for a period not exceeding one month in cases where the remaining staff can carry on the work of the School efficiently and no substitute is required.
			(xvii) Inspectors of Schools, Assistant Inspectors of Schools, Kumaun Division, Principals of Training Colleges and Government Intermediate College, Almora, Inspector of Sanskrit Pathshalas, Inspectresses of
			(xvii) All kinds of leave not exceeding four month to clerks including head clerks in the Education Department.
			Girls' Schools, Superintendent Reformatory School, Chunar, Secretary, Board of High School and Intermediate Education, Registrar, Departmental Examinations and Inspectors of Arabic Madarsas and Muhammadan Schools.
			(xviii) Principal, Psychological Bureau, Allahabad.
			(xviii) All kind of leave not exceeding four months to the head clerks of the Bureau.
			(xix) Deputy Director of Agriculture Entomologist to Government, Eco-
			(xix) Leave other than special disability leave and leave extending beyond the date
			nomic Botanist to Government, Agricultural Engineer, Principal, Agricultural College, Kanpur, Head Masters, Agricultural Schools Plant Pathologist to Government, Officer-in-charge, Government Research Farm, Kanpur, Officer —in-charge, Government Agricultural Library, Kanpur, Agricultural Chemist to
			of compulsory retirement to the non-gazetted ministerial establishment under their administrative control which has been appointed by the Director of Agriculture for periods not exceeding six weeks.

			Government.	
			(xx) (i) Deputy Director of Horticulture.	(xx) (i) For periods not exceeding three months.
			(ii) All gazetted officers of the Horticulture Section of the Department of Agriculture who are incharge of Gardens, Research Stations, etc.	(ii) For periods not exceeding six weeks in respect of all non-gazetted government servants appointed by the Director of Agriculture, other than members of the Subordinate Agricultural Service, under the administrative control of the officers mentioned in column 4.
			(xxi) All gazetted officers of the Horticulture Section of the Department of Agriculture who are incharge of Gardens, Research Stations, etc.	(xxi) For periods not exceeding six weeks in respect of all non-gazetted government servants appointed by the Deputy Director of Horticulture under their administrative control.
			(xxii) Sub-Divisional Officers.	(xxii) Leave to inferior government servants in tahsils for a period not exceeding 30 days subject to the condition that no substitute is required in the leave arrangement or that if a substitute is required the senior unemployed approved candidate is appointed.
			(xxiii) Assistant Cane Commissioners, Cane Development Officers and Deputy Cane Development Officers:	(xxiii) Leave to non-gazetted members of the ministerial establishments under their administrative control for periods not exceeding six weeks.
			(xxiv) All Commissioners of Divisions inclu-	(xxiv) Leave to government treasurers who
			ding the Deputy Commissioner-in-charge, Kumaun Division.	work in treasuries in their divisions up to a period of two months.
			(xxv) Deputy Director of Agriculture, Deputy Director of Horticulture, Entomologist to Government, Economic Botanist to Government, Agricultural Engineer, Principal, Agricultural College, Kanpur, Head Masters, Agricultural Schools, the Officer-in-charge, Government Research Farm, Kanpur, Plant Pathologist to Government, the Officer-in-charge Government Agricultural Library, Kanpur, Agricultural Chemist to Government.	(xxv) Leave to members of the Subordinate Agricultural Service for periods not exceeding six weeks, on the condition that the orders of the Director of Agriculture are taken in cases where a substitute has to be appointed or a transfer from one station to another is involved.
			(xxvi) Civil Surgeons and	(xxvi) Leave to non-gazetted Nursing

			Superintendents of State Hospitals and Superintendents of Medical College Hospitals.	personnel for periods not exceeding four months, provided that the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of a government servant.
			(xxvii) Divisional and District Statistics Officers of the Economics and Statistics Directorate.	(xxvii) For periods not exceeding six weeks to the non-gazetted staff working under them, provided that the arrangements made for carrying on the duties of the government servants concerned
				are local and do not involve either the transfer of another government servant or the appointment of any substitute therefor.
			(xxviii) Chief Probation Officer.	(xxviii) Leave to Probation Officers on reserve duty as well as to Probation Officers attached to districts for periods not exceeding six weeks.
			(xxix) Conservators of Forests.	(xxix) Leave to Forest Rangers employed in their respective circles for periods not exceeding four months including the periods of vacation.
			(xxx) Deputy Director of Medical and Health Services (Ayurved).	(xxx) Full power in respect of Divisional Ayurvedic and Unani Officers under his control.
			(xxxii) Deputy Inspector General of Prisons.	(xxxii) Full power.
			(xxxiii) Superintendents, District Jails.	(xxxiii) Leave to warders and head warders under them for periods not exceeding six weeks, subject to the condition that no substitute is required in the leave arrangement.
			(xxxiv) Deputy Transport Commissioners.	(xxxiv) Full power in respect of the staff with which they are concerned.
			(xxxv) Chief Mechanical Engineer, Roadways Central Workshop, Kanpur.	(xxxv) Full power.
			(xxxvi) General Managers, Roadways.	(xxxvi) Full power.
			(xxxvii) Regional Transport Officers.	(xxxvii) For periods up to six weeks.
			(xxxviii) District Planning Officers (Project Executive Officers).	(xxxviii) For periods not exceeding one month in respect of the non-gazetted staff with which they are concerned.
			(xxxviiii) Assistant Regional Transport Officers, Sub-	(xxxviiii) For periods up to six weeks only.

			Regional Transport officers at Varanasi and Jhansi.	
			(xxxix) Farm Managers/Farm Superintendents of the State Live-stock-cum-Agricultural Farms.	(xxxix) Leave to non-gazetted government servants under their control (except Group I and Group II Officials and Accountants) for a period not exceeding 42 days, subject
				to the condition that no substitute is required in the leave arrangement.
6	36	Power to grant leave to a gazetted government servant who is not in foreign service.	(1) Departments of the Government.	(1) Full power.
			(2) Secretaries to Government.	(2) Up to four months to Superintendents of the Secretariat.
7	36	Power to grant leave other than disability leave and leave extending beyond the date of compulsory retirement to a gazetted government servant who is not in foreign service.	The authorities mentioned below:	To the extent shown below in respect of government servants referred to in column 5 in each case.
			(i) Chief Justice	(i) Full power, in respect of gazetted Government servants appointed by the High Court of Judicature, Allahabad.
			(ii) The Chief Justice of the High Court of Judicature at Allahabad or the Senior Judge on duty.	(ii) Leave of any kind to District and Sessions Judges, Special Judge (East) and (West), Lucknow and Civil and Sessions Judges for periods not exceeding six weeks provided the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of another government servant. In
				the case of a government servant belonging to a vacation department the authority mentioned in column 4 may also permit the Government servant to combine leave so sanctioned with vacation.
			(iii) The Board of Revenue.	(iii) Full power in respect of the Registrar Board of Revenue (when the post is held by a member of the Board's Office Establishment) and the Superintendent, Revenue Department, Board's Office. If the post of the Registrar is held by a member
				of the P. C. S. the authority mentioned in column 4 may also grant the government servant leave of any kind for periods not exceeding six weeks, provided that

				arrangements are made for carrying on the duties of the government servant by the temporary promotion of a member of the Board's Office establishment and that they do not involve the transfer of another P.C.S. Officer.
			(iv) The Board of Revenue.	(iv) In the case of Settlement Officers, Assistant Settlement Officers
				and Deputy Collectors on settlement duty, leave of any kind for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the government servant are local and do not involve the transfer of any other government servant.
			(v) The Inspector General of Police.	(v) Leave of any kind to gazetted government servants of the Police Department for periods not exceeding six weeks, provided that the arrangements made for carrying on the duties of the
				government servant are local and do not involve the transfer of a government servant. In the case of a government servant belonging to vacation department the authorities mentioned in column 4 may also permit the government servant to combine leave so sanctioned with vacation.
			(vi) The Inspector General of Registration.	(vi) Leave of any kind to gazetted government servants of the Registration Department to the extent and subject to the conditions mentioned against sub-item (v) in column 5 above.
			(vii) The Director of Medical and Health Services.	(vii) (a) Leave of any kind to gazetted government servants of the Medical Department and the Chemical Examiner's Department except Provincial Medical Service Officers, Grade II and Provincial Nursing Service Officers, to the extent and subject to the conditions mentioned against sub-item (v) in column 5 above.
				(b) Full powers in respect of Provincial Medical Service Officers, Grade II and Provincial Nursing Service Officers.
			(vii-a) Civil Surgeons and Superintendents of State Hospitals and Superintendents of Medical College Hospitals.	(vii-a) Leave to gazetted members of Nursing Staff for periods not exceeding six weeks provided that no regular substitutes are appointed.

			(viii) The Inspector General of Prisons.	(viii)(a) Leave of any kind to gazetted government servants, except Provincial Medical Service Officers, Grade II, Deputy Superintendents of Central Prisons and Jailors in the Jail Department, to the extent and subject to the conditions mentioned against sub-item (v) in column 5 above.
				(b) Full powers in respect of Provincial Medical Service Officers, Grade II, Deputy Superintendents of Central Prisons and Jailors in the Jail Department.
			(ix) Director of Medical and Health Services.	(ix) (a) Full power in respect of Subordinate Public Health Service Officers, Grade I.
				(b) Leave of any kind to gazetted government servants of his department, other than Subordinate Public Health Service Officers, Grade I, to the extent and
				subject to the conditions mentioned against sub-items (x) to (xiii) below.
			(x) The Director of Education.	(x) to (xiii) Leave of any kind for periods not exceeding six weeks to gazetted government servants of their departments, provided the arrangements made for carrying on the duties of the government servant concerned are local and do not involve the transfer of a government servant. In the case of a government servant belonging to a
		(xi) The Director of Agriculture.		
		(xii) The Director of Industries.		
			(xiii) The Registrar, Co-operative Societies.	Vacation department the authority concerned mentioned in column 4 may also permit the government servant to combine leave so sanctioned with vacation.
			(xiv) The Chief Conservator to Forests.	(xiv) Leave to gazetted Officers, other than Conservators, for a period of less than three months in the case of officers of the Indian Forest Service and up to four months in the case of officers of the Provincial Forest Service, provided that—
				(i) the necessary arrangements to carry
				on the absentee's duties can be made by him under paragraph 81-A (1) of the Forest Manual without reference to government, and
				(ii) no enhancement of pay of any officer deputed to carry on such duties is involved.
				Note—In the case of government servants belonging to the Provincial Forest Service



				who may be recruited on or after January 1, 1936, or in the case of government servants to whom Fundamental Rule 81 applies and who
				elect to be governed by Fundamental Rule 81-B, as revised from September 1, 1949, the limit of four months shall be taken to mean one hundred and twenty days.
			(xv) The Commissioner of Excise.	(xv) For periods not exceeding six weeks, in the case of gazetted government servants of the Excise Department provided the arrangements made for carrying on the duties of the government servant concerned are local and do not involve the transfer of another government servant.
			(xvi) Director of vigilance.	(xvi) Leave of any kind to gazetted government servants of the U.P. Vigilance Establishment for periods not exceeding six weeks provided that the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of a government servant.
			(xvi) A-Commissioners of Divisions.	(xvi) A-(a) Full power in respect of tahsildars.
				(b) Leave for a period not exceeding one month to deputy collectors and judicial
				officers under simultaneous intimation to Government.
			(xvii) District Officers.	(xvii) (i) Leave to gazetted officers under them for periods not exceeding six weeks when no substitute is required under simultaneous intimation to Government.
				(ii) Leave to tahsildars in cases in which they can appoint substitutes.
				(iii) Leave to District Information Officer, upto a limit of one month when no substitute is required.
			(xviii) The Director of Land Records.	(xviii) Leave of any kind to gazetted government servants of the Land Records Department for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the government servant concerned are local and do not involve the transfer of another government servant. In the case of a government servant belonging to a vacation department the authority mentioned in column 4 may also permit the

				government servant to combine leave so sanctioned with vacation.
			(xix) The Director of Animal Husbandry.	(xix) Leave to gazetted government servants of the Animal Husbandry Department for periods not exceeding six weeks, provided the arrangement made for carrying on the duties of the government servant concerned are local and do not involve the transfer of another government servant from an outstation.
			(xx) Chief Engineers, Public Works Department (Buildings	(xx) (a) Full powers in respect of Assistant Engineers
			and Roads), Irrigation Department and Electricity Department.	and other gazetted government servants of the Public Works Department (Buildings and Roads), Irrigation Department, and Electricity Department of equivalent or lower rank.
				(b) For periods not exceeding six weeks in respect of gazetted government servants of the Public Works Department (Buildings and Roads), Irrigation Department and Electricity Department, of rank higher than Assistant Engineers, provided the
				arrangements made for carrying on the duties of the government servants concerned are local and do not involve the transfer of another government servant.
			(xxi) Commissioner and President, State Museum Committee, Lucknow.	(xxi) Leave up to a period not exceeding six weeks to the Curator, State Museum, Lucknow, on the condition that arrangement for carrying on the duties of the Curator is made locally and it does not involve the transfer of another government servant.
			(xxii) Chief Engineer, Local Self-Government Engineering Department.	(xxii) (a) Full powers in respect of Assistant Engineers and other gazetted government servants of equivalent or lower rank.
				(b) For periods not exceeding six weeks in respect of gazetted government servants of rank higher than Assistant Engineers; provided the arrangements made for carrying on the duties of the government servants concerned are local and do not involve the transfer of another government servant.
			(xxiii) Rural Development Officer.	(xxiii) Leave to Divisional Superintendents of his department for periods not exceeding six weeks, provided the arrangement made for carrying on their duties are local and do

				not involve the transfer of another government servant.
			(xxiv) The Director of Education.	(xxiv) Full power in respect of subordinate gazetted Headmasters of Government High and Normal Schools, and Deputy Inspectors of Schools.
			(xxv) Cane Commissioner.	(xxv) Leave other than disability leave and leave extending beyond the date
				of compulsory retirement for periods not exceeding six weeks to the gazetted government servants of the Cane Development Department who are not in foreign service, provided that the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of a government servant.
			(xxvi) Principal, U. P. College of Veterinary Science and Animal Husbandry, Mathura.	(xxvi) Leave of any kind for periods not exceeding six weeks to all gazetted government servants of the
				combined institution of the U. P. College of Veterinary Science and Animal Husbandry-cum-Livestock Research Station-cum-District Dairy Demonstration Farm, Mathura, provided the arrangements made for carrying on the duties of the government servant concerned are local and do not involve the transfer of any other government servant from an outstation.
			(xxvii) Transport Commissioner.	(xxvii) Leave of any kind to all gazetted government servants in the
				Transport organisation for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the government servant concerned are local and do not involve the transfer of any other government servant from an outstation.
			(xxviii) Deputy Director of Medical and Health services (Ayurveda)	(xxviii) Full power in respect of the Manager, State Ayurvedic and Unani Pharmacy.
			(xxix) Secretary to U. P. Legislature.	(xxix) Leave of any kind for periods not exceeding six
				weeks to a gazetted government servant of the Legislative Assembly and Legislative Council Secretariates provided that the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of another

				government servant.
			(xxx) Electrical Inspector to Government.	(xxx) Full powers in respect to Assistant Electrical Inspectors and Assistant Engineers employed under him.
			(xxxii) Development Commissioner.	(xxxii) For periods not exceeding six weeks to gazetted
				government servants of his department provided that the arrangements made for carrying on the duties of the government servants are local and do not involve the transfer of a government servant.
			(xxxiii) Director, Government Cement Factory, Churk.	(xxxiii) Leave of any kind for periods not exceeding six weeks to gazetted government servants at the Factory, provided that the arrangements made for carrying on their duties are local and do not involve the transfer of another government servant.
			(xxxiv) Director of Panchayats.	(xxxiv) Full power in respect of Assistant District Panchayat Officers.
			(xxxv) Superintending Engineers, Irrigation and Public Works Departments.	(xxxv) Leave to Assistant Engineers for periods not exceeding six weeks provided they can be relieved by local arrangement without the need for a substitute and without grant of dual charge allowance to another officer.
			(xxxvi) Director, Economic Intelligence and Statistics.	(xxxvi) For periods not exceeding six weeks to gazetted government servants, under his administrative control provided
				that the arrangements made for carrying on the duties of the government servants concerned are local and do not involve either the transfer of another government servant or the appointment of any substitute therefor.
			(xxxvii) The Chief Judge, Chief Court of Oudh.	(xxxvii) Leave of any kind to district and Sessions Judges and Civil and Sessions Judges, in Oudh for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the government servants
				are local and do not involve the transfer of another government servant. In the case of a government servant belonging to a vacation department the authority mentioned in column 4 may also permit the government servant to combine leave so sanctioned with vacation.

			(xxxvii) All Heads of Departments.	(xxxvii) (1) Leave of any kind upto a period of sixty days on condition that arrangement for carrying on the duties of the Government Servant is made locally and does not
				involve the appointment/transfer of another Government servant.
				(2) Leave on medical Certificate upto three months.
8	35 and 36	Power to grant leave other than disability leave and leave extending beyond the date of compulsory retirement to a gazetted or non-gazetted government servant in foreign service in India.	(1) The foreign employer.	(1) Full power to grant leave on average pay not exceeding four months.
			(2) The authority who sanctioned the transfer to foreign service.	(2) Full power, if the transfer to foreign service was sanctioned by Government the administrative department of the Government has full power to grant leave.
				NOTE—In the case of government servants recruited to the Provincial Specialist and Subordinate Services on or after January 1, 1936 the limit of four months shall be taken to mean 120 days.
9	35 and 36	Power to grant leave to a gazetted or non-gazetted government servant in foreign service out of India if the foreign employer pays to Government leave contribution under sub-rule(b) of rule 123 of the Fundamental Rules	The foreign employer.	Full power to grant leave on average pay not exceeding four months. NOTE—In the case of government servants recruited to the Provincial, Specialist and Subordinate Services on or after January 1, 1936 the limit of 4 months shall
		of the Uttar Pradesh Fundamental Rules, as the case may be.		be taken to mean 120 days
10	39	Power to waive proviso (a) of rule 38 in any particular case.	All heads of departments.	Full power.
11	39	Power to waive proviso (a) of rule 38 in any particular case.	(i) District and Sessions Judges.	(i) Full power in respect of ministerial and inferior staff.
			(ii) District Officers.	(ii) Full power in respect of non-gazetted government servants to whom they are competent to grant leave.

12	40	Power to set aside or cancel in any case the prefixing of holidays to leave or affixing of holidays to leave or joining time.	Authority competent to sanction leave or transfer.	Full power.
13	43	Power to accept a certificate signed by any registered medical practitioner as evidence of the fitness of a non-gazetted government servant to return to duty.	The authority under whose control the government servant is to be employed on return from leave.	Full power.
14	45	Power to require a government servant to produce a medical certificate of fitness to return to duty from leave granted for reasons of health, even though such leave was not granted on medical certificate.	The authority who granted leave.	Ditto.
15	100	Power to grant leave to a government servant in respect of	(1) Heads of Departments and other authorities of equivalent status.	(1) Full power in respect of government servants to whom they are
		whom a medical committee has reported that there is no reasonable prospect that he will ever be fit to return to duty.		competent to grant leave.
			(2) District Officers.	(2) Full power in respect of non-gazetted government servants to whom they are competent to grant leave.
16	100	Ditto	District and Sessions Judges.	Full power in respect of ministerial and inferior government servants.
17	138	Power to allow personal certificates of character of a government servant to be entered in the service book.	Heads of departments.	Full power.
18	138	Power to allow personal certificates of character of a government servant to be entered in the service book.	District and Sessions Judges.	Full power in respect of ministerial and menial staff.
19	General note (1) below Chapter	Power to decide in cases of uncertainty whether a government servant should be granted the	Departments of Government.	Full power

	XII, Part III.	compensatory allowance attached to a post which he vacates on proceeding on leave or on temporary duty.		
20	153	(1) Power to grant maternity leave on full pay up to three months to mistresses in Government schools whose pay does not exceed Rs. 100.	Circle Inspeetress of schools	Full power
		(2) Power to grant maternity leave on full pay up to three months to non-gazetted staff	Civil Surgeons and Medical Superintendents of State Medical Service.	Ditto.
		nurses and other non-gazetted inferior government servants under them.		
21	154	Power to grant to a female government servant leave in continuation of maternity leave.	Authority empowered to grant leave under serial nos. 5 to 7 of this statement.	Full power
22	157(a)(b) 157A(1),(2),(3)	Power to grant leave other then extraordinary leave and leave extending beyond the date of compulsory retirement to a temporary or officiating government servant.	Authority empowered to grant leave under serial nos. 5 to 7 of this statement.	Ditto.
22-A	157(c) 157A(4)	Power to grant extraordinary leave not extending beyond	(1) Authority empowered to grant leave under serial	(1) Up to three months at one time ordinarily and up to
		the date of compulsory retirement.	nos. 5 to 7 of this statement.	twelve months at one time in cases of tuberculosis or leprosy.
			(2) Heads of Departments.	(2) Up to six months at one time on medical certificate and for a period exceeding twelve months but not exceeding eighteen months at one time in cases of tuberculosis or leprosy.
			(3) Departments of Governments.	(3) Up to twelve months at one time in cases of studies in India or abroad.
23	159	Power to grant leave to a temporary engineer of the Public Works Department.	Public Works Department of the Government in the Buildings and Roads and Irrigation Branches.	Full power.
24	161A	Power to grant leave in	Divisional Inspectors of	Full power.

		accordance with Subsidiary Rule 161-A to Assistant Teachers of local board vernacular middle schools appointed as teachers in model schools attached to Government normal schools for boys or in Government central training schools.	Schools.	
25	166	Power to grant a labourer in government employ absent from work owing to injury received on duty leave in excess of three months but not exceeding six months.	(1) Departments of Government.	Ditto.
			(2) Heads of departments.	Ditto.
26	176	Power to permit the calculation of joining time by a route other than that which travellers ordinarily use.	Heads of departments.	Full power.
27	184	Power to extend joining time on certain conditions subject to a maximum of 30 days.	(1) Departments of the Government.	(1) Ditto.
			(2) Heads of departments.	(2) Full power in respect of members of the provincial and subordinate services.
28	187	Power to exempt Patwaris resident in the Tarai, who are otherwise fit, from the age-limit.	The Deputy Commissioner-in-charge, Kumaun Division.	In so far as their appointment to the post of Registrar Kanungos in the Tarai and Bhabar Government Estates is concerned.
29	191	Power to fix or change the headquarters of	(1) The Inspector General of Registration.	(1) Full power.
		the Inspector of Stamps and Registration.		
		Power to fix or change the headquarters of Divisional Superintendents of Industries.	(2) The Director of Industries.	(2) Full power.
		Power to change the Headquarters of the peripatetic staff of the Industries Department.	(3) Ditto.	(3) Ditto.
30	193	(1) Power to authorise a	(1) Departments of the	(1) Ditto.



		government servant to proceed on duty to any part of India whether within or beyond the limits of the State.	Government.	
			(2) Director of Industries.	(2) Full power in respect of Government servants of the Industries Department under his control.
			(3) Director of Statistics.	(3) Full power in respect of the Statistician
			(4) Deputy Inspector General of Police.	(4) Full power in respect of subordinate police officers.
			(5) Commissioner of Excise.	(5) Full powers in respect of government servants of the Excise Department.
			(6) Director of Medical and Health services.	(6) Full powers in respect of government servants under his control.
			(7) Chief Conservator of Forests.	(7) Full powers in respect of his own journeys to Delhi only and full power in respect of government servants of the Forest Department subordinate to him for journeys on duty to any part of India
				whether within or beyond the jurisdiction of the Government.
			(8) Director of Agriculture.	(8) Full power in respect of government servants subordinate to him provided that when duty is in connexion with study or training, the exercise of the power will be subject to the conditions that the government servants draw their substantive pay while undergoing training and that no substitutes are appointed for the period of their absence.
			(9) Director of Animal Husbandry.	(9) Full power in respect of government
				servants subordinate to him provided that when duty is in connexion with study or training, the exercise of the power will be subject to the conditions that the government servants draw their substantive pay while undergoing training and that no substitutes are appointed for the period of their absence.
			(10) Registrar, Co-operative Societies.	(10) Ditto.
			(11) Chief Engineer, Buildings and Roads Branch.	(11) Full power in respect of government servants of the Public Works Department subordinate to

				him in respect of journeys on duty to any part of India.
			(12) Inspector General of Police.	(12) Full power in respect of all the gazetted officers of the Uttar Pradesh Police in respect of journeys on duty to any part of Indian Union.
			(13) Chief Engineer, Irrigation Department.	(13) Full power in respect of government servants subordinate to him in respect of journeys on duty to any part of India.
			(14) Settlement Commissioner.	(14) Power to authorize settlement officers and Roster officers to proceed to Naini Tal
				and other places beyond their jurisdiction for personal discussion with him.
			(15) Administrator General and Official Trustee.	(15) Power to authorize any member of his staff to proceed on duty to any part of India whether within or beyond the limits of the Uttar Pradesh.
			(16) Chief Engineer, Local Self Government Engineering Department.	(16) Full power in respect of Government servants of the Local Self-Government Engineering Department subordinate to him in respect of journeys on duty to any part of India.
			(17) Legal Remembrancer.	(17) Full power in respect of the Advocate
				General and his juniors to proceed in connection with Government work to any part of India.
			(18) Economic Adviser and Director of Statistics.	(18) Full power in respect of the staff of the Economic Intelligence Service subordinate to him.
			(19) Director of Education.	(19) Power to authorise Registrar, Departmental Examinations, Uttar Pradesh to proceed on duty beyond the limits of Uttar Pradesh if and when necessary but not more than once a year.
			(20) Deputy Inspector-General of police,	(20) Full power in respect of the gazetted
			C. I. D., and Intelligence Department Uttar Pradesh.	Police Officers of the C. I. D. and Intelligence Department.
			(21) Labour Commissioner, Uttar Pradesh.	(21) Full power in respect of the officers under his control.
			(22) Secretary to U. P. Legislature.	(22) Full power in respect of government servants under his control provided that the cost on travelling allowance of the officials is met out of the savings in the sanctioned allotment.

			(23) Consolidation Commissioner, Uttar Pradesh.	(23) Full power in respect of Government servants under his control.
			(24) Chairman, Public Service Commission.	(24) Full power in respect of Government
				Servants for whom he is the Controlling Officer under the T.A. Rules.
			(25) Secretary, Public Service Commission.	(25) Ditto.
	193	(ii) Power to permit government servants who are members of the Institution of Engineers, India, or of the Uttar Pradesh Association of that institution to attend general meetings of the Institution or of the Association respectively, and government servants who are members of the Council of the Institution or of the Executive Committee of the Association to attend meetings of the	(1) Superintending Engineers, Public Works Department.	(1) Full power in respect of government servants subordinate to them. All sanctions should be communicated to the Chief Engineers concerned for information.
		Council or of the Executive Committee respectively.		
			(2) Chief Engineer, Local Self Government Engineering Department.	(2) Full power in respect of government servants subordinate to him.
		(iii) Power to permit a government servant to proceed on duty to any part of India whether within or beyond the limits of the State to attend a conference, seminar, congress, workshop, committee or meeting.	Head of Departments.	Full power in respect of gazetted and non-gazetted government servants subordinate to them provided that participation in the conference, congress, seminar, workshop, committee or meeting is in the public interest and that it does not involve absence of the concerned government servant from his headquarters for more than ten days.

# FORMS

## FORM NO. 2

(Ad. G. Form)

[See para (16) of the Instructions in Appendix 'A' at the end of part III]  
 Leave Salary Certificate for leave salary payable at the Home Treasury

Leave salary certificate of \_\_\_\_\_ of the \_\_\_\_\_  
 proceeding on \_\_\_\_\_ to \_\_\_\_\_.

1. Government under which employed							1
2. Substantive post							2
3. Officiating post (if any)							3
4. Statement of present leave							4
Nature of leave (specifying periods on average pay, half average pay and quarter average pay separately)	Y.	M.	D.	From	To	Monthly rate of leave salary (and allowances, if any) subject to the deductions noted on the reverse	Article and clause of the Fundamental Rules or other Regulations
5. Place of payment				5			
6. Date from which first payment is to be made				6			
7. Amount (if any) paid in advance				7			
8. Government and head of account to which the payment is debitable				8	Y.	M.	D.
9. Date of leaving India				9			
10. Date on which the government servant, will during the currency of leave, complete the term of service or attain the age after which by any rule he is required to retire from the service as for instance 58 years of age.				10			

11. Period for and terms on which leave may be extended, or commuted otherwise than on extraordinary leave.	11			
granted				
may be extended on medical certificate				
without medical certificate on same leave-salary by				

(Further particulars required in the case of military officers in civil employ).

12. Date of commencement of pension service	12	Y.	M.	D.
13. Date of entry under civil leave rules	13			
14. Amount of leave at credit at commencement of present leave	14	Earned in respect of service under military rules. Earned in respect of service while under civil rules.		
15. Date of being struck off duty	15			
16. Deductions to be made	16			
Indian Civil Service Family Military or Indian Military Widows and Orphans Fund or Superior Services (India) Family Pension Fund subscription.	for Wife £	Rates per mensem from		
	Self			
	„ sons £ „	„ „		
	„ daughters £ „	„ „		
	Total			

A balance of donation on £ and interest £ \* is recoverable at £ a month from \_\_\_\_\_

\*In cases of subscribers to Indian Civil Service Family Pension and Superior Service (India) Family Pension Fund interest accrued in India to be given here.

## Abbreviations

M. C.	Medical Certificate.
E. C. A.	Exchange Compensation Allowance.
Y. M. D.	Years, Months, Days.
Art.	Article.

General Provident Fund

Indian Civil Service Provident Fund deductions (if any)

(Signature) \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

## NOTES

1. Distinguish leave granted on medical certificate from leave granted without medical certificate, and if the leave, though technically of the later description, was granted in consequence of the production of a medical certificate or on medical grounds, mention the fact.
  2. Except in the case of Chaplains, leave-salary should be stated in whole rupees only a month (fractions being omitted and the next higher rupee taken where the fraction exceeds half) and not in pounds a year; and in entering " the rate of leave-salary" it should be stated in the first place, without reference to the maximum or minimum applicable and then if a maximum or minimum applies or if the leave-salary is such that a future change in the current rate of exchange may render a maximum or minimum applicable the words should be added "subject to maximum (or minimum) of", etc.
  3. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment is made subject to a minimum rate of 1s. 4d per rupee in respect of leave salary drawn on account of the first four months of leave on average pay and of 1s 6d per rupee in other cases. The maximum rates of leave-salary are those prescribed in \*Fundamental Rule 89, and the minimum rates are those prescribed in Fundamental Rule 90.
  4. It must be shown whether a government servant is entitled to the full amount of leave permitted by the rules.
  5. In line 7 the articles of the Fundamental or other rules under which the advance is made should be mentioned.
  6. The date on which any government servant will, during the currency of leave, complete the term of service, or attain the age after which by any rule he is required to retire from service, should be shown in line 10.
  7. These rules apply also to leave-salary certificates granted to non-gazetted government servants when they proceed on leave out of India and draw their leave-salary out of India.
- In such cases the fact that the government servant is a non-gazetted servant should be noted against entry 2.

\*In the case of Government servants subject to the Uttar Pradesh Fundamental Rules, the rates as prescribed in rules 89 and 90 of those rules.

8. In preparing the leave-salary certificates of the subscribers to the Indian Military Service Family Pension regulations and to the India Military Widows and Orphans Fund, who take leave under the Fundamental Rules, the instructions given in Government of India, Finance Department letter no. 914 F.E., dated the 10th May, 1922, should also be observed, viz., the leave-salary certificate should show clearly the rate of leave-salary, the monthly maximum of average pay whether it is likely to become effective or not, and the period for which the leave-salary is not subject to the monthly maximum.

9. The following particulars should be noted in line 8;

(1) the major, minor and detailed head of account;

(2) whether debitable to central or provincial revenues; if the later, the name of the provincial government;

(3) \* \* \*

(4) whether the expenditure is "voted or charged".

When the head of account to which the leave-salary is debitable during extensions of leave differs from the head to which it was debitable during the period of leave originally granted, this fact should be indicated.

10. In line 11, if the leave granted is less than 22 months, calculations up to 28 months, absence only may be given in the first instance, and as soon as the leave is extended so as to bring the total period of absence from duty to 22 months or more, an amendment to the original leave-salary certificate should be issued at once showing the amount of further leave due on medical certificate beyond 28 months.

11. In the case of government servants to whom the rules regarding the grant of passages to civilian personnel of British domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of rule 7, and whether they were allowed a similar benefit under either rule 7 or rule 8 on returning to India.

12. In all English Leave-Salary certificates the particulars of all outstanding advances (including passage advances) should be noted under item 16, and in the case of motor car and similar advances the date from which the recovery of monthly instalments should be effected should be stated.

13. With the exception of privilege leave earned in a civil department which should be taken first, a military officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit as he likes. A definite election in the matter should be obtained from all such officers, and his election should be noted in the Leave-Salary certificate.

14. Where subscriptions or recoveries relate to sterling branches of Provident Funds this should be indicated clearly under item 16.

## FORM NO. 3 (G.G. Form no. 1)

[See paragraph (16) of the Instructions in Appendix 'A' at the end of Part III]

Colonial leave-salary warrant

Debitable to

(For I.C.S. and Military Officers in Civil Employ).

(OBVERSE)

Warrant no. of 19 .

Mr. \_\_\_\_\_ having been granted leave for a period of \_\_\_\_\_ months and \_\_\_\_\_ days under the orders of the Government of \_\_\_\_\_ is hereby allowed the privilege of drawing his leave-salary at \_\_\_\_\_ from \_\_\_\_\_.

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1s.6 d. a rupee but will be subject to the following maxima and minima:

Period		Rate in Rupees a month	Minimum rate of exchange	Minimum £ a month	Maximum £ a month
From	to				
From	to				
From	to				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading:

4. The paying officer is requested to take steps to ensure that when the government servant returns to India, he draws leave-salary in the Dominion or Colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic Port of disembarkation.

5. The following deductions are to be made from the leave-salary of each month before payment:

Military		Rates
Indian service	for wife £	per mensem from
Civil		
Family Pensions	for self £	Ditto.

\* In cases of subscribers to the Indian Civil Services Family Pension Fund interest accrued in India to be given here.

Indian Military widows, and orphans'.	for son £	Ditto.
Fund subscription	for daughter £	Ditto.
	Total	£



A balance of donation £ on/for and interest £ is recoverable at £ a month from Indian Civil Service Provident Fund deduction (if any).

Where the amount of a deduction is expressed in rupees it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at 19

\_\_\_\_\_  
 The Accountant General  
 Comptroller.

(REVERSE)

Name, rank and description of payee	Period for which payment is made	Monthly rate			Amount			Signature of paying officer	Receipt of payee
		£	s.	d.	£	s.	d.		

One copy of this warrant will be retained by \_\_\_\_\_ and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and by \_\_\_\_\_ and will be certified by the paying officer and received by \_\_\_\_\_.

NOTE 1—Leave-salary is payable in rupees to government servants residing in Ceylon during their leave (Fundamental Rule 91).

NOTE 2—The signature of the government servant concerned should be obtained on the "original" copy of the warrant.

NOTE 3—The rate of conversion will be 1s. 6d. a rupee.

The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates are those prescribed in Fundamental Rule 90.

NOTE 4—In the case of government servants to whom the rules regarding the grant of passages to civilian personnel of British Domicile, engaged for service in India, apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

NOTE 5—The paying officer, except in the case of a Dominion or Colony which accounts direct to India, is requested to advise the High Commissioner for India, India House, Aldwych, London, W.C. 2, promptly on the officer's departure from such Dominion or Colony, whether for India, England or any other Dominion or Colony, giving particulars of amounts of pay issued and of any deductions therefrom.

NOTE 6—The particulars of all outstanding advances (including passage advanced should be noted under item 4. In the case of motor-car and similar advances, the date from which the recovery of monthly instalments should be effected, should be stated.

# FORM NO. 3A

## Colonial Leave Salary Warrant

(G. G. Form no. I-A)

Debitable to

(For Uncovenanted Services)  
(OBVERSE)

Warrant no. \_\_\_\_\_ of 19 .

Mr. \_\_\_\_\_ having been granted leave for a period of \_\_\_\_\_ months and \_\_\_\_\_ days under orders of the Government of \_\_\_\_\_ is hereby allowed the privilege of drawing his leave-salary at \_\_\_\_\_ from \_\_\_\_\_

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1s. 6d. a rupee but will be subject to the following maxima and minima:

Period	Rate in rupees a month	Minimum rate of exchange	Maximum £ a month	Minimum £ a month
From to				
From to				
From to				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading:

4. The paying officer is requested to take steps to ensure that when the government servant returns to India, he draws leave-salary in the Dominion or Colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic Port of disembarkation.

5. The following deductions are to be made from the leave salary at each month before payment:

Superior Services (India) Family Pension Funds:

Rates

Wife Per month from]

Sons Ditto

Daughters Ditto

Arrears, if any

Interest

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rates as the leave-salary from which it is deducted.

Dated at 19 .

The

(REVERSE)

Name rank and description of payee	Period for which payment is made	Monthly rate			Amount			Signature of paying officer	Receipt of payee
		£	s.	d.	£	s.	d.		

One copy of this warrant will be retained by-----and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies by the Colonial Disbursing Officer and by-----and will be certified by the paying officer and received by-----.

NOTES—(1) Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

(2) The Signature of the Government servants concerned should be obtained on "the original" copy of the warrants.

(3) The rate of conversion will be 1s. 6d. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates are those prescribed in Fundamental Rule 90.

(4) In the case of government servants to whom the rule regarding the grant of passages to civilian personnel of British Domicile, engaged for service in India, apply, an additional entry should be made showing whether they

and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

(5) The paying officer except in the case of a Dominion, or Colony which accounts direct to India, is requested to advise the High Commissioner for India, India House, Aldwych, London, W. C. 2, promptly on the government servant's departure from such Dominion or Colony, whether for India, England or any Dominion or Colony giving particulars of amounts of pay issued and of any deduction therefrom.

(6) The particulars of all outstanding advances (including passage advances) should be noted under item 4. In the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected, should be stated.

## [Ad. G. Form F. R. 4.]

### FORM NO. 4

[See paragraph (18) of the Instructions in Appendix 'A' at the end of Part III]  
The Accountant General's letter to the government servant proceeding on leave out of India.

TO,

SIR

With reference to the order noted in the margin, granting you leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave-salary certificate to enable you to draw your leave-salary.

2. To enable me to prepare your leave-salary certificate it is necessary that you send me the information asked for in the enclosed Form no. 5, and also your formal certificate of giving over charge of your office, date and hour at your earliest convenience.

3. If you are in, or intend to pass through, Allahabad your certificate will be prepared, and your pay and allowances paid up to the date before your leave commences, except in the case referred to in paragraph 4 below, on your calling personally at my office and presenting a last pay certificate from the officer from whom you last drew your pay and allowances. Otherwise I shall cause the leave-salary certificate to be sent to the address specified by you and the pay and allowances to be paid through the officer from whom you draw your pay and allowances.

4. Leave-salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn either in India or out of India. If you desire to draw it in India, a separate leave-salary certificate for this portion of the leave will be issued but you will be allowed to draw the pay and allowances for the broken period of the months up to the date of relief only at the commencement of the next month along with the leave-salary for the rest of the months.

5. If you wish to draw your leave-salary in India under the provision of paragraph 4 above you should either grant your agents a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund over-payments should be furnished by your agents unless they have executed a general bond of indemnity.

(NOTE—Paragraphs 4 and 5 do not apply to non-gazetted government servants who have to draw their leave-salary through the head of the office and should be omitted from the letters addressed to them.)

6. I send herewith a copy of a Memo. of Information for the guidance of government servants proceeding on leave out of India and a blank form (Form no. 9) of the date of leaving India to be signed and sent to me from the first port at which your vessel touches.

7. If you wish to draw your leave-salary in a Colony please send the three specimens of your signature.

Accountant General.

## [Ad. G. Form F. R. 9]

### FORM NO. 5

Information required by the Accountant General before the leave-salary certificate can be drawn up. (This form should be returned duly filled up to the Accountant General, one clear week before the date of making over charge).

1. On what date do you intend to make over charge of your office?	1
2. Before or afternoon?	2
3. At what port do you intend to embark?	3
4. By what ship will you sail and on what date?	4
5. In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months if any at the commencement of your leave? If in India at what treasury?	5
5-A. In what country do you intend to spend vacation or/and holidays?	5-A
If out of India in what country do you intend to draw your pay (and allowances) during vacation or/and holidays?	
(N.B.—The words within brackets above should be scored out by the Audit Officer in all cases in which allowances are not payable, out of India).	
6. What is your address in England or in India or elsewhere to which your leave-salary certificate to enable you to draw your leave-salary may be sent in case it is not handed over to you before you go on leave?	6
7. What advances if any do you require now?	7
8. Do you intend to pay your... Civil Fund subscriptions in England or in India?	8
9. Do you wish to subscribe to the General Provident Fund? If so, for what period of your leave and at what rate?	

Numbers 3 and 4 are for government servants to whom the leave rules in sections I to V of Chapter X of the Fundamental Rules are not applicable.

Number 5—Leave-salary due for the first four months of the period of leave on average pay, if any, at the commencement of any period of leave out of India can be drawn in or out of India at the government servant's option. In India it can be drawn only on the 1st of each month in arrears by an authorized agent under a guarantee bond or on production of a life certificate. The allowances for a broken period of a month may be drawn at any time after the expiration of the leave.

Number 7 is for military officers subject to the Military Leave Rules and for Chaplains only.

Number 8 is for members of the Indian Civil Service only.

NOTE—(1) In the case of non-gazetted government servants to whom note 11 to Form no. 2 or note 4 to Form no. 3 or no. 3-A applies, an additional question should be inserted to obtain the information required under that note.

NOTE 2—With the exception of privilege leave earned in a Civil Department which should be taken first, a military officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes. When Form 5 is sent to such an officer question 10 should be added in manuscript. Is the leave to be set off against the military leave or against civil leave at your credit? The answer should be noted on his leave-salary certificates.

NOTE 3—Where subscriptions or recoveries relate to Sterling Branches this should be indicated clearly against question 9.

Signature-----  
(Designation)-----  
Dated at-----  
The-----of-----19.

To the Accountant General—

[G. G. Form No. 2]

## FORM NO.7

[See paragraph (22) of the Instructions in Appendix 'A' at the end of Part III.]  
Certificate of leave

Granted.

Proceeding out of India.

1. Government under which employed.
  2. Post last held.
  3. Nature of leave granted.
  4. Date of commencement of leave.
  5. Date of expiry of leave.
  6. Whether a medical certificate of fitness must be produced before return to duty.
  7. Amount of leave expressed in terms of leave on average pay at the government servant's credit on the expiry of the present leave.
  8. Period of leave on average pay which might under Fundamental Rule 81 be granted if the present leave were extended (Further particulars required in the case of military officers in civil employ.)
  9. Date of entry under Civil Leave Rules.
  10. Amount of leave at credit at commencement of present leave:  
Earned in respect of service under Military rules.  
Earned in respect of service under Civil rules.
- The 19

(Signature).  
(Designation).

NOTE 1—No leave-salary is payable on this certificate.

NOTE 2—This certificate must be produced before the High Commissioner with any application for an extension of leave or permission to return to duty or the grant of a last pay certificate.

**FORM No. 9**

[See paragraph (22) of the Instructions in the Appendix 'A' at the end of Part III of the Handbook].  
Report of actual sailing

From \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To  
THE ACCOUNTANT GENERAL

SIR,  
I HAVE the honour to report that I sailed from India by steamer \_\_\_\_\_ class \_\_\_\_\_ which left—  
\_\_\_\_\_ on \_\_\_\_\_ day.  
The \_\_\_\_\_ 19.

I have, etc.,  
(Signed)

Noted and forwarded to the Secretary to the Government of \_\_\_\_\_ Department.  
The \_\_\_\_\_ 19.

Accountant General.

**FORM No. 10**

[See Subsidiary Rule 157-A (4) (a) (IV)]

Bond for temporary government servants granted extraordinary leave for Study in India or abroad

KNOW ALL MEN BY THESE PRESENTS THAT I, Mr./Mrs./Miss.....(Principal), s/o, w/o, d/o,.....of.....at present employed as.....in the Department/Office of.....AND Mr.....s/o.....r/o.....(Surety) do hereby bind ourselves and our respective heirs, executors and administrators, to pay to the Governor of Uttar Pradesh, his successors and assigns (hereinafter called "the Government") on demand the sum of Rs. (\*) (Rupees.....) and other expenses, if any, which the Government may incur on the Principal together with interest thereon computed from the day following the expiry of the sanctioned leave at the rate of one per cent over and above the Bank rate in force on the first day of April of the financial year in which the leave has been sanctioned, or, if payment is made in a country other than in India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

NOTE—The expression "Bank rate" mentioned above means the rate made public by the Reserve Bank of India as the standard rate at which it is prepared to buy or rediscount bills of exchange or other commercial paper eligible for purchase under the Reserve Bank of India Act.

WHEREAS the Government has, at the request of the above Principal Mr./Mrs./Miss....., employed as a..... granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of..... months..... days with effect from..... in order to enable him/her to study at.....

AND WHEREAS the Government has appointed/will have to appoint a substitute to perform the duties of.....(designation) during the period of absence of the Principal on extraordinary leave.

AND WHEREAS failure on the part of the Principal to resume duty on the expiry of the period of the extraordinary leave shall be deemed as resignation of the Principal from the service of the Government, but such deemed resignation shall in no way release the Principal or the Surety from their liability hereunder.

AND WHEREAS it has been agreed between the above Principal and Surety of the one part and the Government of the other part that for the better protection of the interest of the Government, the said Principal and the Surety should execute such bond as above written and with such condition as is hereunder written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT IN THE event of the above Principal, Mr./Mrs./Miss.....failing to rejoin, on the expiry of the period of extraordinary leave, the post originally held by him/her and serve the Government after rejoining for such period not exceeding a period of

(†).....years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under the rules the said Principal and/or Surety or their respective heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs. ( \* ).....(Rupees.....) and other expenses, if any, which the Government may incur on the Principal together with interest thereon as aforesaid.

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

PROVIDED THAT the liability of the Principal and/or the surety hereunder shall not be impaired or discharged by reason of the deemed resignation of the Principal upon his failure to resume duty on the expiry of the period of the extraordinary leave.

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

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

The stamp duty shall be borne by the Government.

IN WITNESS to the above written bond, the Principal and the Surety have hereunto set their hands on the dates mentioned against their respective signatures.

Signed by

....., the Principal on the.....day of....., 19 in the presence of:	....., the Surety on the.....day of.....19 in the presence of:
---	--



1.....	1.....
2.....	2.....

(\* ) The amount entered should be equal to ten times the pay which the government servant is drawing at the time of proceeding on leave.

(†) The duration of stipulated service under the Government after return from leave should not be less than three years.

## FORM NO. 11 (Ad. G. Form no. 1)

[See paragraph (33) of the Instruction in the Appendix—A at the end of Part III of the Handbook and Subsidiary Rule 81]

Form of Leave Account under the special leave rules in part 1 of this Volume.

Leave account of \_\_\_\_\_

				Leave taken																								
				On half or quarter average pay																								
Duty		Leave earned		Leave at credit (2+7)		On average pay		Actual period (a)		Period converted to leave on average pay (b)		Total 4+5(b)		Balance (3—6)		Signature of attesting office												
(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)														
F	T	Y	M	D	Y	M	D	Y	M	D	F	T	Y	M	D	Y	M	D	Y	M	D	Y	M	D	Y	M	D	
r	o	.	.	.	.	.	.	.	.	.	r	o	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
o										o																		
m										m																		

### Instructions

(1) The account is to be maintained in terms of leave on average pay.

(2) In the case of government servants already in government service, the first entries, i.e., the entries that will be made on January 1, 1922, or from the date on which the government servant concerned elects to come under the Fundamental Rules, will be in columns 3,4, and 5, the entries to be made in accordance with fundamental Rules 77 and 78.

(3) When a government servant applies for leave columns 1 to 3 are to be filled up for arriving at the leave at his credit. The period of leave shown in column (3) should be arrived at by adding the new entry in column (2) to the last previous entry in column (7).

(4) When a government servant returns from leave columns 4, 5, 6 and 7 will be filled up. The portion of the leave on half or quarter average pay (together with the leave on subsistence grant under the note to rule 88) will be entered in column 5(a), and this period divided by 2 is the entry to be made in column 5(b).

(5) The maximum prescribed in Fundamental Rule 81 (a) will be applied to the entries in column 3, and once the entry in that column has had to be reduced owing to the maximum having come into operation, the subsequent additions in column 2 should be limited to 1/11th of the periods of duty. The maximum in Fundamental Rule 81(b) should be applied to the totals of the periods in column 4.

(6) If a government servant passes from under the ordinary to the special leave rules a new leave account must be opened.

(7) When a government servant is transferred for service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account, which must be a complete record of all leave earned and taken under these rules throughout his service.

## FORM NO. 11-A (Ad. G. Form no. 2)

[See Paragraph (33) of the Appendix at the end of Part III and Subsidiary Rule 81]

Form of leave account under the ordinary leave rules in the Fundamental Rules in Part I of this volume

Leave account of \_\_\_\_\_ Date of attaining the age of 58 years \_\_\_\_\_

Date of commencement of service \_\_\_\_\_ Date of coming under civil leave rules \_\_\_\_\_

Date of contract, if any \_\_\_\_\_

Leave earned			Leave at credit			Leave taken		Balance (on return from leave)
						On average pay	On half or quarter average pay	

Duty	1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (b)(ii)]	Balance of 2/11th of duty subsequent to coming under Fundamental Rules.	1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (b)(ii)] (Columns 16+4)	Balance of 2/11th of duty subsequent to coming under Fundamental Rules (Columns 17 + 5)	Total (Columns 6+7)	Dates	Against entries in column	Against limit of one year for leave on medical certificate and leave spent elsewhere than in India, [Proviso to rule 81(b)(i)]	Dates	Actual period converted into period in terms of leave on average pay	Total (Columns 10+11+14)	Of leave equivalent to balance 2/11th of duty subsequent to coming under Fundamental Rules (Column 7)— (Columns 11+14)	Of leave equivalent to balance 2/11th of duty subsequent to coming under Fundamental Rules (Column 7)— (Columns 11+14)	Total (Columns 8 — 15)
------	---	---	--	---	---------------------	-------	---------------------------	--	-------	--	--------------------------	--	--	------------------------





4. When a government servant returns from leave columns 9 to 18 should be filled up. The periods of leave taken on average pay should be entered in columns 9, 10 and 11; that taken on medical certificate or spent elsewhere than in India, Ceylon, Nepal, Burma or Aden, should be entered in column 11 till the limit of one year is reached, and thereafter in column 10. When a period of leave on average pay taken on medical certificate or spent elsewhere than in India, Ceylon, etc., is combined with a period of other leave on average pay, the two periods should, for so long as the limit of one year is not reached, be treated as constituting separate spells of leave and the actual period of each kind of leave entered in column 10 or 11, as the case may be. The actual periods of leave on half or quarter average pay (together with leave on subsistence grant under the note to Fundamental Rule 88) and overstayal of leave (vide Fundamental Rule 73) should be entered in column 13 and one-half of it in column 14.

NOTE 1—Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column 6 before the deletion of "plus one year" from rule 81(b)(ii) should be entered in column 11.

NOTE 2—If the leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column 17. If this debit shown in column 17 exceeds the credit if any, shown in column 16, the net debit in column 18 will be recorded in red ink. The entry in column 18 is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column 16 remains unaffected by any debit entries in column 17 and 18, but cannot be utilized until, under the operation of Fundamental Rules 77 and 81(e), leave again becomes due under Fundamental Rule 80 and then only to the extent of the leave due.

5. The total period of leave in terms of leave on average pay taken in a government servant's whole service, as entered in column 15, should not exceed the privilege leave credited to him in column 4 on his coming under the Fundamental Rules plus all periods of leave subsequently entered in that column plus 2 1/2 years.

6. When a government servant is transferred to service under another government a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

## FORM No. 11-B

(See Subsidiary Rule 81)

Form of leave account under the Uttar Pradesh Fundamental Rules

Leave account of \_\_\_\_\_ Date of attaining the age of 58 years \_\_\_\_\_

Date of commencement of Service \_\_\_\_\_ Date of coming under the civil leave rules \_\_\_\_\_

Date of contract, if any, \_\_\_\_\_

		Leave earned			Leave at credit			Leave taken	Balance (on return from leave)	
D	1/1	Ba	1/	Balance	To	D	On	On		
u	th	lan	lt	of 2/11th	tal	a	average	hal		
y	of	ce	h	or	col	t	pay	f or		
y	dut	of	o	2/22nd	um	e		qua		
	y	2/1		of duty	ns	s		rter		

subsequent to coming under the Uttar Pradesh Fundamental Rules [Rule 81(b)]	1th or 3/22nd of duty subsequent to coming under the Uttar Pradesh Fundamental Rules [Rule 81(b)]	subsequent to coming under the Uttar Pradesh Fundamental Rules. (Columns 17+5)	(6+7)			average pay							
					Against entries in column 6	Against limit of one year or six months for leave on medical certificate and leave spent elsewhere than in India, Ceylon, Nepal, Burma or Aden, Proviso to rule 81(b)	Deductions	Actual period converted into period in terms of leave on average pay	Total	Of leave equivalent to 1/11th of duty subsequent to coming under the Uttar Pradesh Fundamental Rules. [Rule 81(b)]. (Columns 6—10)	Of leave equivalent to balance of 2/11th or 3/22nd of duty subsequent to coming under the Uttar Pradesh Fundamental Rules (Col. 7). (Columns 11+14)	Total (Columns 8—15)	

e 8 1 ( b )] ( C o l u m n s 1 6 + 4 )																								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19						
Govt. served under	From	To	Y	M	D	Y	M	D	Y	M	D	Y	M	D	Y	M	D	Y	M	D	From	To	Y	M

NOTE—2/11ths referred to in columns 5, 7 and 17 and one year referred to in column 11 apply to Government servants recruited to services or posts under the Government before January 1, 1931, and 3/22nds and six months referred to in the above columns apply to such government servants recruited on or after January 1, 1931, but before January 1, 1936.

**INSTRUCTIONS FOR FILLING UP FORM No. 11-B**

1. The account is to be maintained in terms of leave on average pay. For this purpose actual periods of leave taken on half or quarter average pay, as entered in column 13, should be divided by 2 and posted in column 14.
2. The existing leave accounts of government servants, who were subject to the ordinary leave rules in the Fundamental Rules made by the Secretary of State in Council or to the above leave rules as amended by notification no. A—6041/X—249-1932, dated November 27, 1930, shall continue to be maintained in the form hitherto in force (necessary amendments being made in the references to rules in the existing form by hand) till the existing form of leave account has been fully utilized when the account should be continued in form no. 11-B.
3. When a government servant applies for leave columns 1 to 8 should be filled up. Columns 1, 2 and 3 should show the Government served under and the period and the period of duty up to the date preceding that on which



the government servant intends to go on leave and columns 4 and 5 should each show 1/11th of this period or 1/11th and 1/22nd of this period, as the case may be (but see note 2 below), the sum total of the two entries representing the period of leave (i.e., 2/11ths or 3/22nds of duty) earned under rule 77. To the new entry in column 4 should be added the last entry in column 16, and the resultant figure should be posted in column 6; similarly in the new entry in column 5 should be added the last entry in column 17 and the resultant figure should be posted in column 7. The total of the entries in columns 6 and 7 will be shown in column 8.

NOTE 1—If during the period of duty prior to a government servant's going on leave he has served under two or more Governments, the period of duty and the leave earned under each Government should be shown in Separate lines in columns 1 to 5 and the sum total of the new entries in column 4, and the last entry in column 16 should be posted in column 6 and of those in column 5 and the last entry in column 17 in column 7, the total of the entries in columns 6 and 7 being shown in column 8.

NOTE 2—The sum total of the entries in column 5, should not exceed 2½ years [rule 81(a) (ii)] and no entry should be made in this column when this limit of 2½ years is reached.

When columns 1 to 8 have been posted column 8 will show the maximum amount of leave which may be granted in terms of leave on average pay (but see rule 81(d)) to a government servant on the date on which he intends to go on leave. The maximum amount of leave on average pay which may be granted on that date with medical certificate or out of India, Ceylon, Nepal, Burma or Aden, will be the sum total of the last entry in column 6 and the unspent balance of "one year" or "six months" limited to 8 or 6 months at a time, provided this sum total is covered by the period entered in column 8 in the case of leave in India, Ceylon, Nepal, Burma or Aden without medical certificate, the maximum will be the last entry in column 6, limited to 4 months at a time.

4. When a government servant returns from leave columns 9 to 18 should be filled up. The periods of leave taken on average pay should be entered in columns 9, 10 and 11; that taken on medical certificate or spent elsewhere than in India, Ceylon, Nepal, Burma or Aden should be entered in column 11 till the limit of one year or six months, as the case may be, is reached, and thereafter in column 10. The actual periods of leave on half or quarter average pay and overstays of leave (vide rule 73) should be entered in column 13 and one-half of it in column 14.

NOTE—If the leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column 17. If this debit shown in column 17 exceeds the credit if any, shown in column 16, the net debit in column 18 will be recorded in red ink. The entry in column 18 is the leave due under rule 80. The balance of leave due on average pay shown in column 16 remains unaffected by any debit entries in columns 17 and 18, but cannot be utilized until, under the operation of rules 77 and 81 (e), leave again becomes due under rule 80 and then only to the extent of the leave due.

5. The total period of leave in terms of leave on average pay taken in a government servant's whole service, as entered in column 15, should not exceed the privilege leave credited to him in column 4 on his coming under the Fundamental Rules plus all periods of leave subsequently entered in that column plus 2½ years.

6. When a government servant is transferred to service under another Government a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

[See Subsidiary Rule 80]

Form of Leave Account under the U.P. Fundamental Rules

For government servants in superior service recruited on or after January 1, 1936, and inferior government servants

Leave account of \_\_\_\_\_ Date of birth \_\_\_\_\_

Designation \_\_\_\_\_ Date of commencement of continuous service \_\_\_\_\_

Date of substantive appointment to permanent post \_\_\_\_\_

Date of compulsory retirement \_\_\_\_\_

Period of duty			Earned leave				Leave on private affairs				Leave on medical certificate taken				Extraordinary Leave							
			Leave taken				Leave taken															
Fr	T	N	Le	Le	Fr	T	N	Bala	Le	Le	Fr	T	N	Bala	Fr	T	Period	Period	Fr	T	Pe	
om	o	u	av	av	o	o	u	nce	av	av	o	o	u	nce	o	o	against	against	o	o	ri	
ber	ber	ber	ear	ear	ber	ber	on	on	ear	ear	ber	ber	ber	on	on	on	the	the	ber	ber	od	
of	of	of	ned	ned	of	of	retur	retur	ned	ned	of	of	of	retur	retur	retur	limit	limit	of	of	er	
da	da	da	in	in	da	da	n from	n from	in	in	da	da	da	n from	n from	n from	of 12	of 6	6	6	mon	
ys	ys	ys	da	da	ys	ys	leave	leave	da	da	ys	ys	ys	Leav	Leav	Leav	months	months	mont	mont	th	
			ys	ys			in	in	ys	ys			o	e	e	e	or	as	hs	hs	case	
			da	da			days	days	(Col.	(Col.	11—	14)	14)	days	days	days	4	4	under	under	the	
			ys	ys			(Col.	(Col.	5—	10	11—	14)	(Col.	11—	14)	14)	months	months	the	the	first	
			ys	ys			8)	8)	8)	15	15	15)	15)	15)	15)	15)	be	be	provi	provi	so	
			ys	ys													be	be	so	so	to	
			ys	ys													be	be	to	to	rule	
			ys	ys													be	be	rule	rule	2(i)	
			ys	ys													be	be	2(i)	2(i)	of	
			ys	ys													be	be	of	of	F.	
			ys	ys													be	be	F.	F.	81=	
			ys	ys													be	be	81=	81=	B	
			ys	ys													be	be	B	B		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23



INSTRUCTIONS	Statement of the case of.....
The statement of the case must always be furnished.	Name (to be filled in by the applicant in the presence of the Chief Medical Officer or the authorised medical attendant).
The signature of the applicant should be taken by the certifying officer before he proceeds to fill in the form. (Vide note below and under Subsidiary Rule 89).	Appointment held Age Total service Previous periods of leave of absence on medical certificate. Habits Disease History I.....Chief Medical Officer/Authorised Medical Attendant at.....or of.....after careful and personal examination of the case hereby certify that Shri/Shrimati/Kumari.....is in a bad state of health and I solemnly and sincerely declare that, according to the best of my judgement, a period of absence from duty is essentially necessary for the recovery of his/her health and recommend that he/she may be granted leave for..... with effect from.....
	*In my opinion it is/ it is not necessary for the officer to appear before a medical board.

\* This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is up to three months or exceeds that period.

Chief Medical Officer/Authorised Medical Attendant.

Dated.....

NOTE 1—This form should be adhered to as closely as possible and should be filled in after the signature of the government servant applying for leave has been taken. This certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality or that he/she is not fit to proceed to a particular locality. Such certificate should only be given at the explicit request of the sanctioning authority to whom it is open to decide when an application on such grounds has been made to him, whether the government servant should go before a medical board to decide the question of his/her fitness for service.

NOTE 2—The medical certificate and history of the case as also the certificate prescribed in rule 91 or 94 (b), as the case may be, should be prepared in duplicate. One copy of which the government servant proceeding on leave should take with him/her for presentation to the medical board or officer who examines him/her for fitness before his/her return to duty.

Medical Committee's Report

<p>The report of a medical committee must always be furnished unless the certificates on the reverse are utilized.</p> <p>(Subsidiary Rules 91 and 93.)</p>	<p>"We do hereby certify that according to the best of our professional judgement, after careful personal examination of the case, we consider the health of Shri/Shrimati/Kumari.....to be such as to render leave of absence for a period of.....absolutely necessary for his/her recovery."</p> <p>President  _____ Members.  _____  _____</p> <p>Dated</p>
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NOTE—In cases in which the leave recommended is for more than three months or leave for three months or less is extended beyond three months, the Medical Board shall state at the time of granting the certificate whether the government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

	<p>Certificate of Civil Surgeon</p>
<p>This certificates must always be furnished when the government servant concerned cannot appear before a medical committee.</p>	<p>I hereby certify that the state of health of _____is such as to make it highly inconvenient for him/her to proceed to_____—for the purpose of appearing before a medical committee.  Dated Civil Surgeon The Medical Officer’s certificate</p>
<p>This certificate should be signed by two medical officers, either commissioned or in charge of civil stations. When this is signed by only one medical officer, it should be countersigned by the commissioner of the division or the district officer or in the case of a government servant of the Judicial department by the District and Sessions Judge. When two medical officers do not sign, reasons must be given why two officers have not signed.</p>	<p>I/We do hereby certify that, according to the best of our professional judgement, after careful personal examination of the case, I/We consider the health of _____to be such as to render leave of absence for a period of _____absolutely necessary for his/her recovery.</p> <p>Countersigned  _____  Commissioner  or District Magistrate  _____  or District and Sessions Judge.  Dated</p>

## FORM No. 13

[Ad. G. From no. A.T.C.4]

(See paragraph (35) Section II of the Appendix ‘A’ at the end of Part III and Subsidiary Rule 135)

SERVICE BOOK  
OF

Sri / Srimati/Kumari.....

Designation.....

Department.....

### INSTRUCTIONS

(Please note them carefully)

(1) Entries regarding promotions etc. as and when they occur must be made and attested.

- (2) See that in the case of government servants appointed in permanent pensionable establishment before April 1, 1965, their latest option in respect of the applicable pension/family pension rules is invariably posted in the service book. In addition to posting such declarations in service book all important events including options should also be recorded therein under proper attestation.
- (3) See that the exact nature of officiating post (i.e., whether the Government servant was in a clear vacancy), is entered and the copies of orders showing the chain of arrangements are pasted in the Service Book (for the last three years of service).
- (4) If the Government servant was on probation before confirmation, the Service Book should say so (Article 375. C. S. R.)
- (5) In the case of officiating and temporary Government servants the certificate required to the effect that the Government servant concerned would actually have continued to officiate in the post but for his proceeding on leave should always be recorded in service book.
- (6) See that the nature of service in the last three years is clearly indicated.
- (7) See that the service is verified and recorded every year.
- (8) At the time of sending pension papers to the Accountant General, U.P., see if the pay fixed in 1947/1965 scales has been checked by the audit party of Accountant General's office, if not a statement showing the details of how the pay was fixed should be sent.
- (9) In case of invalid pension, the certificate regarding acceptance of medical certificate may be given.
- (10) If an official remains absent at the end of his sanctioned leave, it is open to the leave sanctioning authority either to extend the leave as may be admissible or to order regularisation of the period of overstayal in the manner prescribed in Fundamental Rule 73 read with the 'Note' thereunder.  
If, however an official remains absent without leave, it is open to the leave sanctioning authority to commute retrospectively such period of absence into extraordinary leave, vide Fundamental Rule 85 (b) read with the orders of the Governor thereunder.
- (11) All entries in the Service Book should be recorded in ink under proper attestation.
- (12) Over-writings should be avoided scrupulously. Fresh entries may be made by cancelling the old entries in ink. These should invariably be attested by the competent authority.
- (13) If a Government servant is unable to state his exact date of birth, but can state the year, or year and month of birth, the 1st July or the 16th of the month, respectively shall be treated as the date of his birth.

**SERVICE BOOK**

1. Name (In Block letters).....
2. Nationality (if not a citizen of India, number and date of the certificate of eligibility granted by the Government of India).
3. If a member of a Scheduled caste or Scheduled Tribe, particulars of Caste/Tribe.
4. Address.
5. Father's name (and also husband's name in the case of married female Government servant) and address:
6. Date of birth by Christian era as nearly as can be ascertained.
7. Educational Qualifications
8. Exact height by measurement
9. Personal marks of identification
10. Signature of the Government servant
11. Signature and designation of the Head of Office or other attesting officer.

(Signature)

Date.....

NOTE—The entries in this page should be renewed or re-attested at least every five years and signature in cols. 10 and 11 should be dated.

C.P.F.

\_\_\_\_\_  
C.P.P.F.  
\_\_\_\_\_

Provided Fund Account No. G.P.F.  
State Insurance Policy No.

FORM NO. 13

1. Name of appointment and scale of pay.
2. Whether substantive or officiating and whether permanent or temporary.
3. If officiating, here state the substantive appointment.
4. If officiating appointment was in a clear vacancy, state the chain of arrangement (Copies to be attached—see instruction 3).
5. The pay in permanent or temporary post held substantively, if any.
6. Pay for officiating appointment.  
Other emoluments falling under the term 'Pay' such as special pay, etc.
7. Amount.
8. Rule under which granted and no. and date of G. O. (copy to be attached at the end in respect of last three years of service).
9. Date of appointment.
10. Signature of Government servant should be obtained whenever a change in appointment takes place and annually in every case.
11. Date of termination of appointment.
12. Reasons of termination (such as promotion, transfer, dismissal, increment etc.). In case of suspension, state the period of suspension and whether it will count for pension(copy of orders of competent authority under Articles 416-417, C. S. Rs. to be attached at the end).
13. Signature of the Head of the Office or other attesting officer verifying the entries in cols. 2 to 12.  
Leave
14. Nature of leave taken.  
Duration of leave:
15. From
16. To
17. Number and date of sanctioning order.
18. Signature of Head of the office or other attesting officer verifying the entries in cols. 14 to 16.
19. Remarks.

FORMS

(See Subsidiary Rule 141)

FORM No. 14

Details of Service

Service Roll \_\_\_\_\_ Name of Servant \_\_\_\_\_

Appointment held and name of establishment	Permanent, temporary or officiating	Pay	From	To	Absence from duty (on leave or without leave), periods	Remarks

		Pay	Allowances			of suspension and other interruptions	
						Nature From To	

## FORM NO. 15

(See Note below subsidiary Rule 137)

Memorandum of verification of the service of.....

Service verified		Source from which verified	Date and initial		Remarks	
From	To		Supdt., Head Clerk or Accountant			Head of Office
			Initials	Date		

## INDEX

This Index has been compiled solely for the purpose of reference. No expression used in it should be considered as in any way interpreting the rules.

The following abbreviations have been used:

A.I.—Audit Instruction.  
G's. O.—Governor's Order.

	U. P. Fundamental Rule	Order or instruction under U.P. Fundamental Rule	Subsidiary Rule
A			
Abolition of post—			
Grant of leave to a government servant on the—	59	A.I.	...
Absence—			
Commutation of—without leave retro-	85(b)	...	...



spectively into extraordinary leave. Five years, continuous— with or with-	18	...	...
out leave entails loss of appointment. Leave salary not admissible for period of	78	...	
—after the end of leave.			
Act—			
Definition of the—	9(1)	...	...
Age—			
A government servant required to retire, revert, or cease to be on leave on attaining a specific—retires or reverts with effect from the particular day on which the age is attained.	56	A.I. (1)	...
—of admission to pensionable service	...	...	187
under Government.			
Agreement—			
Grant of leave to a government servant serving under a contract or—after the expiry of the contract or—	103	G's.O. (6)	...
Allowance (s)—			
—to professors of medical college denied the privilege of private practice to be treated as compensatory.	9(5)	A. I.	...
—admissible to ministerial and menial establishments of the Secretariat who move with the Government to Naini Tal.	...	...	17-A—17-E and 17-F
—admissible to establishment of Heads of Departments, other officers and to the Branch Press at Lucknow who move to Naini Tal during the summer.	--	--	17-B
Conditions under which and the rates of which monthly—may be granted to the inferior establishment of the Secretariat who move with the Government to Naini Tal.	--	--	17-F
Allowance—conveyance—			
—is included in the term travelling allowance.	9(32)	--	--
Drawal of—during leave	--	--	149,152,152-A, 152-B, 152-C and 152-D
Allowance for tents—			
—is included in the term travelling allowance.	9(32)	--	
Allowance—horse—			
—is included in the term travelling allowance.	9(32)	--	--
Drawal of a—during leave	--	--	149,152-A

			and 152-B.
Allowance—house rent—			
Drawal of a—during leave or transfer.	--	--	149, 151
Allowance—travelling—			
(See under Travelling Allowance)			
Apprentice (s)—			
Rules regarding leave earned by—and	104	--	170, 172
Probationers.			
Service as an—counts as duty if followed by confirmation.	9(6)(a) (i)	--	--
Auditor-general—			
Power of—to issue instructions to secure efficiency and uniformity in Audit.	74(a)	--	--
Average pay—			
Calculation of—in the case of a government servant deputed out of India.	9(2) proviso	--	--
Calculation of—for purposes of leave salary of government servants	87-A	--	--
recruited on or after January 1, 1936.	Explanation	--	--
Definition of—	9(2)		
Period of joining time to be ignored in the calculation of—	9(2)	A.I. (5)	
B			
Barrister (s)—			
Definition of—	9(3)		--
C			
Cadre (s)			
A government servant transferred to foreign service will remain in the —or—in which he was included in a substantive or officiating capacity at the time of transfer and may be given promotion in those—.	113		
Definition of—.	9(4)		--
Provisional substantive promotion to the selection grade of a— is permissible even if no change of duties involved.	14(d) Note (1).		
Calendar month—			
Month means a—	9(18)	--	
Chaplain (s)—			
Allowance to clergymen appointed to perform the duties of a—.	--	--	204—205
Drawal of a permanent travelling or horse or conveyance allowance by a—on leave.	--	--	150
Procedure to be followed in connexion	--	--	84 and 109

with leave of—			
Charge of office—			
—Generally to be made over at the headquarters both the relieving and the relieved government servants being present.	--	--	188
Colony (ies)—			
Leave salary may be drawn in sterling in a—prescribed by the Governor.	91(4)	--	--
List of—prescribed	91(4)	G's. O. (1)	
Combination of posts—			
A government servant cannot be appointed substantively to two or more permanent posts at the same time.	12(b)	--	--
Compensatory allowance has affected by—	49 (c)	--	--
Pay during—	49(a)	--	-
Compensatory Allowance (s)— —not to be a source of profit to the recipient.	and (b) 44	--	--
—of a government servant appointed to hold or officiate in two or more independent posts at one time.	49 (c)	--	--
—to be ordinarily drawn by the government servant on duty but may under certain conditions be drawn during leave in addition to leave salary.	93	--	--
Definition of—	9(5)	--	--
Drawal of—during joining time.	--	--	197
Hill allowances fall under—	44	A. I. (3)	--
Rules regarding the drawal of— during leave training and compulsory waiting.	93		147,149-152- D 152-F
Compulsory Retirement — Leave should not exceed six months be- yond date of—	86	--	--
Leave beyond date of — carries with it extension of service,	56 (Note 2).	--	--
Condition of Service—			
The wholetime of a government servant is at the disposal of Government.	11	--	--
Contract—			
Leave to a government servant serving	103	G's. O. (6)	--

under a——or agreement not to be granted ordinarily for a period extending beyond the term of the——or agreement.			
Leave terms for government servants engaged on——	103	G's. O. (1-8)	--
Contribution (s)——			
Rates of——payable on account of pension and leave salary during foreign service.	116	G's. O. (1)	--
——are not payable during leave taken in foreign service.	115(c)		
——paid on behalf of a government servant in foreign service maintains his claim to pension or leave salary.	120		
——will be discontinued from the date of reversion of a government servant from foreign service	126		
A government servant on foreign service may not elect to withhold——	120	--	--
The Governor may remit——	119(a)	--	
Neither a government servant nor the foreign employer has any right of property in a——paid.	120	--	--
Party by whom——are payable.	115(c)	--	--
Procedure for payment of——	--	--	206—208
Rates of——are to be prescribed by the Governor.	116	--	--
Recovery of——on account of additions to a regular establishment created for the benefit of other persons.	127	--	--
Refund of——is not permissible.	120	--	--
Rules prescribing the rate of interest leviable on overdue——	119(b)	--	185—186
Council of State——			
Creation of a temporary post for a government servant nominated as a member of the——.	38	A. I.	--
Pay and travelling allowances of an official member of the——.	38		
Current duties——			
Holding charge of——	35	A.I.(1)	--
D			
Date——			
——from which the Uttar Pradesh Fundamental Rules came into effect.			
Pay and allowances commence from the——of assumption of duties.	17	--	--
Definition (s)——			
——of the terms used in the Fundamental Rules.	9	...	...
——of terms for purposes of the Subsidiary Rules.		...	1-A

Delegations—			
The Governor may make—of	6	...	...
powers exercised under certain rules.		...	...
No powers may be exercised or delegated under the Uttar Pradesh Fundamental Rules without consulting the Finance Department.	7		
Powers to make rules cannot be delegated	6(a)	...	...
to subordinate authorities.			
Deputations out of India—			
Calculation of average pay of a govern-	9(2)	...	...
ment servant on——.	proviso		
Date from which—begins or ends	50-51	A. I. (1)	...
Leave earned by——.	100A	...	...
Officers nominated to attend conferences	51	G's. O. (4)	...
or congresses are placed on——.			
Pay and allowances how regulated while	50 and 51	A. I. (2)	...
on——.			
Previous sanction of the Governor necessary for——.	50	...	...
Dismissal—			
Pay and allowance cease from the date	52	...	...
of——.			
Pay of a government servant reinstated	54	...	...
after——.			
Duty (ies)—			
A government servant ceases to be in	18	...	...
government employ after 5 years continuous absence from——			
otherwise than on foreign service in India.			
A government servant on joining time.	107	...	...
is regarded as on——.			
A government servant ordinarily begins	17	...	...
or ceases to draw pay and allowances from the date he assumes			
charge of or ceases to discharge the——of a post.			
Officiating appointment may be made in the place of government	36	G's. O.	
servants who are treated as on——in certain circumstances.			
A government servant is treated as on	9(6)(b)	...	2—9
——under certain circumstances.			
All—in post on a time-scale counts	26(a)	--	--
for increments.			
Definition of—	9(6)(a)	--	--
Extra leave on average pay granted for undergoing anti-rabic	9(6)(a)(iii)	--	--
treatment counts as——			
In certain circumstances the interval	9(6)(b)(iv)	--	--
between the date of report to the seat of Government and the date of			

taking over charge of a specified post by a government servant appointed in England counts as——.			
Joining time counts as——	9(6)(a)(ii)		
Leave is earned by——only.	60	--	--
Maximum period of continuous absence	81(d)	--	--
from—on leave granted otherwise than on medical certificate to a government servant recruited before January 1, 1936.			
Period spent in foreign service counts	60	--	--
as——for purposes of leave if contribution is paid.			
Previous service in a local fund not administered by Government, of a person transferred to Government service will not count as——.	130		
Recall to——from leave.	70	--	--
Return to——from leave.	71-72	--	--
Rules regarding the treatment of service	9(6)(b)	--	2—9
under certain circumstances as——.			
Service as probationer or apprentice	9(6)(a)(i)	--	--
when treated as——.			
Students stipendiary or otherwise,	9(6)(b)(ii)	--	--
when treated as on——.		--	--
Time spent on voyage to India by gov-	70(a)(ii)	--	--
ernment servant recalled from leave out of India to count as——for calculating leave.			
Treatment as——of the period	54	--	--
a government servant who was under suspension or dismissed or removed and subsequently reinstated.			
Treatment as——of the period	70 (b)	--	--
of journey of a government servant recalled from leave in India.			
Vacation counts as——for the purpose of leave.	82(b)	--	--
Wilful absence from——after the expiry of joining time may be treated as misbehaviour.	108	--	--
Wilful absence from——after the expiry of leave may be treated as misbehaviour.	78	--	--
Domicile——			
Decision on question relating to——	Rule 11 under the schedule at page 200		
Determination of the——of a government servant.	Schedule	...	...
Grant of overseas pay to government servants having non-Asiatic——at the time of appointment.	9(20)	G, s. O. (1)	...
The——of a government servant governs his eligibility for overseas pay.	9(20)	G's. O.(1-2)	...
	E		
Efficiency Bar——			

Increment next above——shall not be given without the sanction of the withholding authority.	25	...	...
Pay after crossing the——which has previously been enforced against a government servant.	25	G's. O.	...
Emoluments—			
——may specially be classed as pay by the Governor.	9(21)(iii)	...	...
Definition of——for the purpose of assessing rent of government residences.	45-C	...	...
Rent shall not exceed 10 per cent of the occupant's——.	45A—IV	...	...
End of leave—			
Date of the——in the case of government servants entitled to joining time on return from leave out of India.	68	A. I. 2	...
Engineers—			
Age up to which civil——may be retained in service.	56(b)	...	...
Establishment—			
Recoveries to be made on account of an addition to a regular——created for the benefit of private persons.	127	...	...
Examination(s)—			
Maximum period allowed for preparation for an——in certain languages.	...	...	4(1)(b)
Period of attendance at an——in any oriental language is treated as duty.	...	...	4(1)
Preparation time for an——in any oriental language may be treated as duty.	9(6)(b)(iii)	...	4(1)
Time for preparation for certain departmental——is treated as duty.	...	...	5-6
Time ordinarily allowed for attending an——in an oriental language.	...	...	4(1)(a)
Exchange compensation allowance—			
Drawal of——during leave	...	...	Note(3) to 152-D
Extraordinary leave—			
Conditions of grant of——	85	...	...
Government may in certain circumstances direct that——shall count for increments.	Proviso to 26(b)	...	...
Maximum period (i.e. 28 months) of continuous absence from duty on leave admissible under rules does not include——.	81	A.I. (4)	...
——not debited against leave account	85	A.I. (1)	...
Extra—work—			
Additional remuneration for——when admissible.	48	...	...
F			
Fee(s)—			
Definition of——	9 (6—A)	...	...
Circumstances under which a——may be received by a government servant from a private person or body	46(a)	...	...
Rules regarding the grant of honoraria or acceptance of ——by a	46(b)		24—34

government servant.			
Finance Department—			
—may prescribe by general or special orders cases in which its consent for exercising or delegating powers under the U. P. Fundamental Rules may be presumed to have been given	7	...	...
Powers under the U. P. Fundamental Rules not to be exercised except after consultation with the—.	7	...	...
First appointment—			
Date from which pay on—begins	17	...	...
Foreign service—			
—counts as duty for leave if contribution is paid.	60	...	...
—counts for increments in a time-scale.	26(e)	...	...
A government servant on—cannot take leave or receive leave salary until he actually quits duty and goes on leave.	122	...	...
A government servant on—not to accept a pension or gratuity from the foreign employer without the sanction of the Government.	121	...	...
A permanent government servant on—retains a lien on his permanent post.	13(b)	...	...
Amount of pay, joining time and pay during joining time of a government servant in—to be regulated subject to restrictions imposed by the Governor.	114	...	...
Authorities by whom transfer to—may be sanctioned.	110(b) and (c)	...	...
Continuous absence from duty of over five years on—in India does not entail cessation in Government employ.	18	...	...
Contributions cannot be withheld by a government servant on—.	120	...	...
Contributions payable while in—.	115 to 120	...	...
Date from which pay and contribution by foreign employer ends.	126	...	...
Date of reversion from—	125	G's. O.	...
Definition of —	9(7)	...	...
Effect of transfer to—on leave and leave salary.	112	...	...
Entries to be made in the service-book of a government servant on transfer to or on return from—.	...	...	140
General conditions to be fulfilled to the transfer of a government servant to—.	111	...	...
Government servant in—may be given substantive or officiating promotion in the cadre or cadres to which he was included immediately before his transfer.	113	...	...
Government servant transferred to—while on leave ceases to be on leave from the date of transfer.	112	...	...
Grant of leave while on—	122 and 123	...	...
How contribution is calculated	117	...	...
Leave to government servants in—in India.	122	...	...
Leave to government servants in—out of India.	123	...	...



Lien on government post of a government servant in——.	113	...	...
Method of calculation of average pay in case of government servants taking leave on reversion from——out of India.	9(2)	A.I. (2)	...
No government servant to be transferred to——against his will.	110(a)	...	...
Pay of a government servant appointed to officiate in a government post while on——.	124	...	...
Pay on transfer to——drawn from the foreign employer from the date charge is relinquished in government service.	114	...	...
Rate of contribution	116	G's. O.	...
Recovery of contribution in the case of regular establishments of which the cost is payable to Government.	127	...	...
Refund of contribution not allowed	120	...	...
Remission of contribution	119(a)	...	...
Rules regarding——	110 to 127	...	...
Rules regarding interest leviable on overdue contributions from a government servant in——.	119(b)	...	185—186
Sterling overseas pay is admissible to government servants on——.	114	G's. O.(5-A)	...
Transfer of temporary government servants in——is permissible.	111	G's. O.(1)	...
Forest Department——			
Time taken by certain government servants of the——in preparing for departmental examination to be treated as duty.	...	...	6
Free passage—			
——on recall to duty from leave out of India.	70	...	...
Fund(s)—			
Liability of a government servant to subscribe to a provident —— family pension——or other similar——in accordance with rules prescribed by the Governor.	16	...	...
U. P. Fundamental Rules—			
Extent of application of the——	2	...	...
——have effect from April 1, 1942	1	...	...
G			
Government—			
Definition of the term——	9(7-A)	...	...
Government servant—			
——ceases to be in Government employment after five year's continuous absence from duty elsewhere than on foreign service in India.	18	...	...
——may be required to subscribe to a provident or other fund.	16	...	...
——has option to retain old pay when the pay of a post is changed.	23	...	...
——shall not be reduced in pay except in case of misbehaviour or inefficiency.	15	...	...
Definition of——	9(7-B)	...	...
Governor—			

Definition of the term—	9(7-C)	...	...
—may class certain emoluments as Pay.	9(21)(iii)	...	...
Power to make rules or issue general orders under the U. P. Fundamental Rules to be exercised by the—.	5	...	...
Rates of contribution payable on account of pension and leave salary prescribed by the—.	116	G's. O.	...
Gratuity—			
A government servant on foreign service not to accept a— from the foreign employer.	121	...	...
H			
Headquarters—			
—of a government servant	...	...	190—191
Health certificate—			
—required on first appointment	10	...	...
Hill allowances—			
—are compensatory allowances	44	A I.(3)	...
Holiday(s)—			
Definition of the term—	...	...	I-A (2)
Rules regarding the combination of— with leave or joining time.	68	...	38—42-A
Honorarium (Honoraria)—			
Circumstances under which— may be granted or fees received.	46	...	...
Definition of—	9(9)	...	...
Language allowance when treated as—.	9(21)	A. I. (1)	...
Rules regarding the grant of—	...	...	24—34
The reasons for the grant of an— should be recorded in writing by the sanctioning authority.	46(c)	...	...
I			
Increments—			
Authority empowered to grant premature—.	27	...	...
Foreign service counts for— in the time-scale of the post under the Government.	26(e)	...	...
Grant of— in advance of due date	27	G's. O.	...
Grant of— next above the efficiency bar.	25	...	...
Government may direct in individual cases that extraordinary leave counts for—.	Proviso to 26(b)	...	...
Rules regarding the withholding of—.	24	...	...
—ordinarily be drawn as a matter of course is unless withheld.	24	...	...
Rules regarding—	24 to 27 and 29	...	...
Previous service in the same post or in a post in the same time-scale etc., counts for— on subsequent appointment at the same stage of the time-scale.	22 proviso	...	...
Inefficiency—			

Reduction to a lower grade or post on account of misconduct or—	15 and 29	...	...
Inferior Service—			
Rules regarding the grant of—to government servants in the—.	81-B	...	157-A
Rule 56 regarding the date of compulsory retirement is not applicable to government servants in—	56	G's. O.	...
Initial Pay—			
—in cases of transfer from one time-scale to another identical scale.	22 proviso	...	...
—of a government servant re-employed.	22 proviso	...	...
—on substantive appointment to a post in a time-scale.	22	...	...
—on substantive appointment to a post on a time-scale of pay which has been reduced.	22-A	...	...
—shall not be less than the pay previously drawn in the same post or in the same time-scale, etc.	22 proviso	...	
—on appointment to a higher post shall be fixed at the stage next above the pay in the lower scale after notionally increasing the pay in that scale by one increment.	22-B	...	...
Instruction—			
Time spent in a course of—or training may be treated as duty.	9(6)(b)(i)	...	2
Interest—			
Rate of leviable on overdue contributions payable by a government servant on foreign service.	119(b)	...	185
J			
Joining Time—			
Allowance during—	107	...	...
—is admissible to persons in private employment while joining government service or on reversion from it.	108-A	...	...
Conditions of grant of—	105	...	...
—of a government servant transferred to another Government shall be governed by rules made by the borrowing Government.	...	...	84-A
—counts as duty	9(6)(a)(ii)	...	
Government servant not joining his post within his— not entitled to pay or leave salary after the end of the—.	108	...	
Permanent government servant retains during—a lien on his permanent post.	13(c)	...	
Conditions under which holidays or leave may be combined with—	...	...	88—42
Date of expiry of leave in the case of a government servant granted— on return from leave out of India.	68	A. I. (2)	...
Definition of—	9(10)	...	...
Drawal of compensatory allowances during—.	...	...	197
Increments during—	107(a)	...	...
—when taking over charge away from headquarters.	105	A. I. (1)	...
—on transfer to foreign service	114	...	...
Rules regarding—	106	...	173—184-A

—taken during a period of 12 months preceding leave should be ignored in the calculation of average pay.	2(2)	A. I. (5)	...
Sanction of Government necessary for grant of—in excess of 30 days.	...	...	188
Judge(s)			
A government servant who has served as a—of the High Court may on reversion count his service as duty for leave.	64	...	...
Judicial Pay—			
—treated as pay	9(21)(iii)	G's. O.	...
Jurisdiction—			
Authorities empowered to permit a government servant to proceed to places beyond the limits of his—	...	...	192—195
L			
Language Allowances—			
When—are treated as pay or honoraria or fees.	9(21)	A. I. (1)	...
Language Pay—			
—treated as pay	9(21)(iii)	G's. O.	...
Law Officers—			
Leave admissible to part-time—	...	...	162-163
Leave—			
—admissible to part-time law officers	...	...	162-163
—cannot be claimed as of right	67	...	...
Circumstances in which—on average pay can be granted to a government servant within three months of his return from—on average pay.			99-A
—terms for government servants engaged on contract.	103	G's. O.	
—earned by a government servant holding substantively a permanent post or holding a lien on such a post.	59		
—is earned by duty only	60		
—may be granted by the foreign employer to a government servant on foreign service out of India on such conditions as the employer may determine.	123		
—may be granted at the discretion of the sanctioning authority to a government servant recruited before January 1, 1936, subject to certain restrictions.	81		
—not to be granted to a government servant under suspension.	55		
—not to extend more than six months beyond the date of a government servant must compulsorily retire or cease to discharge his duties.	86		
—other than extraordinary—counts for increment in a time-scale.	26(b)		
—admissible to a superior government servant holding substantively a permanent post recruited on or after January 1, 1936.	81-B		
—admissible to permanent inferior government servants.	81-B		

An authority empowered to grant—may refuse or revoke leave according to the exigencies of the public service.	67		
A government servant absent after the end of——not entitled to leave salary.	73		
A government servant on——cannot return to duty more than fourteen days before the expiry of the period of——.	72		
A government servant transferred from a service or a post to which the U. P. Fundamental Rules do not apply is not ordinarily entitled to——under these Rules in respect of duty performed before the transfer.	64		
——earned by temporary and officiating service.			157—161-A
A government servant transferred to foreign service while on——ceases to be on——and to draw leave salary.	112		
Rules specifying the authorities by whom——other than disability——and——extending beyond the date of compulsory retirement may be granted.	66 and notes.		35-37
Amount of——is credited to a government servant's leave account with reference to the period of duty.	77		
Amount of——debited to a government servant's leave account.	78		
Amount of——due to a government servant for whom a leave account is maintained.	80		
A permanent government servant on——retains a lien on his permanent post.	13(d)		
Certificate of fitness to return to duty after——.	71		43-44
Concessions admissible to a government servant recalled from——.	70		
Conditions under which——not due may be granted.	81(c)		
Date from which——is earned by government servant returning from——not due which was not debited to his leave account.	81(c)		
Date of reversion to government service of a government servant who takes——on the conclusion of foreign service.	125	G's. O.	
Date on which——ordinarily begins and ends.	68		
Deductions to be made from——earned by a government servant for whom a leave account is maintained serving in a vacation department and grant to him of——in cases of urgent necessity.	82(b) and (c).		
——earned by apprentices and probationers.	104		170—172
Election to remain under old——	58		
——rules Extension of——.	73		
Extent of application of——rules	58, 59 and 64.		
Extraordinary——	85		
——on half average pay cannot be granted against the wishes of a government servant when——on full average pay is admissible.	87	G's. O.(1)	
Grant of joining time on return from——.	105		
Grant of——to a government servant to be dismissed or removed			101—104

from service or whose conduct is under enquiry or whose post is to be abolished.			
Grant of——to a government servant whose post is to be abolished.	59	A. I.	
Hospital——.	101		155—156
Joining time in addition to——	105		
Kinds of——taken by certain classes of government servants before the Fundamental Rules came into force which should be debited to their——account.	78 notes		
Leave salary admissible during——which is due.	87(a)		
Lien on post during——	13(d)		
Maximum amount of absence from duty on——other than medical certificate in the case of a government servant for whom a leave account is maintained.	81(d)		
Maximum amount of——that may be granted to a government servant for whom a leave account is maintained.	81(a)		
Memorandum of information to be supplied by audit officers for the guidance of government servants proceeding on——out of India. (See the Appendix A at the end of part III).			
——not be granted during suspension.	55		
Past service of a re-employed government servant may in certain circumstances be allowed to count for——.	65		
Period of overstay of——does not count towards increments.	26	A. I. (1)	
Principles to be followed in granting——when all applications cannot be granted.			99
Private employment during——.	69		
Procedure to be followed in arranging for the duties of a government servant granted——.			196
Procedure to be followed in the grant of——to a government servant when there is no reasonable prospect of his returning to duty at the end of the leave.			100
Return from——before due date	72		
Recall from——	70		
Rules prescribing the procedure to be followed in India and elsewhere in connexion with making application for——and for permission to return from——.	14(a)(i) Also see the Appendix A at the end of Part III,		82—86, 89—98 and 109, 110.
Rules regarding——to a government servant on foreign service.	122 and 123		
Rules regarding the grant of——to a press servant paid under the piece-work system.			165-A
Rules regarding the grant of——to government servants in the inferior service.	81-B		98
Study——	84		146-A
Termination of——	68		
Time spent on——how treated for purposes of increments.	26		

When compensatory allowance can be drawn during——.	93		147—152-D
Wilful absence after the end of——may be treated as misbehaviour.	78		
Authority which granted——can commute——of any kind retrospectively into——of a different kind which was admissible under the rules.	87(a)	A. I. and G's. O. under 87-A.	
Leave Account—			
——to be maintained in terms of leave on average pay.	76		
Absence after the end of leave debited to the——as though it were leave on half average pay.	73		
Amount of leave credited in——	77		
Amount of leave debited against——.	78		
Extraordinary leave not debited against the——.	85(a) A. I. (1)		
Fraction of a day should not appear in——.	77 A. I. (1)		
Leave Account—			
Leave taken by a government servant in foreign service out of India not debited to his——.	123		
Government servants for whom a——is maintained.	76		
Study leave not debited against the——.	84		
Period of special disability leave not debited to the——.	83(6)		
Leave—Casual—			
Rules regarding——.			201—202
Leave—Disability—			
Rules regarding the grant of——	83 and 83-A.		
Leave—Earned—			
Rules regarding the grant of——	81-E(1)		157-A
Leave Extraordinary—			
——may be granted in combination with or in continuation of other leave.	85(b)		
——may be granted in special circumstances when no other leave is by rule admissible.	85(a)		
Circumstances in which——may count for increments.	Proviso to 26(b)		
Periods of absence without leave may be commuted retrospectively into——.	85(b)		
Leave—Hospital—			
Rules regarding the grant of——to members of subordinate services whose duties expose them to special risk of accident or illness.			155—156
Leave—Maternity—			
Grant of——to female servants employed at piece-rates or daily wages in a government institution.			167

Rules regarding the grant of———to the female government servants.			153—154
Leave not due—			
Conditions under which———may be granted.	81(c)		
Leave-salary equal to half average pay admissible during———.	87(b)		
———may be granted on medical certificate without limit of time.	81(c)(i)		
Leave on average pay—			
Calculation of maximum amount of———due at one time to a government servant serving in a vacation department.	82(d)		
———cannot be granted if leave is not due.	87(a)		
Combination of———with special disability leave.	83(4)		
Definition of———.	9(11)		
Joining time in addition to———of not more than four months.	105(b)(i)		
Leave account maintained in terms of———.	76		
Except in the case of a government servant recruited on or after January 1, 1936, leave salary is subject to monthly maximum during———.	89		
———limited ordinarily to four months at a time.	81(b)		
Leave salary may be drawn in rupees in India up to a maximum of four months during———.	91		
———may be granted in excess of four months at a time to government servant under ordinary leave rules if taken on medical certificate other than leave preparatory to retirement or spent-out of India, Ceylon, Nepal, Burma or Aden.	81(b) proviso.		
Maximum amount of———which may be granted to a government servant at one time and in all.	81(b)		
Period of———debited in full to a government servant's leave account.	78(a)		
Leave on half average pay—			
Absence after expiry of leave debited as———against leave account.	73		
———may be combined with special disability leave.	83(4)		
Definition of———	9(11)		
Half the period of———debited to a government servant's leave account.	78(b)		
Except in the case of a government servant recruited on or after January 1, 1936, leave salary is subject to a maximum and minimum limit during———.	89 and 90		
Leave on quarter average pay—.			
Definition of———.	9(11)		
Half the period of———debited to a government servant's leave account.	78(b)		
Leave on medical certificate—			
A copy of medical statement of case of a government servant granted leave on———to be sent to the High Commissioner for India if he			105



proposes to spend leave out in Europe.			
Amount of——admissible at any one time	81(b) proviso, 81- B(2)		157(b), 157- A
Leave out of India—			
Beginning and end of——	68		
Leave salary shall be drawn in sterling if due in respect of ——.	91		
Leave on private affairs—			
Rules regarding the grant of——	81-B(3)		
Leave—Privilege—			
——due to a government servant on the introduction of the Fundamental Rules to be credited to his leave account.	77, Note (1)		
——not to be debited to a government servant's leave account.	78, Note (1)		
Leave Rules—			
——for hospital leave	101		155-156
——for maternity leave	101		153-154
——for quarantine leave			202
——regarding recess leave			202-A—202- E.
Leave Salary—			
Amount of——	87-93		
——equal to quarter average pay admissible after continuous absence from duty on leave for twenty-eight months in the case of a government servant in superior service recruited before January 1, 1936.	88		
——in no case to exceed average pay	90		
——payable by the foreign employer in the case of a government servant on foreign service out of India.	123		
A government servant not entitled to——during absence after the end of leave.	78		
A government servant transferred to foreign service while on leave ceases to draw——.	112		
Amount of——during special disability leave.	83(7)		
Definition of——.	9(12)		
Drawal of——in sterling or in rupees.	91		
Maxima of——except during the first four months of leave on average pay.	89		
Monthly minima of——apply in certain cases only to leave taken or extended out of India elsewhere than in Ceylon, Nepal, Burma or Aden.	90		
No——is admissible during extraordinary leave.	85(a)		
Portion of——representing overseas pay in sterling shall be drawn in sterling.	91(1)		
Rate at which——will be converted into sterling	91(5)		

Rate of———due during voyage to and on arrival in India of a government servant recalled from leave out of India,	70(a)(iii)		
Rules prescribing the procedure to be followed in India and elsewhere in the payment of———.	74(a)(iii)		111-119 Also see the Appendix A
Rules regulating———	87-93		at the end
The rupee and sterling maxima and minima of———apply according as the residence during leave is in Asia or elsewhere.	92		of Part III.
Leave—Study—			
Rules regarding the grant of———	84		146-A
Legislative Assembly—			
Creation of a temporary post for a Government servant nominated as a member of the———.	38	A. I.	
Pay and travelling allowances of an official member of the———.	38		
Lien—			
A government servant cannot be appointed substantively to a post on which another government servant holds a———.	12 (c)		
Definition of———.	9 (13)		
———during joining time.	13 (c)		
Provisional substantive promotion may be made to a post in the selection grade of a cadre in place of government servant whose——— ——— is suspended.	Note 1 to 14 (d)		
Retention of———on a post on certain circumstances.	13		
Suspension of———of a government servant transferred to other duty who retains no connexion with his substantive post.	14		
The suspended———of a government servant shall not be terminated except on his written request.	12-A (b)		
Transfer or suspension of———	14 to 14-B		
Termination of the———of a government servant on a tenure post.	14 (d)		
Local Funds—			
Circumstances in which a government servant may be permitted to receive remuneration from———.	46 (a)		
Definition of———.	9 (14)		
Government servants paid from———administered by Government are subject to the rules in Chapters I to XI of the U. P. Fundamental Rules.	128		
Rules regarding service under———	128 to 130		
Transfer of government servants to service under———not administered by Government is regulated by rules in Chapter XII of the U. P. Fundamental Rules.	129		
Treatment of previous service of a government servant transferred to Government service from a———	130		
———not administered by Government.			
M			

Medical Certificate(s)—			
to be produced by a government servant on return from leave granted on———or on medical grounds.	71		43—45
Any instalment of leave on average pay which brings the total period of leave on average pay taken at a time by a government servant to more than four months should be supported by———.	81	A. I. (1)	
Effect on the maximum amount of disability leave on———granted under military rules.	83(9)		
Leave not due may be granted on———without limit of amount.	81(c)(i)		
Governor may dispense with the production of a———of health in individual cases.	10		
Governor may exempt any class of government servants from the operation of the rule regarding the production of a———of health.	10		
Rules prescribing the form of———of health and the officers by whom they should be signed.	10		10—17
Maximum amount of leave on average pay other than leave preparatory to retirement that may be taken on a———.	81(b) proviso		
Rules regarding———in connection with application for leave.			87—98
Rules regarding———of fitness on return from leave.	71		43—45
A———of health to be produced by a person before appointment substantively to a permanent post.	10		10—17
Previous rejection of a candidate for government employment to be reported to Civil Surgeon who examines the candidate for granting———of fitness.			13
Medical Officers—			
Acceptance of fees by———for services other than professional attendance.	46-A		
Ministerial Servant—			
Definition of———.	9(17)		
A———is not entitled to be paid during joining time unless his transfer is made in the public interest.	107 note		
Misconduct—			
Previous service of a government servant who was reduced to a lower post or grade on account of———but is subsequently promoted may be allowed to count for increment.	29		
Wilful absence from duty after expiry of leave may be treated as———.	73		
Month (s)—			
Calculation of———.	9(18)		
Definition of———.	9(18)		
N			
Non-Gazetted Government Servants—			
Leave salary of certain———.	87 proviso		
O			

Officiate (s) (Officiating)—			
—service on another post counts for increment in a post on which lien is held.	26(b)		
—tenure of a post to be included in calculating the period of five years for which certain administrative and other posts may be held by a government servant.	56(3), Note 1.		
A permanent government servant—in another post retains a lien on his permanent post.	13(b)		
An—government servant cannot draw enhanced pay unless he assumes duties or responsibilities of greater importance.	30		
An—government servant will draw the presumptive pay of the post.	31		
Calculation of pay of a government servant—in a post of which the pay has been fixed at a personal rate.	33		
Definition of—.	9(19)		
Fixation of the pay of an—government servant at an amount less than that admissible under the rules.	35		
Fixation of pay of a government servant appointed to—in a government post while on foreign service.	124		
Initial pay of a government servant—in a post on a time-scale.	31		
Government may allow—promotion in place of government servants treated on duty under Fundamental Rule 9(6)(b).	36	G's. O.	
Officiating Pay—			
Enhanced pay shall not be drawn unless officiating appointment involves assumption of duties or responsibilities of a greater importance.	30(1)		
Fixation of—on appointment to posts not organized on time-scale basis.	30(1) proviso.	G's. O.	
Period for which less than full—is drawn does not count for increments.	35	A. I. (2)	
Officiating Promotion(s)—			
Foreign service counts—for increments in the time-scale to which—is allowed during such service.	26(e)		
Government may allow—in place of government servants treated as on duty.	36	G's. O.	
Officiating Service—			
Circumstances in which—in a higher post counts for increments in the time-scale applicable to the lower officiating post.	26(c)		
—in another post counts for increments in the time-scale applicable to the post on which the government servant holds an active or suspended lien.	26(b)		
Rules regarding leave earned by—.	103(a)		157, 157-A
Option—			
—of a government servant in service at the time of the introduction of the Fundamental Rules of remaining under the leave	58		

rules in the Civil Service Regulations to which he was subject.			
_____of the holder of a post of which the pay is changed to retain his old pay.	23		
Overseas pay—			
Definition of_____	9(20)		
Pay includes_____	9(21)(ii)		
Portion of leave salary which represents_____drawn in sterling shall be paid in all cases in sterling.	91(1)		
_____when admissible to an officer officiating in a scale personal to another officer.	33	A. I. (2)	
Drawal of_____	9(20)	G's. O.	
Overstayal of Leave—			
_____does not count for increments	26	A. I. (1)	
Penalty attaching to_____	73		
P			
Passage—			
_____admissible to officers granted special disability leave.	83-B		
Grant of free_____to India to a government servant re-called from leave out of India.	70(a)(i)		
Pay			
Additions to_____	44—48-B		
Average_____	9(2)		
_____and allowances of a government servant deputed out of India.	51—51-A		
_____and allowances of a government servant dismissed or removed from service cease from the date of dismissal or removal	52		
_____and allowances of a government servant reinstated after suspension, removal or dismissal.	54	G's. O.	
_____begins from the day following the afternoon on which charge is assumed.	17	A. I. (1)	
_____in foreign service not taken into account in regulating the_____—of a government servant appointed to officiate in a government post while on foreign service.	124		
_____of a government servant during joining time.	107		
_____of a government servant will cease to be paid by the foreign employer from the date of reversion.	126		
_____of official members of the Indian Legislature.	38		
A government servant should not ordinarily be transferred substantively to or appointed to officiate in a post carrying less_____—than the pay of the permanent post on which he holds a lien.	15		
An officiating government servant cannot draw enhanced_____—unless he assumes duties or responsibilities of greater importance.	30		
Calculation of_____—of a government servant appointed to hold or officiate in two or more independent posts at one time.	49(a) and (b)	G's. O.	
Date from and to which a government servant ordinarily draws the—	17		

— and allowances of a post.			
Definition of —	9(21)		
Fixation of — of a government servant transferred from a higher to and a lower grade or post as a penalty.	28 29-A		
Fixation of the rate of — of an officiating government servant at an amount less than that admissible under the rules.	35		
— is remuneration for a government servants' whole time.	11		
Language allowance when treated as — on substantive appointment to a post on a time-scale of pay	9(21) 22, 22-A and 23	A. I. (1)	
— on transfer from one time-scale to another identical time-scale.	22		
Option of retaining old — till next or any subsequent increment when the — of a post is changed.	23		
— and allowances of a government servant treated as on duty under certain circumstances.	20		
Rules regarding additions to —	44—48-B		
Rules regarding regulations of —	19—33, 35 to 40, and 43		
The holder of a post of which the — is changed to be treated as if he is transferred to a new post.	23		
Pay—Initial—			
Rules regarding calculation of —	22, 22-A, 22-B and 23.		
Pay—Overseas—			
— is treated as pay	9(21)(ii)	...	...
Definition of —	9(24)	...	...
Rules regarding the grant of —	9(20)	G's. O.	
		(1—2)	
Pay—personal—			
— is treated as pay	9(21)(ii)	...	...
— cannot be granted without the sanction of the Government.	19	...	...
— to be ordinarily reduced or to cease on the grant of increase of pay.	37	...	...
Definition of —	9(23)	...	...
Principles regarding the grant of —	9(23)(b)	G's. O.	...
Pay—presumptive—			
An officiating government servant will draw the — of the post.	31	...	...
Definition of —	9(24)	...	...
Pay—Progressive—			
— is included in time-scale of —	9(31)	...	...
Pay—Special—			
— is not included in presumptive	9(2)	...	...

pay unless certain conditions are fulfilled.			
— is treated as pay	9(21)(ii)	...	...
Definition of—	9(25)	...	...
Principles regarding the grant of—	9(25)	G's. O.	...
Pay—Substantive—			
Definition of—	9(28)	...	...
Pay—Technical—			
— is treated as pay	9(21)(ii)	...	...
Definition of—	9(29)	...	...
Pay—Time-scale—			
Definition of—	9(31)	...	...
Fixing of initial pay in a post on a—	22, 22-A	...	...
	and 22-B	...	
Grant of increment next above an	25	...	...
efficiency bar in a—	21—29	...	...
Rules regarding—	and 31		
Pension—			
A government servant in foreign service	121	...	...
not to accept a— or gratuity from the foreign employer.			
Period of special disability leave will	83(6)	...	...
count as duty in calculating service for—			
Term— includes Government Co-	115 note	...	...
ntributions payable to a govern	(1)		
ment servant's credit in a provident fund for the purpose of the rules			
regarding foreign service.			
Posts (s)—			
— and services exempted from the	30	G's. O. (1)	...
operation of Fundamental Rule 30(1).			
A government servant cannot be app	12(c)	...	...
ointed substantively to a— on which another servant holds a lien.			
A government servant should not ordinarily be transferred	15		
substantively to or appointed to officiate in a— carrying less pay			
than the pay of a permanent post on which he holds a lien or would			
hold a lien had it not be suspended.			
Appointment of a government servant	49	...	...
to two or more independent— at one time.			
Fixation of pay of a government servant	28	...	...
transferred from a higher to a lower.			
Post (s)— permanent—	12(b)		
A government servant cannot be appointed substantively to two or			
more— at the same time.			
A person appointed substantively to a— should produce a medi-	10	...	...

cal certificate of health.			
Definition of—	9(22)	...	...
Two or more government servants cannot be appointed substantively to the same— at the same time.	12(a)	...	...
Post (s)—Temporary—			
A permanent government servant holding a—retains a lien on his permanent post.	13(b)	...	...
Circumstances under which interruptions of service in a—counts for increments in that post.	26(c)	...	
Definition of—	9(30)	...	...
Service in a—counts for increment in a time-scale applicable to the post on which the government servant holds a lien or would hold a lien had his lien not been suspended.	26(b)	...	...
Principles to be followed in fixing the pay of—	39 and 40	G's. O. under 40	...
Power(s)—			
Consent of the Finance Department-necessary for the exercise and delegation of—under the U. P. Fundamental Rules.	7	...	...
—to make rules cannot be delegated to subordinate authorities.	6(a)	...	
Governor may delegate to subordinate officers certain—under the U. P. Fundamental Rules.	6	...	...
Probationer (s)—			
Service as a—counts as duty if followed by confirmation.	9(6)(a)(i)	...	...
Rules regarding the grant of leave to—and apprentices.	104	...	170, 172
Public Works Department—			
Time taken by certain government servants of the—in preparing for the departmental examination is treated as duty.	...	...	5
R			
Rate of exchange—			
The—at which leave salary should be converted into sterling.	91(5)	...	...
Recall from leave—			
Allowance admissible during journeys on—in India.	70(b)	...	...
Allowance during voyage to India on—.	70(a)	...	...



No concession is admissible if— is optional.	70	...	...
Orders of— out of India to be communicated through High Commissioner.	70	G's. O. (1)	...
Time spent on voyage or journey on — is treated as duty.	70(a)(ii) and (b)	...	...
Travelling allowance admissible in case of—.		...	...
Records of service—			
Rules prescribing the procedure to be followed in India in the maintenance of—.	74(a)(iv)	...	134—142 and paras (35) to (36) of the Appendix A at the end of part III.
Re-employment—			
Circumstances in which a government servant on— may count his former service towards leave.	65(a)		...
Previous military service is allowed to count towards leave under these rules on— under certain conditions.	65-A	G's. O.	...
Re-instatement			
Counting towards leave of former service of a dismissed government servant on—.	65(b)	...	...
Effect of dismissal, removal or suspension followed by— on pay and allowances.	54	...	...
Rent (s)—			
Additional— should be charged for furniture, tennis court, or garden maintained at the cost of Government.	45-A—VI	...	...
Amount of— to be recovered from shall not exceed standard— or 10 per cent of emoluments whichever be less.	45-A—IV	...	...
Calculation of standard for residences provided by Government.	45-A—III	...	...
Grant of residences free of—	45-A—V		
Rules regarding the fixation and recovery of— of residences supplied to government servants.	45	...	18-22-G
Waiving or reducing the amount of — to be recovered.	45-A—V	...	...
When— in excess of 10 per cent of occupant's emoluments can be recovered.	45-A—IV (c)(ii)	...	...

Residences—			
Grant of rent-free— to govt. ser-	45-A—V		
vants.			
Resignation—			
—of the public service even when	65(a)	A-I.	...
followed immediately by re-employment entails forfeiture of past service for the purpose of leave.			
Retirement—			
Rules regarding compulsory—	56	...	...
Leave admissible beyond the date of	86	...	...
compulsory—.			
Special rules regarding—applicable	56(b)	...	...
to particular services.			
Revenues of the state—			
Contribution to be paid to—on	115	...	...
behalf of the government servant in foreign service.			
Definition of the—	9(8)	...	...
Rules—			
Delegation to authorities subordinate	6	...	...
to the Government of powers conferred by certain—.			
Powers under the U. P. Fundamental	7	...	...
—not to be exercised or delegated except after consultation with the finance Department.			
Powers to make—cannot be de-	6(a)	...	...
legated to subordinate authorities.			
Rules—Leave—			
—regarding Maternity	101	...	153-154
—regarding Hospital	101	...	155-156
—regarding Quarantine	...	...	202
—regarding Recess	...	...	200-A—200-E.
S			
Service (s)—			
the previous— of a government—	65(b)	...	...
servant reinstated after dismissal or removal counts for leave.			
Commencement of—	17	...	...
General conditions of—	10 to 18-A	...	...
Government may grant an extension of	56(b)(3)	...	...
—not exceeding three months beyond the date of compulsory retirement to a Chief Engineer.			
Service-book (s)—			

Rules regarding the form and maintenance of——.	...	...	135 to 140 also see paras (35) and (36) of the Appendix A at the end of Part III.
Service rolls——			
Rules regarding the form and maintenance of——.	...	...	141—142
Special disability leave——			
Conditions of grant of——	83 and 83-A	...	...
Passage admissible to government servants granted——.	83-B	...	...
Special Pay——			
Compensatory allowance and——are not inter-dependent.	9(25)	G's. O. (1)	...
Definition of——	9(25)	G's. O. (2)	...
Pay includes——	9(21) (ii)		...
Reasons for grant of——should be recorded in sanction.	9(25)	G's. O. (2)	
Principles which should govern the grant of——.	9(25)	G's. O. (3)	...
Student——			
Circumstances in which the period spent by a——after completion of his course qualifies as duty.	9(6)(b)(ii)	...	...
Subsistence grant——			
——is payable to a government servant under suspension.	53	...	...
Definition of——	9(27)	...	...
Substantive Pay——			
Definition of——	9(28)	...	...
Suspension——			
A permanent government servant under ——retains a lien on his permanent post.	13(e)	...	...
Leave not to be granted to a government servant under——	55	...	...
Rules regarding——	53 to 55	...	...
Rules regarding——of a government servant holding a temporary post.	...	...	198
When the period of——is not treated as spent on duty.	54	...	...

T			
Technical pay—			
Definition of—	9(29)	...	...
Temporary post—			
Creation of a— for a government servant nominated as a member of the Council of State or Legislative Assembly.	38	A. I. (1)	...
Creation of a— necessary for a government servant on special duty.	40	A. I. (1)	...
Definition of—	9(30)	...	...
Procedure to be observed in fixing the pay of a—.	40	G's. O.	...
Fixation of pay of—	39 and 40	G's. O.	...
Rules regarding the suspension of a government servant holding a—.	...	...	198
Transfer to foreign service of a government servant holding a— permissible.	111	G's. O. (1)	...
Tenure post—			
Definition of—	9(30-A)	...	...
Tenure of post—			
Pay and allowances attached to the — begin from the date on which a government servant assumes the duties of the post.	17(1)	...	...
Time-scale of pay—			
Definition of—	9(31)	...	...
Initial pay of government servant appointed substantively to a post on—.	22, 22-A and 23	...	...
Initial pay on transfer from a post on a— to another.	22, 22-A and 22-B	...	...
Option of retaining pay on the old — when the pay of a post is changed.	23	...	...
Rules 22 to 29 and 31 apply to— generally.	21	...	...
Training—			
Period after a satisfactory completion of— treated as duty under certain circumstances in the case of a student.	9(6)(b)	...	3
Time spent by a government servant of the Forest Department under— at a Research Institute and College not treated as duty for leave.	...	...	2
Time spent in a course of instruction	9(6)(b)(i)	...	2

or——may be treated as duty.			
Transfer——			
Initial pay on——from a post on a time-scale to another.	22, 22-A and 22-B	...	...
——of a government servant to a post carrying less pay than the pay of the permanent post on which he holds an active or a suspended lien is not permissible except on account of inefficiency or misbehaviour or on his written request.	15	...	...
Travelling allowance——			
——admissible for journey performed by a government servant recalled from leave in India.	70(b)	...	...
——is included in the term "compensatory allowance".	9(5)	...	...
In the case of transfer from one State to another——is admissible at the rates of the borrowing Government in force at the time of transfer.	44	A. I. (2)	...
Claims for arrears of——consequent on promotion or grant of increased rates of pay with retrospective effect.	44	I. (1)	...
Definition of——	9(32)	...	...
Drawal of a permanent——during leave.	...	...	152 to 152-C
V			
Vacation——			
Additional leave in cases of urgent necessity admissible to a government servant in a——department when no leave is due to him.	82(a)	...	...
Calculation of joining time in the case of a government servant transferred during a——.	...	...	182
Conditions under which——may be treated as holidays for combination with leave or joining time.	...	...	Note above 38
Emoluments drawn during——treated as pay drawn on duty for the purpose of in full or in part.	9(2)	A. I. (3)	...
Periods of total leave should be reduced by one month for each year of duty in which a government servant avails himself of——.	82(b)	...	...
——to be treated as holidays in the case of District and Sessions Judges and Subordinate Judges.	...	...	42-A
Rules regarding the circumstances in which——is considered as not availed of in full or in part.	...	...	145-146
Special rules regulating grant of leave to——departments.	82	...	...

When——is combined with leave the	...	...	189
rule that both the relieving and relived government servants should be present to make over charge of office is not enforced.			
Vacation Department (s)——			
Date from which a government servant	86	G's. O. (1)	...
belonging to a——who is on leave beyond the date of compulsory retirement should retire.			
Rules regarding——	82	...	143—146
The limitation of leave-salary to the	89	...	...
maximum of average pay not appli-	note		
cable under certain circumstances to a government servant serving in a——.			
W			
Workmen——			
Grant of leave to——or Labourers	...	...	166—168
in a Government workshop or other institutions.			

## CORRIGENDA—I

1. Fundamental Rule 18 (Chapter III—General conditions of Service—page 25) may be substituted as under:—  
\*18. Unless the Government, in view of the special circumstances of the case, otherwise determine, after five years continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, no Government servant shall be granted leave of any kind. Absence beyond five years will attract the provisions of rules relating to disciplinary proceedings.

2. Fundamental Rule 22 (Chapter IV—pay—Pages 28-37) may be substituted as under and Auditor General's decision, Audit Instructions and orders of Governor regarding rule 22 will remain unchanged:—

†22. The initial substantive pay of a government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:—

(a) If he holds a lien on a permanent post other than a tenure post or would hold a lien on such a post had his lien note been suspended—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 30) than those attaching to such permanent post, he will draw as initial pay at the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay at the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference and, in either case, will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) when appointment to the new post is made on his own request under rule 15 (a) and the maximum pay in the time-scale of that post is less than this substantive pay in respect of the old post he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale;

Provided that where a government servant holding a post in a temporary or officiating capacity and drawing pay in a pay scale, the maximum of which (exceeds Rs. 1,200 or Rs. 1,720 in the scales of pay introduced with

effect from August 1, 1972 or July 1, 1979) respectively, or Rs. 2,050 with effect from January 1, 1984 (in respect of scale of pay introduced with effect from July 1, 1979) is appointed or promoted to another post carrying duties or responsibilities of greater importance, his initial pay in the time scale of the higher post will be fixed at the stage

\*(This amended rule shall be deemed to have come into force w. e. f. 12-9-89 vide Notification No. G-4-34/X-89-4-83, dated 12-9-89.)

†(This amended rule shall be deemed to have come into force w. e. f. 1-7-79 vide Notification No. G-2-692/X-303-81 dated 26-7-1988).

next above the pay drawn in the pay scale of the lower post. The benefit of pay so fixed is, however, restricted to the period during which the government servant would have continued to work on the lower post but for his appointment/promotion to the higher post.

Provided further that both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he either

(1) has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent post or temporary post on the same time-scale, or

(iii) a permanent post, other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor under rule 9 (21) (iii), which he drew on the last such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increments in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

Exception—The condition in paragraph (iii) of the second proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under different Government or Department, and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent post in the cadre under the different Government or Department.

(c) when, after initial fixation of pay in the pay scales introduced with effect from July 1, 1979, appointment is made to a selection grade post in a substantive or officiating capacity, the pay will be fixed at the stage next above the pay in respect of the ordinary grade and the benefit of the second proviso of F.R. 30 may be extended in such cases subject to all the conditions of that rule being satisfied.

NOTES—(1) if the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a).

(2) For the purposes of this rule sterling overseas pay shall be converted into rupees as such rate of exchange as the Government may by order prescribe.

3. Fundamental Rule 22-B (Chapter IV-Pay-pages 35-36) may be substituted as under. Other provisions under sub-rule (2) (i) (pages 36-39) will remain the same:—

\*22-B (1) Notwithstanding any thing contained in these rules, where a Government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed either in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay arrived at by notionally increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that—

(i) the provisions of this rule shall not apply where a Government servant holding a post in a substantive, temporary or officiating capacity and drawing pay in a pay scale the maximum of which exceeds Rs. 900 p.m., Rs. 1200 p.m., Rs. 1720 p.m. ( Rs. 2050 p.m. with effect from January 1, 1984) or Rs. 4500 p.m. respectively in the scales introduced with effect from April 1, 1965, August 1, 1972, July 1, 1979 or January 1, 1986, is appointed in a substantive, temporary or officiating capacity to a post carrying higher duties or responsibilities; and

(ii) the provisions of Fundamental Rule 22-B (1) shall be deemed to have been made applicable without any pay limit with effect from January 1, 1988.

Provided further that the provision of sub-rule (2) of Fundamental Rule 31 shall not be applicable in any case where the initial pay is fixed under this rule:

Provided also that where a Government servant is immediately before his promotion or appointment to higher post, drawing pay, at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post:

Provided that if a Government servant either:

(1) has previously held substantively or officiated in —

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post or a temporary post on an identical time-scale, or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively, or in which he has previously officiated;

\*(This amended rule shall be deemed to have come into force w.e.f. 1-1-86 vide Notification No. G-2-818/X-303-83 dated 4-8-1989.)

The proviso to Fundamental rule 22 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

4. Fundamental Rule 23 (1) (part II Chapter IV-pay-page 40) will remain as it is. Sub-Rule (2) and Note 1 and 2 may be substituted as under. Audit instructions and Orders of Governor regarding Rule 23 will remain the same:—

(2) Notwithstanding anything contained in sub-rule (1) above, a Government servant may, insofar as the option for the new scales of pay introduced with effect from April 1, 1965, is concerned, elect the said new scales of pay either from the aforesaid date or from the date of his next increment in the old scale of pay falling immediately after the said date, and the like option shall be separately available to him in respect of the post, if any, on which he may be officiating.

\*NOTE—1. Sub-Rule (2) of Fundamental Rule 23 will also apply mutatis mutandis to cases of option for the new scales of pay introduced with effect from August 1, 1972 or July 1, 1979 subject to the condition that it will also apply to cases of option where a Government servant elects the new scales of pay from the date of his appointment falling between August 1, 1972 and March 7, 1973 or July 1, 1979 and September 30, 1981 respectively.

†NOTE—2. Sub-Rule (2) of Fundamental Rule 23 will also apply mutatis mutandis to cases of option for the new scales of pay introduced with effect from January 1, 1986, subject to the condition that a Government servant may elect the said new scales of pay from the date of his next or any subsequent increment or from the date of his appointment falling between January 1, 1986 and March 31, 1989 (both dates inclusive).

5. Under Fundamental Rule 30 (part II-Chapter IV-pay-page 52) Note (2) may be added as under. Other provisions under Rule 30 will remain unchanged.

(2) For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

6. Fundamental Rule 31 (1) (part II-Chapter IV-pay-page 57) will remain as it is. But Sub-Rule (2) and Not will be substituted as under. Audit Instruction and Orders of Governor regarding Rule 31 will remain the same.



\*\* (2) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government servant shall be fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage:

\*This note shall be deemed to have come into force w.e.f. 1-7-79 vide Notification No. G-2-1697/X-534 (9)-82, dated 25-6-1983.

†The note-2 shall be deemed to have come into force w.e.f. 1-1-86 vide Notification No. G-2-523/X-308-89, dated 16-8-89.

\*(This amended sub-rule shall be deemed to have come into force w. e. f. 1-1-1986 vide Notification No. G-2-523/X-308-89, dated 16-8-1989.)

Provided that insofar as the new scales introduced with effect from April 1, 1965, August 1, 1972, July 1, 1979 and January 1, 1986 are concerned, nothing in this sub-rule shall entitle the Government servant to claim re-fixation of pay in the post in which he is officiating until the date of option exercised by him in respect of that post:

Provided further that nothing in the preceding proviso shall apply where the pay scale relating to the higher post has not been revised with effect from the said date:

Provided also that the provisions of Fundamental Rule 22-B shall not be applicable in the matter of re-fixation of pay under sub-rule (2).

NOTE— Where the increment of Government servant in the post in which he is officiating has been withheld under rule 24 or rule 25, without any reference to the increments that will accrue to him in the post held by him substantively, the provisions contained in sub-rule (2) of this rule shall not apply before the date from which the orders withholding the increment finally cease to be operative. However, during the period of penalty of withholding the increment, the Government servant may be allowed pay equal to his substantive pay from time to time if the same happens to be more than the officiating pay, the difference between the substantive pay and the officiating pay being allowed to the Government servant in the shape of personal pay.

7. Regarding Orders of the Governor under Fundamental Rule 56 (part II-Chapter IX-Compulsory Retirement-Page 109) the following may be added:—

Repealed w.e.f. 18-4-75 vide Notification No. G-2-58/X-534 (19) 90 Dated 18-1-90.

8. Regarding Sub-Rule (1) (Earned Leave) under Fundamental Rule 81-B (part II-Chapter X-Leave-page 129) the following may be added as foot-note:—

\*For calculation of leave see revised order contained in O.M. No. G-4-1751/??-201-76 dated 24-6-78.

9. Regarding Sub-Rule (3) (Leave on private affairs) under Fundamental Rule 81-B (Part II-Chapter X-Leave-page 132) the following may be added as foot-note:—

\*For calculation of leave see revised order contained in O.M. No. ?-4? 03/??-200-79 dated 30-10-79.

10. Fundamental Rule 87-A (part II-Chapter X-Leave-page 150) may be substituted as under:—

\*87-A. A Government servant subject to the leave rules in Fundamental Rule 81-B, when on leave, shall be entitled—

(1) If on earned leave, or on leave on medical certificate against the limit of twelve months laid down in that rule, to leave salary equal to the pay drawn immediately before proceeding on leave;

Provided that if the government servant is reverted from a post carrying a higher scale of pay to a post carrying a lower scale of pay and proceeds on leave, from the date of his reversion, he will

\*(This amended rule shall be deemed to have come into force with effect from April 1, 1978 vide Notification No. G-4-1395/X-38-200-76, dated October 13, 1988).

be entitled to leave salary equal to the pay which would have been admissible under the rules had he not proceeded on leave;

(2) If on leave on private affairs under sub-rule (3) or on leave on medical certificate under the first proviso to sub-rule (2) (i) of Fundamental Rule 81-B, to leave salary equal to half the amount specified in sub-rule (1).

(3) If on commuted leave, to leave salary, equal to the amount admissible under sub-rule (1).

(4) If an extraordinary leave, to no leave salary.

NOTE—In the case of a person to whom the provisions of Employees State Insurance Act, 1948, apply the leave salary payable under this rule in respect of leave on medical certificate shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

Orders of the Governor regarding Rule 87-A

(1) In the cases of government servants to whom rule 87-A applies, the authority competent to grant leave has no power to alter the nature of leave applied for.

(2) The authority which granted leave to a government servant governed by rule 87-A, can commute it retrospectively into leave of a different kind which was admissible at the time the leave was originally granted but the government servant concerned cannot claim it as a matter of right. (See also orders of the Governor under subsidiary Rule 158.)

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

(The above Orders of Governor shall be deemed to have come into force with effect from April 1, 1978 vide Notification No. G-4-1895/X-38-200-76, dated October 13, 1988).

11. Subsidiary Rules 12, 13,14,15,16 and 17 (part III-Subsidiary Rules-Chapter III-Certificate of fitness for Govt. Service-page 215-217) may be substituted as under:—

\*12. The Certificate shall, except in the case of women candidates be signed by senior Superintendent, Chief or Principal Superintendent of the Government Hospital of the district in which the candidate is resident or in which he is to be employed, provided that a Senior Superintendent, Chief or Principal Superintendent of the District Government Hospital shall not examine a candidate or grant him a certificate except on the written request of the appointing authority. In such a Government Hospital where the post of Senior Superintendent, Chief or Principal Superintendent does not exist or the incumbent is not appointed or is on long leave and the Superintendent or other officers of Senior scale is incharge, the certificate shall be signed by the Chief Medical Officer of that district.

\* 13. Before the authorised Medical Officer is requested to examine a candidate, the appointing authority shall, as far as possible, satisfy himself that the candidate has not previously been rejected as unfit for permanent employment by any medical authority and if the candidate has been so rejected the appointing authority shall bring the fact prominently to the notice of the

(\*These amended rules shall be deemed to have come into force w.e.f. 10-4-1990 vide Notification No. G-1-152/X-534(15)67 dated April 10, 1990.)

Medical Officer to whom the case is referred under Rule 12 or Rule 17 for examination and shall state the cause of the rejection, if known or ascertainable, by a letter.

\*14. Deleted.

\*15. If in any case a candidate is not satisfied with the decision of Senior Superintendent, Chief or Principal Superintendent, Chief Medical Officer or Superintendent (woman) as the case may be, he may appeal to the Divisional Medical Invaliding Board through the head of the office or department concerned, and the latter shall forward the appeal to the Board. The Board shall on receipt of the appeal fix a date for its disposal and intimate the candidate on the time and date fixed. The candidate may appear before the Board on the date fixed at his own expense.

\*16. When a government servant in whom a defect has been noticed by the examining medical officer, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the Medical Officer has at the written request of the head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the government servant.

\*17. No woman candidate for permanent employment in the service of the Government shall be required to undergo a Medical examination by a male Medical Officer. In such a case the appointing authority may accept certificate in the prescribed form from a Senior Superintendent, Chief or Principal Superintendent (woman) of the district Government Woman Hospital. In such a district Hospital when the posts of Senior Superintendent, Chief or Principal Superintendent (woman) do not exist or the incumbents are not appointed or they are on long leave, the certificate shall be signed by the Superintendent (woman) of the district Hospital.

NOTE—Deleted.

\*(These amended rules shall be deemed to have come into force w.e.f. 10-4-1990 vide Notification No. G-1-152/X-534(15)67 dated 10-4-1990.)

## CORRIGENDA—II

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. G-4—1071/X-92—201/76 Dated December 21, 1992.

UTTAR PRADESH SHASAN  
VITTA (SAMANYA) ANUBHAG-4  
No. G-4—1071/X-92—201/76  
Dated Lucknow December 21, 1992

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules, to amend the Fundamental Rules contained in Financial Hand Book, Volume II, Parts II to IV.

UTTAR PRADESH FUNDAMENTAL  
(FIRST AMENDMENT) RULES, 1992.

Short title and commencement  
Amendment of Sub-rules (1) and (3) of Fundamental Rule 81-B.

(1) These rules may be called the Uttar Pradesh Fundamental (First Amendment) Rules, 1992.

(2) They shall come into force atonce.

2. In the Fundamental Rule 81-B, for the sub-rules as set out in column 1 below, the Sub-rules as set out in column-2 below shall be substituted:—

Column-1	Column-2
Existing Sub-rules	Sub-rules as hereby substituted
81-B (1) Earned Leave — A government servant to whom these rules apply shall Earn Leave in respect of the period spent on duty and the earned leave admissible to him shall be one-eleventh of the period spent on duty. Provided that:— (i) When the total of his earned leave amounts to one hundred and eighty days he shall cease to earn such leave; (ii) Subject to the provisions of Fundamental Rules 67 and 86—A;	81-B (1) Earned Leave—The following procedure shall be deemed to have come into force with effect from January 1, 1978 in regard to calculation of earned leave in respect of Government servants serving in the State:— (i) Earned Leave of thirty-one days shall be credited in advance, in the leave account of every government servant, in two half yearly instalments, in each calendar year. Sixteen days earned leave shall be credited on the first day of January and fifteen days earned leave on the first day of July of every calendar year;

<p>(a) the maximum period of earned leave that may be granted to him at a time shall be one hundred and twenty days if spent in Asia;</p> <p>(b) earned leave may be granted to him exceeding period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion there of is spent out-side Asia but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days:</p> <p>Provided further that in the case of a government servant serving in a vacation department:</p> <p>(i) the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation;</p>	<p>(ii) Earned leave at the credit of a government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year, does not exceed a maximum limit of one hundred and eighty days, raised to two hundred and forty days with effect from January 1, 1987.</p> <p>In the case of a government servant appointed on or after first January 1978, earned leave shall be credited at the rate of two and half days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed;</p> <p>(iii) when the total earned leave amounts to two hundred and forty days, a government servant shall cease to earn such leave,</p>
<p>(ii) if he is prevented by reason of Government work from availing himself of the full vacation in any year as provided for in Subsidiary Rules 145 and 146, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation;</p>	<p>NOTE:—The limit of one hundred and eighty days was raised to two hundred and forty days with effect from January 1, 1987.</p>
<p>(iii) if in any year he does not avail himself of the vacation in terms of Subsidiary Rules 145 and 146; the earned leave admissible to him shall not be subject to any reduction.</p>	<p>(iv) the credit of earned leave under clauses (i) and (ii) above shall be reduced by one-tenth of the period of extra-ordinary leave availed of during the previous half year, subject to a maximum of fifteen days:</p>
<p>(v) vacation may be taken in combination with or in continuation of, any kind of leave under these rules, provided that the total duration of vacation and earned leave is taken in combination with or in continuation of, other leave or not, shall not exceed the amount of earned leave admissible to him at a time under the first proviso to sub-rule (1) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days;</p>	<p>(v) in the case of government servant who ceases to by a government servant due to retirement, resignation, death or any other reason in a particular half year, earned leave shall be credited to his leave account at the rate of 2½ (two and half) days for each completed calendar month upto the date he ceases to be a government servant. In such cases a deduction on account of extra-ordinary leave availed of from the beginning of that particular half year up to the date he ceases to be a government servant shall be made from earned leave credited to his leave account for, that particular half year. If the earned leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn. Therefore before any payment of leave salary and/or pay is made to the government servant concerned in respect of that month in which he ceases to be a government servant, it shall be duly ensured by the competent authority that the earned leave in</p>

	excess of the credit so due to him has not been sanctioned and over-payment of leave salary has not been made:
	(vi) while affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.
	(vii) A government servant on leave on the last day of a half year shall be entitled to avail of the earned leave to be credited in his leave account on the first day of the following half year of the calendar year, subject to the condition that the authority competent to sanction leave has reason to believe that the Govt. servant shall return to duty on its expiry.
	(viii) the leave accounts of Govt. servants in respect of earned leave as they existed before commencement of these rules, shall be closed and earned leave at their credit on December 31, 1977 shall be carried forward in their new leave account is to be maintained in Form 11-D, enclosed to these rules.
	(ix) every order sanctioning earned leave issued by the competent authority in respect of Government servant subordinate to him shall indicate the balance of earned leave at the credit of the government servant concerned at the time.
	(x) subject to the provisions of Fundamental Rules 67 and 86—A:—
	(a) the maximum period of earned leave that may be granted to a government servant at a time shall be one hundred and twenty days if spent in India;
	(b) earned leave may be granted to him exceeding a period of 120 days but not exceeding 180 days if the entire leave so granted or any portion thereof is spent in a foreign country but the period of such leave spent in India shall not in the aggregate exceed the limit of 120 days.
	(xi) in the case of a government servant serving in a vacation department:—
	(a) the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation.
	(b) if he is prevented by reason of government work from availing himself of the full vacation in any year as provided in the Subsidiary Rules 145 and 146, the earned leave admissible to him shall be reduced by a fraction of thirty

	days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation.
	(c) if in any year he does not avail himself of the vacation in terms of Subsidiary Rules 145 and 146, the earned leave admissible to him shall not be subject to any reduction.
	(d) vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave is taken in combination with, or in continuation of other leave or not, shall not exceed the amount of earned leave admissible to him at a time under clause (ii) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.
	(xii) a government servant may be permitted to surrender a portion of earned leave at his credit and allowed cash payment in lieu thereof in accordance with the orders issued by Government, in this regard, from time to time.
(3) Leave on private Affairs: A government servant to whom these rules apply may also be granted leave on private affairs not exceeding three hundred and sixty five days in all during his entire service. Such leave shall be earned by him at one—eleventh of the period spent on duty and shall be granted, on any one occasion, for not more than ninety days if spent wholly in Asia and not more than one hundred and eighty days if spent wholly outside Asia. If the leave is spent partly in and partly outside Asia, the period shall be ninety days plus such time as is actually spent outside Asia subject to a maximum total period of one hundred and eighty days.	(3) Leave on Private Affairs: A government servant to whom these rules apply may also be granted leave on private affairs not exceeding three hundred and sixty five days in all during his entire service.
	(i) He shall be entitled to thirty-one days leave on private affairs in every calendar year.
	The following procedure shall be deemed to have come into force with effect from 1st July, 1979; in regard to calculation of leave on Private affairs in respect of Government Servants serving in the State:—
Provided that no leave may be granted under this sub-rule unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty on its expiry or unless it is included in leave preparatory to retirement: Provided further that in all cases in which government servants may have before the date of application of these rules to them availed of leave on private affairs under Fundamental Rule 81-B and Subsidiary Rule 157-A. The period of leave so availed of shall be taken into account in arriving at the amount of leave	(ii) Leave on private affairs shall be credited in advance, in the leave account of every government servant in two half yearly installments in each calendar year. Sixteen days leave on private affairs shall be credited on the first day of January and fifteen days leave on private affairs on the first day of July of every calendar year. (iii) When the total of leave on private affairs amounts to three hundred and sixty five days, a government servant shall cease to earn such leave. (iv) the leave on private affairs at the credit of a government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year

<p>on private affairs admissible under this sub-rule. For this purpose, the government servants shall be deemed to have earned the leave on private affairs, not exceeding three hundred and sixty five days, at the rate of one eleventh of the period spent on duty from the commencement of their continuous service, whether in a temporary or a permanent capacity. If leave in excess of three hundred and sixty five days has been taken by a government servant before the application of this sub-rule in his case, minus balance shall be waived and no further leave shall be earned by him. In other cases where a government servant has availed of leave in excess of the leave admissible on the date but not exceeding the limit of three hundred and sixty-five days, it shall be adjusted against the leave on private affairs that will be earned by him subsequently.</p>	<p>do not exceed a maximum limit of three hundred and sixty five days.  (v) in the case of a government servant appointed or after 1st July, 1979, the leave on private affairs shall be credited at the rate of 2½ (two and half) days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.  (vi) The credit of leave on private affairs under claused (i) and (ii) above shall be reduced by one-tenth of the period of extraordinary leave availed of</p>
	<p>during the previous half year subject to a maximum of fifteen days.</p>
	<p>(vii) In the case of a government servant who ceases to be a government servant due to retirement, resignation, death or any other reason in a particular half year, the leave on private affairs shall be credited to his leave account at the rate of 2½ (two and half) days for each completed calendar month upto the date he ceases to be a government servant. In such cases the deduction on account of extraordinary leave availed of from the beginning of that particular half year up to the date he ceases to be a government servant, shall be made from leave on private affairs credited to his leave account for that particular half year. If the leave on private affairs already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn, therefore, before any payment of leave salary and/or pay is made to the government servant concerned in respect of that month in which he ceases to be a government servant, it shall be duly ensured by the competent authority that the leave on private affairs in excess of the credit so due to him has not been sanctioned and overpayment of leave salary has not been made;</p>
	<p>(viii) while affording credit of leave on private affairs fractions of a day shall be rounded off to the nearest day;</p>

	(ix) A government servant on leave on the last day of a half year shall be entitled to avail of the leave on private affairs to be credited to his leave account on the first day of the following half year of the calendar year, subject to the condition that the competent authority has reason to believe that the government servant shall return to duty on its expiry.
	(x) The leave accounts of government servants in respect of leave on private affairs as they existed before the Commencement of these rules at shall be closed and leave on private affairs at their credit on 30th June, 1979 shall be carried forward to their new leave accounts, to be maintained in Form 11-E enclosed to these rules;
	(xi) Every order sanctioning leave on private affairs, issued by the competent authority in respect of government servants subordinate to him shall indicate the balance of leave on private affairs at the credit of the government servant concerned at that time;
	(xii) The maximum period of leave on private affairs that may be granted to a government servant at a time shall be ninety days if spent in India. Leave on private affairs may be granted to him exceeding a period of ninety days but not exceeding one hundred and eighty days if the entire leave so granted or
	any portion thereof is spent outside India but the period of such leave spent in India shall not in the aggregate exceed the limit of ninety days;
	(xiii) No leave may be granted under this sub-rule unless the authority competent to sanction leave has reason to believe that the government servant will return to duty on its expiry or unless it is included in leave preparatory to retirement;
	(xiv) In all cases in which government servants may have, before the Commencement of these rules, availed of leave on private affairs under Fundamental Rule 81-B and Subsidiary Rule 157-A, the period of leave so availed of shall be taken into account in arriving at the amount of leave on private affairs admissible under this sub-rule. For this purpose, the government servant shall be deemed to have earned the leave on private affairs, not exceeding three hundred and sixty five days, under the provisions of these rules, from the date of their continuous service, whether in a temporary or a permanent capacity. If leave in excess of three hundred and sixty five days has been taken by a government servant before the application of this sub-rule in his case, the minus balance shall be waived and no further



	leave shall be earned by him. In other cases where a government servant has availed of leave in excess of the leave admissible on the date but not exceeding the limit of three hundred and sixty
	five days, it shall be adjusted against the leave on private affairs that will be earned by him subsequently,
	By order,
	B. N. Tewari
	Principal Secretary, Finance.
	No. Samanya-4-1071/X-92-201/76 of date.
	Copy forwarded for information and necy. action to the following:—
	1. Accountant General, Audit I and II, U. P. Allahabad.
	2. Accountant General, Account I and II, U. P. Allahabad.
	3. Secretary Legislative Council/Assembly Council House, Lucknow.
	4. All Head of Departments and Principal Head of Officers, Uttar Pradesh.
	5. All Sections of the Secretariat.
	6. Director, Printing and Stationery, Uttar Pradesh, Allahabad, with the request that the notification may please be printed in the next issue of State Gazette.
	By order,
	(G. D. DIXIT)
	Joint Secretary.

FORM NO.—11-D

[See Sub-rules (i) (viii) of Fundamental Rule 81-B]  
Form of leave account of earned leave under the U.P.  
Fundamental Rules

Name of Government Servant.....Designation.....  
Date of birth.....

Date of commencement of continuous service.....

Date of Permanent employment.....

Date of retirement/resignation/termination of service.....

Particulars of service in the calendar half-year		Completed months of service in the calendar half-year	Earned leave credited at the beginning of half-year	Number of days of Extraordinary Leave availed of during the previous calendar half-year	Earned leave to be deducted (1/10th of the period in Col.5)
From	To				
1	2	3	4	5	6
Total Earned Leave at credit in days (Col.4+11-6)	Leave Taken		Number of days	Balance of Earned Leave on return from leave (Col.7-10)	Remarks
	From	To			
7	8	9	10	11	12

**INSTRUCTIONS**

Notes:—

1. The Earned Leave due should be expressed in days.
2. When a government servant is appointed during the course of a particular calendar half-year, Earned Leave should be credited at 2½ days for each completed month of service in the calendar half-year in which he is appointed and the fraction of a day will be rounded to the nearest day.
3. The old leave account of the earned leave in respect of existing government servant has to be closed and the balance as on December 31, 1977, will have to be carried forward to the new account in Col. 11. While doing so, the balance at credit on December 31, 1977, may be rounded off to the nearest day.
4. The entry in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day. Period of extraordinary leave should be noted in red ink.

FORM No. 11-E

(See Sub-rule (3) (X) of Fundamental Rule 81-B)

Form of leave account of leave on private affairs under the U. P. Fundamental Rules.

Name of Government Servant Designation

Date of birth

Date of commencement of continuous service

Date of permanent employment

Date of retirement/resignation/termination of service

Particulars of service in the calendar half-year	Completed months of service in the calendar half-year	Leave on private affairs credited at the beginning of half-year	Number of days of Extraordinary Leave availed of during the previous calendar half-year

From	To					
1	2	3		4		5
Leave on Private affairs to be deducted (1/10th of period in Col. 5)	Total Leave on Private affairs at credit in days (Col. 4-11-6)	Leave Taken		No. of days	Balance of leave on Private affairs on return from leave (Col. 7-10)	Remarks
		From	To			
6	7	8	9	10	11	12

### INSTRUCTIONS

Notes—

1. The Leave on Private affairs due should be expressed in days.
2. When a government servant is appointed during the course of a particular calendar half-year, Leave on Private affairs should be credited at the rate of 2½ days for each completed month of service in the calendar half-year in which he is appointed and the fraction of a day will be rounded to the nearest day.
3. The old leave account of the Leave on Private affairs in respect of existing government servant has to be closed and the balance as on June 30, 1979 will have to be carried forward to the new account in Col. 11 while doing so, the balance at credit on June 30, 1979, may be rounded off to the nearest day.
4. The entry in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.
5. Period of extraordinary leave should be noted in red ink.
6. When commuted leave is granted under Rule (4) of F.R. 81-B, twice the amount of such leave shall be shown entries relating to leave on private affairs in columns 10 and 11. The period of Commuted leave granted should be shown in column 12 for remarks.

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. G-4-1072/X-92-201/76 dated 21-12-1992.

**UTTAR PRADESH SHASAN  
VITTA (SAMANYA) ANUBHAG—4.  
NOTIFICATIONs**

No. G-4—1072/X-92—201/76  
Dated Lucknow December 21, 1992

In exercise of the powers under Fundamental Rule 103 of the Uttar Pradesh Fundamental Rules, the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Subsidiary Rules.

**THE UTTAR PRADESH SUBSIDIARY  
(First Amendment) RULES, 1992**

Short title and Commencement  
Amendment of Subsidiary Rule-80

1. (1) These rules may be called the Uttar Pradesh Subsidiary (First Amendment Rules, 1992).
- (2) They shall come into force at once.
2. In the Subsidiary Rules contained in Financial Hand Book, Volume II, Part I hereinafter referred to as the said Rules, for the existing rule 80, as set out in column 1 below the rule as set out in column 2 shall be substituted:-

Column—1	Column—2
Existing Subsidiary Rule-80	Subsidiary Rule-80 as hereby substituted.
80. Leave Account—The leave account required by Fundamental Rule-76 in Part-1 shall be maintained in Form Nos. 11 and 11-A (prescribed by the Auditor General) in respect of government servants under the special leave rules and ordinary leave rules respectively. The leave account required by rule-70 of the Uttar Pradesh Fundamental Rules be maintained in Form Nos. 11-B and 11-C.	80. Leave Account—The leave account required by Fundamental Rule-76 in Part-I shall be maintained in Form Nos. 11 and 11-A (prescribed by The Auditor General) in respect of Government servants under the special leave rules and ordinary leave rules respectively. The leave account required by rule 76 of the Uttar Pradesh Fundamental Rules shall be maintained in Form Nos. II-B, 11-C, 11-D and 11-E.
Amendment of Subsidiary rule 157-A	3. In rule 157-A of the said Rules, for sub-rules (1) and (3) set out in Column-1, below, the sub-rules as set out in Column 2, shall be Subsidiary sub-rules (1) and (3) as hereby substituted.
Existing subsidiary sub-rules (1) and (3)	
(1) Earned Leave—A Government servant to whom these rules apply shall earn leave at one-eleventh of the period spent on duty from the date of commencement of the continuous service; Provided that—	(1) Earned Leave —The following procedure shall deemed to have come into force with effect from January 1, 1978 in regard to calculation of earned leave in respect of Government servants serving in the State for the period spent on duty from
(i) when the total of his	the date of commencement of
earned leave amounts to one	continuous service;
hundred and eighty days he shall cease to earn such leave;	(i) Earned Leave shall be credited in advance, in the leave account of every government servant in two half yearly installments in each
(ii) subject to the provisions of Fundamental Rules 67 and 86-A;	
(a) the maximum period of earned leave that may be granted to him at a time shall be one hundred and twenty days if spent in Asia;	calendar year. Sixteen days earned leave shall be credited on the first day of January and fifteen days earned leave on the first day of July of every calendar year.
(b) earned leave may be granted to him exceeding a period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion there of is spent outside Asia but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days;	(ii) when the total of earned leave amounts to one hundred and eighty days (raised to two hundred and forty days with effect from January 1, 1987) a Government servant shall cease to earn such leave.

<p>Provided further that in the case of a government servant serving in a vacation department—</p>	<p>(iii) the leave at the credit of a government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year does not exceed a maximum limit of one hundred and eighty days raised to two hundred and forty days with effect from January 1, 1987.</p>
<p>(i) the earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation.</p>	
<p>(ii) if he is prevented by reason of government work from availing himself of the full vacation in any year, the earned leave admissible to him, shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation.</p>	<p>(iv) in the case of a government servant appointed on or after First January 1, 1978, earned leave shall be credited at the rate of 2½ days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.</p>
<p>(iii) if in any year he does not avail himself of the vacation the earned leave admissible to him shall not be subject to any reduction;</p>	<p>(v) the credit afforded under clause (i) and (ii) above shall be reduced by one-tenth of period of extra-ordinary leave</p>
<p>(iv) vacation may be taken in combination with, or in continuation of, and kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with, or in continuation of, other leave or not, shall not exceed the amount of earned leave admissible to him at a time under the first proviso to sub-rule (1) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days only. Note-The provisions of subsidiary Rules 145 and 146 also apply in the case of government servants to whom these rules apply if belonging to vacation department, but the certificate prescribed in Note 2, under Subsidiary Rule 146 should, in the case of a gazetted government servant, be sent to the Accountant General along with the application and not immediately after the close of the vacation.</p>	<p>only availed of the during the previous half year subject to a maximum of fifteen days;</p>
	<p>(vi) in the case of a government servant who ceases to be a government servant due to retirement, resignation, death or for any other reason in a particular half year, the earned leave shall be credited to his leave account at the rate of two and half days for each completed calendar month</p>

	<p>upto the date he ceases to be a government servant due to retirement, resignation, death or for any other reason. In such cases a deduction on account of extra ordinary leave availed of from the beginning of that particular half year upto the date he ceases to be a government servant shall be made from earned leave credited to his leave account for that particular half year. If the earned leave already availed of is more than the credit due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn. Therefore, before any payment of leave salary and/or pay is made to the government servant concerned in respect of that month in which he ceases to be a government servant, it should be duly ensured by the competent authority that the earned leave in excess of the credit so due to him has not been sanctioned and over payment of leave salary has not been made;</p>
	<p>(vii) while affording credit of earned leave fraction of a day shall be rounded off to the nearest day.</p>
	<p>(viii) if a government servant is on leave on the last day of a half year he can be allowed by the authority competent to sanction leave to avail of the earned leave to be credited in his leave account on the first day of the following half year of the calendar year provided that he has reason to believe that the government servant shall return to duty on the expiry of his leave;</p>
	<p>(ix) the leave accounts of government servants as they existed before the commencement of these rules shall be closed and earned leave at their credit on December 31, 1977 shall be carried forward in their new leave account to be maintained in Form 11 D, enclosed to these rules.</p>
	<p>(x) every order sanctioning earned leave shall indicate the balance of earned leave at the credit of the government servant;</p>
	<p>(xi) subject to the provisions of Fundamental Rules 67 and 86-AL—</p>
	<p>(a) the maximum period of earned leave that may be</p>
	<p>granted to a government ser-</p>

	vant at a time shall be one
	hundred and twenty days if
	spent in India;
	(b) earned leave may be granted to him exceeding a period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion thereof is spent in a foreign country but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days;
	(xii) in the case of a government servant serving in a vacation department—
	(a) the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation;
	(b) if he is prevented by reason of government work from availing himself of the full vacation in any year as provided in Subsidiary Rules 145 and 146, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation;
	(c) if in any year he does not avail himself of the vacation in terms of Subsidiary Rules 145 and 146, the earned leave admissible to him shall not be subject to any reduction;
	(d) vacation may be taken in combination with, or in continuation of, and kind of leave under these rules, provided that at the total duration of vacation and earned leave is taken in conjunction whether the earned leave is taken in combination with, or in continuation of, other leave or not, shall not exceed the amount of earned leave admissible to him at a time under clause (ii) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.
	Note:—The provisions of Subsidiary Rules 145 and 146 also apply in the case of government servants to whom these rules apply if belonging to a vacation department, but the certificate prescribed in Note 2 under Subsidiary

	Rule 146 should, in the case of a gazetted government servant, be sent to the Accountant General along with the leave application and not immediately after the close of the vacation.
	(xiii) a government servant may be permitted to surrender a portion or earned leave at his credit and allowed cash
	payment for leave so surrendered by him in accordance with the orders issued by Government in this regard from time to time.
	(For detailed orders issued by Government, See Appendix ("C"))
(3) Leave on Private Affairs:—	(3) Leave on Private Affairs:—
A Government servant to whom this Subsidiary Rule applies may also be granted leave on Private affairs not exceeding one hundred and twenty days in all during his entire temporary service provided that the leave shall not be admissible until after continuous temporary service of two years has been rendered. Such leave shall be earned by him at one-eleventh of the period spent on duty and when the leave earned amounts to sixty days, he shall cease to earn such leave:	(i) A Government servant to whom these Subsidiary Rules apply may also be granted leave on private affairs not exceeding one hundred and twenty days in all during his entire temporary service. Provided that— (a) leave shall not be admissible until after continuous temporary service of two years has been rendered.
	(b) the post from which the government servant proceeds
Provided that—	on leave is likely to last till
	his return to duty;
(i) the post from which the government servant proceeds on leave is likely to last till his return to duty; and	(ii) Every government servant shall be entitled to thirty-one days leave on private affairs in every calendar year,
(ii) the amount of leave on private affairs availed of by a government servant under Subsidiary Rule 157-A before the date of application of this rule shall be taken into account in calculating the leave due to him under this rule.	the Leave on private affairs shall be credited, in advance, in his leave account in two half yearly instalments in each calendar year. Sixteen days leave on private affairs shall be credited on the first day of January and fifteen days leave on private affairs on the first day of July of every calendar year.
	(iii) when the total of leave on private affairs amounts to sixty days a government servant shall cease to earn such leave.



	(iv) the leave at the credit of a government servant at the close of the previous half-year
	shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the limit of sixty days;
	(v) in the case of a government servant appointed on or after 1st July, 1979, leave on private affairs shall be credited at the rate of 2½ (two and half) days for each completed Calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.
	(vi) the credit afforded under clauses (i) and (ii) above shall be reduced by one-tenth or period of extraordinary leave only availed of during the previous half year subject to a maximum of fifteen days.
	(vii) in the case of a government servant who ceases to be a government servant due to retirement, resignation, death or for any other reason in a particular half year, the leave on private affairs shall be credited to his leave account at the rate of two and half days for each completed calendar month upto the date he ceases to be a government servant due to retirement, resignation, death or for any other reason. In such cases a deduction on account of extraordinary leave availed of from the beginning of that particular half year upto the date he ceases to be a government
	servant shall be made from leave on private affairs credited to his leave account for that particular half year. If the leave on Private affairs already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.
	Therefore, before any payment of leave salary and/or pay is made to the government servant concerned in respect of that month in which he ceases to be a government servant, it should be duly ensured by the competent authority that the leave on private affairs in excess of the credit so due to him has not been sanctioned and over-payment of leave salary has not been made;
	(viii) while affording credit of leave on private affairs, fractions of a day shall be rounded off to the nearest day;
	(ix) If a government servant is on leave on the last day of a half year he can be allowed by the authority competent

	to sanction leave to avail of the leave on private affairs to be credited
	to his leave account on the first day of the following half year of the calendar year provided that he has reason to believe that the government servant shall return to duty on the expiry of his leave;
	(x) the leave accounts of government servants as they existed before commencement
	of these rules shall be closed and leave on private affairs at their credit on 30th June, 1979 shall be carried forward in their new leave account to be maintained in form 11-E enclosed to these rules;
	(xi) every order sanctioning leave on private affairs shall indicate the balance of leave on private affairs at the credit of the government servant;
	(xii) the maximum period of leave on private affairs that may be granted to a government servant at a time shall be sixty days.
Insertion of new Appendix 'c'	4. In the said Rules, after Appendix 'B' the following Appendix shall be inserted namely:—

#### APPENDIX 'C'

(See F.R. 81-B(I) (XII) and S.R. 157-A (I) (XIII). copy of Office Memorandum no. S.4-1905/X-81-202-70, dated October 30, 1981, Office Memorandum no. S-4-1022/-X85-205/84, dated June 13, 1985, and Office Memorandum no-S-4-488/X-200/88, dated August 25, 1989, as revised in pursuance of the pay scales recommended by the State Samiti appointed by the State Government for the revision of the pay scales of State employees, from Vishesh Sachiv, Uttar Pradesh Shasan, Vitta Samanya Anubagh (4) addressed to all Head of Department and Principal Heads of Offices, in Uttar Pradesh.

The undersigned is directed to say that at present in accordance with office Memorandum No.-S-4-851/X-81-202-70, dated May 28, 1981, read with G.C. No. S-4-1255/X-202-70, dated August 21, 1988, facility of encashment of one month/30 days leave on average pay/earned leave as the case may be, according to the applicability of pre-1930/post 1936, Leave Rules is admissible to such government servants as are drawing Rs. 1,000/- or less permensum as pay subject to certain conditions from their accumulated leave account only once in a calendar year without actually availing of the leave.

In pursuance of the decision taken by the Government on the recommendations of the second Pay Commission (1979-80) relating to encashment of leave the Government is pleased to order that hence forth the facility of encashment of earned leave shall be admissible subject to the following Conditions:—

(1) The facility of encashment of earned leave of 30 days in the case of government servants drawing Rs. 2900/- or less per month as pay and fifteen days in the case of Government servants drawing more than Rs. 2900/- per month as pay in the revised scales of pay from 1st January, 1986, as recommended by the pay Equivalence Committee and accepted by the Government, will be admissible without actually availing of the leave subject to the condition that at least sixty day earned leave invariably remains due in the leave account of the government servant concerned on the date of surrender after surrendering the said leave of 30 days/15 days. The provision of keeping at least days earned leave invariably due in the leave account after the surrender of leave has been made keeping in view the interests of the government servants with the object that they may avail of it as and when needed and may not be compelled to avail of leave on half pay/leave without pay.

(2) This facility of encashment of earned leave will be admissible also to All India Service Officers working under the State Government subject to the conditions mentioned in item no. (1) above, provided that this facility of encashment of leave will not be admissible to A.I.S. officers allotted to the State Government during the period of their deputation to Central Government.

(3) In the case of the State Government servants, including All India Service Officers, working in the existing scales of pay whose scales of pay have not been revised, dearness allowance equal to 70 percent of the basic pay and one-third amount of basic pay admissible on 1st January, 1980, will be added to their basic pay for the purpose of admissibility of encashment of leave and the facility of encashment of leave for 30 days/15 days shall be granted on the basis of pay arrived at in this manner.

(4) For the eligibility of facility of encashment of leave only the substantive pay as defined in F.R. 9. (21)(1) should be taken into account and other pays should be ignored.

(5) For the period of leave so surrendered such leave salary, non-practising allowance/pay, dearness allowance, city compensatory allowance and hill development allowance will be payable to the government servant concerned but house rent allowance will not be payable to him for the period of leave surrendered. This amount will be payable in full and no deduction will be made from it on account of provident fund, advance, house rent, dues of co-operative societies etc. The cash equivalent for the earned leave surrendered shall be calculated as indicated below:—

Cash equivalent for the earned leave surrendered	Pay and allowances admissible at the time of surrender of earned leave	No. of days of earned leave surrendered (30 days or 15 days as the case may be)
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30

(6) The authority competent to sanction leave on average pay/earned leave will be competent to sanction the surrender of earned leave. The application for surrender of earned leave should be given in the prescribed application form (copy enclosed). It should be clearly mentioned by the government servants in their application relating to the encashment that on which particular date the surrender of earned leave is required by them and the leave will be treated as surrendered on the same date. Accordingly leave for 30 days/15 days should be deducted from the leave account of the government servant concerned on the date of surrender and a remark should be noted in his leave account that this deduction has been made as a result of surrender of leave by the government servant.

(7) The facility of surrender of earned leave will be admissible only once in a calendar year but in such cases in which the facility of encashment has been availed of under the existing orders during the current calendar year, the facility of encashment will not be admissible again under these orders during the current calendar year.

(8) The total of leave surrendered and earned leave/leave on average pay, as the case may be, taken in continuation of it at a time will not exceed the limit of leave due to the government servant or 120 days or four months, in case where pre-1936 rules are applicable, whichever is less.

(9) The facility of surrender of leave will not be admissible in cases where government servants are due to retire within a period of less than 30 days/15 days.

(10) The payment of leave salary and allowances for the period of leave surrendered should be made immediately after the date of surrender of leave to the non-gazetted government servants. So far as gazetted officers are concerned they may draw advance in this connection also under paragraph 249 (y) of Financial Hand-book, Volume V, Part I in the same manner as they can do in case of availing of earned leave upto 120 days. No deduction shall be made from the advance relating to the surrender of leave.

(11) This facility will be admissible also to those Government servants who are on deputation to Government of India or other State governments or on foreign service.

(12) In order to ensure that necessary entry regarding surrender of leave has been made in the leave account, so far as non-gazetted government servants are concerned, necessary details about surrender of leave shall be noted in their service books and leave accounts at the time of drawing leave salary relating to the leave surrendered. While drawing leave salary relating to the surrendered leave the Disbursing Officer shall give a certificate in the bill in which the leave salary is drawn to the effect that necessary entries as mentioned above have been made in the service books and leave accounts.



Designation,

Amendment of part IV of the Financial Hand-book, Volume II

5. In Part IV of the Financial hand-book Volume II,—

(i) for the existing Form No. 11 C set out in Appendix-1, the Form as set out in Appendix-2 shall be substituted;

(ii) after Form No. 11-C, Forms 11-D and 11-E as set out in Appendixes 3 and 4 respectively shall be inserted.

By order,  
B. N. Tewari  
Pramukh Sachiv.

No. Samanya-4-1072 (1)/X-92-201/76 of date

Copy forwarded for Information and necessary action to the following:—

1. Accountant General (Audit/Account I and II, U.P. Allahabad).
2. All Heads of Department and Principal Heads of offices. U.P.
3. All section of the Secretariate.
4. Director, Printing and Stationery, Uttar Pradesh, Allahabad. With the request that the notification may please to printed in the next issue of State Gazette.

By order,  
(G. D. Dixit)  
Joint Secretary

APPENDIX—1  
FORM No. 11-C  
(See Subsidiary Rule 80)

Form of Leave Account under the U. P. Fundamental Rules for government servants in superior service recruited on or after January 1, 1936 and inferior government servants.

Leave account of—————		Date of birth—————		
Designation—————		Date of Commencement of continuous service—————		
		Date of substantive appointment to permanent post—————		
		Date of Compulsory retirement———		
Period of duty				
From	To	No. of days	Leave earned in days	Leave at credit in days (Col.4+Col.9)
1	2	3	4	5
Earned Leave				
Leave taken				
From	To	No. of days	Balance on return from leave in days (Col.5—8)	

6		7		8		9	
Leave on Private affairs							
Leave earned in days	Leave at credit in days (Col.10+15)	Leave taken		No. of days	Balance on return from leave in days (Col. 11—14)		
		From	To				
*) 10	11	12	13	14	15		
Leave on medical certificate taken							
From	To	Period against the limit of 12 months or 4 months as the case may be		Period against the limit of 6 months under the first proviso to rule 2 (i) of F. R. 81—B			
16	17	18		19			
Extraordinary Leave							
From	To	Period		Remarks			
20	21	22		23			

Instruction for Filling of Form No. 11—C

1. The form is intended for the maintenance of leave accounts of government servants whose leave is regulated under F.R. 81-B and S.R.-157-A, as in force with effect from April 1, 1960.
2. The earned leave and leave of private affairs mentioned in columns 4 and 10 should be calculated at 1/11th of the period spent on duty as shown in column-3.
3. In the case of government servants belonging to vacation departments 30 days of earned leave should be shown as leave taken in column 8 for each year of duty in which full vacation is availed of and the fact of having availed vacation indicated in column 23 for remarks See also the second proviss to F.R. 81-B (1) and S.R. 157—A (1).
4. The leave medical certificate of government servants holding lien on permanent posts, to the extent of twelve months on average pay or average substantive pay or full pay, as admissible under rule 2(i) of F.R. 81-B, is to be entered in column 18 leave on medical certificate in excess of twelve months, up to the limit of six months on half average pay or half average substantive pay or half pay, as admissible under the first proviso to rule (2) (i) should be entered in Column 19.
5. The leave on medical certificate of government servants not holding lien on any permanent post, to the extent of four months on average pay or full pay as admissible under rule (2) of S.R. 157-A, should also be entered in column 18.
6. The progressive total leave on medical certificate and leave on private affairs should be noted in red ink below the entry of period (in black ink) on each spell such leave is taken in columns 18, 19 and 14.
7. When commuted leave is granted under rule (4) of F.R. 81-B twice the amount of such leave shall be shown in the entries relating to leave on private affairs in columns 14 and 15. The period of commuted leave granted should be shown in column 23 for remarks.
8. In the case of extraordinary leave granted under S.R. 157-A; it should be mentioned in column 23 that under which particular provision of the above rule the leave has been granted and where the leave has been granted under classes 4 (s) (iv) of this rule the progressive total of the leave taken should also be noted in column 23.

FORM No. 11-C  
(See Subsidiary Rule 80)

Form of Leave Account for leave other than earned leave and leave on private affairs under the U.P. Fundamental Rules for government servants in superior service recruited on or after January 1, 1936, and inferior government servants.

Leave account of.....Date of birth.....

Designation.....

Date of commencement of continuous service.....

Date of substantive appointment to permanent post.....

Date of compulsory retirement.....

Period of duty		Leave on medical certificate taken			
From	To	From	To	Period against the limit of 12 months or 4 months as the case may be	Period against the limit of 6 months under the first proviso to rule 2 (i) of F.R. 81-B
1	2	3	4	5	6
Extra ordinary Leave					
From		To	Period		Remarks
7		8	9		10

Instructions for Filling of Form No. 11-C

1. The form is intended for the maintenance of leave accounts of government servants whose leave is regulated under F.R. 81-B and S.R. 157-A, as in force with effect from April 1, 1966.
2. The leave on medical certificate of government servants holding lien on permanent posts to the extent of twelve months on average pay or average substantive pay or full pay, as admissible under rule (2)(i) of F.R. 81-B is to be entered in Column 5, leave on medical certificate in excess of twelve months, up to the limit of six months on half average pay or half average substantive pay or half pay, as admissible under the first proviso to rule (2) (i) should be entered in column 6.
3. The leave on medical certificate of government servants not holding lien on any permanent post, to the extent of four months on average pay or full pay as admissible under rule (2) of S.R. 157-A, should also be entered in column 5.
4. The progressive total leave on medical certificate should be noted in red ink below the entry of period (in black ink) on each spell such leave is taken in columns 5 and 6.
5. In the case of extraordinary leave granted under S.R. 157-A, it should be mentioned in column 10 that under which particular provision of the above rule the leave has been granted and where the leave has been granted under clause (4) (a) (iv) of this rule the progressive total of the leave taken should also be noted in column 10.

APPENDIX—3

FORM No. 11-D

(See Subsidiary Rule 80)

Form of Leave Account of earned leave under the U. P. Subsidiary Rules

Name of Government

Servant.....Designation.....

Date of birth.....

..  
Date of commencement of continuous service.....

Date of permanent employment.....

Date of retirement/resignation/termination of service.....

Particulars of service in the calendar half-year		Completed months of Service in the calendar half-year	Earned leave credited at the beginning of half-year	Number of days of extraordinary leave availed of during the previous calendar half-year
From	To			
1	2	3	4	5

Earned leave to be deducted (1/10th of the period in col. 5)	Total Earned leave at credit in days (col. 4+11—6)	Leave Taken		No. of days	Balance of Earned leave on return from leave (Col. 7—10)	Remarks
		From	To			
6	7	8	9	10	11	12

**INSTRUCTIONS**

- Notes—1. The Earned Leave due should be expressed in days.  
 2. When a government servant is appointed during the course of a particular calendar half-year, Earned Leave should be credited at 2 1/2 days for each completed month of service in the calendar half-year in which he is appointed and the fraction of a day will be rounded to the nearest day.  
 3. The old leave account of the Earned Leave in respect of existing government servant has to be closed and the balance as on December 31, 1977, will have to be carried forward to the new account in Col. 11, while doing so, the balance at credit on December 31, 1977, may be rounded off to the nearest day.  
 4. The entry in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.  
 5. Period of extraordinary leave should be noted in red ink.

**APPENDIX—4**

**FORM No. 11-E**

(See Subsidiary Rule 80)

Form of Leave Account of Leave on Private Affairs under the U.P. Subsidiary Rules.

Name of Government

Servant.....Designation.....

Date of birth.....

Date of commencement of continuous service.....

Date of permanent employment.....

..  
 Date of retirement/resignation/termination of service.....

Particular of service in the calendar half-year	Completed months of	Leave on Private affairs created at the beginning	Number of days of extraordinary leave availed
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From	To	Service in the calendar half-year	of half-year	during the previous calendar half-year		
1	2	3	4	5		
Leave on Private affairs to be deducted (1/10th of the period in Col. 5)	Total Leave on Private affairs as credit in days (Col. 4-11-6)	Leave Taken		No. of days	Balance of Leave on Private affairs on return from leave (Col. 7-10)	Remarks
		From	To			
6	7	8	9	10	11	12

#### INSTRUCTIONS

- Notes. 1. The Leave on Private affairs due should be expressed in days.
2. When a government servant is appointed during the course of a particular calendar half-year, Leave on Private affairs should be credited at the rate of 2 1/2 days for each completed month of service in the calendar half-year in which he is appointed and the fraction of a day will be rounded to the nearest day.
3. The old leave account of the Leave on Private affairs in respect of existing government servant has to be closed and the balance as on June 30, 1979 will have to be carried forward to the new account in Col. 11 while doing so, the balance at credit on June 30, 1979 may be rounded off to the nearest day.
4. The entry in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.
5. Period of extraordinary leave should be noted in red ink.
- PSUP (Re.) 1 Sa.Vit./601—21-12-83—20,000 Books.