

## CHAPTER IV

### LEAVE

#### SECTION I

#### **29. Extent of Application**

Save as otherwise provided in these rules, these rules shall apply to the employees of the University/Colleges other than teachers of the University/Colleges, persons appointed on contract, daily wage and ad-hoc basis and such other employees as may be specially exempted by the Executive Council.

#### **30. INTERPRETATION**

In these rules, unless the context otherwise requires:-

- (a) "authority competent to grant leave" means the authority specified at Column (4) of the Annexure-V.
- (b) "completed years of service" or "one year's continuous service" means continuous service of specified duration under the University/College and includes period spent on duty as well as on leave including extra-ordinary leave.
- (c) "date of retirement" or "date of his retirement" in relation to an employee, means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his services.
- (d) "earned leave, half-pay leave, leave not due, commuted leave, extra-ordinary leave etc.", means the leave as provided in these rules.
- (e) "earned leave" means leave earned in respect of period spent on duty.
- (f) "Employee in permanent employ" means an employee who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended.
- (g) "half-pay leave", means leave earned in respect of completed years of service calculated according to the provisions hereinafter contained.

## **SECTION II**

### **GENERAL CONDITIONS**

#### **31. Right to leave**

(1) Leave cannot be claimed as of right.

(2) When the exigencies of service so require, leave of any kind may be refused or revoked by the authority competent to grant it.

In case an employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases.

#### **31-A. Regulation of claim to leave**

An employee's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

#### **31-B. Combination of different kinds of leave**

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

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

#### **31-C. Commencement and Termination of leave**

(1) Leave ordinarily begins on the day on which the transfer of charge is affected and ends on the day preceding that on which the charge is resumed.

(2) Saturdays/Sundays and other holidays may be prefixed or suffixed to leave subject to any limit of absence on leave prescribed under each kind of leave. Provided further the restricted holiday can be prefixed or suffixed to regular leave or casual leave.

(3) If an employee 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.

### **31-D. Effect of dismissal, removal or resignation on leave at credit**

- (1) Except as provided in Rule 31-F and this rule, any claim to leave to the credit of an employee, who is dismissed or removed or who resigns from service, ceases from the date of such dismissal or removal or resignation.
- (2) Where an employee applies for another post in other organisation (UPSC/Government of India Departments /Autonomous Bodies/ Central Universities and Colleges of Delhi University) and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.
- (3) An employee, who is dismissed or removed from service and reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

### **31-E. Encashment of Earned Leave alongwith Leave Travel Concession while in service**

An employee may be permitted to encash earned leave upto ten days at the time of availing Leave Travel Concession, while in service, subject to the conditions that:

- (i) the total leave so encashed during the entire career does not exceed sixty days in the aggregate;
- (ii) a balance of at least thirty days of earned leave may be available to his credit after taking into account the period of encashment as well as leave being availed of;

(iii) the cash equivalent for encashment of leave shall be calculated as follows namely:-

$$\text{Cash Equivalent} = \frac{\text{Pay admissible on the date of availing of Leave Travel Concession plus dearness allowance admissible on that date} \times \text{Number of days of EL being encashed subject to the maximum of ten days at one time}}{30}$$

- iv) No House Rent Allowance shall be included in the cash equivalent calculated under sub-rule (iii).
- v) The period of earned leave encashed shall not be deducted from the quantum of leave that can normally be encashed by the employee under Rules 31-F, 43-B, 43-C, 43-D, and 43-E.

vi) If the employee fails to avail the Leave Travel Concession (LTC) within the time prescribed under the LTC Rules, then he shall be required to refund the entire amount of leave so encashed along with interest at the rate of two percent above the rate of interest as applicable to Provident Fund balances and shall also be entitled for credit back of leave so debited for leave encashment.

**31-F. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service**

(1) No Leave shall be granted to any employee beyond:-

(a) the date of his retirement or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to University/College or he is retired by University/College by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service.

(2) (a) Where an employee retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall, *suo motu*, issue an order granting cash equivalent of leave salary for both earned leave and half pay leave (H.P.L.), if any, at the credit of the employee on the date of his retirement, subject to a maximum of 300 days.

(b) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lump sum as a one-time settlement. No House Rent Allowance shall be payable.

(i)

|                                             |                                                                                                                                                                       |                                                                                                                                           |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Cash<br>equivalent =<br>for earned<br>leave | <b>Pay admissible on the date<br/>of retirement plus dearness<br/>allowance (DA) admissible on that date</b><br><hr style="width: 150px; margin: 0 auto;"/> <b>30</b> | <b>X</b> <b>Number of days of unutilised<br/>earned leave at credit on the<br/>date of retirement subject to<br/>maximum of 300 days.</b> |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

(ii)

| Half Pay Leave salary admissible on the date of retirement plus D.A. admissible on that date | Number of days of H.P.L. at credit subject to the total of earned leave and HPL at credit not exceeding 300 days |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Cash payment in lieu of = _____                                                              |                                                                                                                  |
| half pay leave component                                                                     | 30                                                                                                               |

NOTE.- The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

(c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.

(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of University/College dues, if any.

(4) An employee, who retires or is retired from the service in the manner mentioned in clause (c) of sub-rule (1), may be granted *suo-motu*, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both earned leave and half pay leave at his credit subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 31-F.

(5) (a) (i) Where the services of an employee are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 31-F.

(ii) If an employee resigns or quits service, he may be granted, *suo-motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days;

(b) The cash equivalent under Clause (a) shall be equal to leave salary admissible for earned leave calculated under Clause (b) of sub-rule (2) of Rule 31-F plus dearness allowance admissible on that leave salary at the rate in force on the date the employee ceases to be in service. The amount so calculated

should be paid in one lump sum as one time settlement. No House Rent Allowance shall be payable.

### **31-G. Commutation of one kind of leave to another**

(i) At the request of an employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right.

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned employee joining his duty on the expiry of the relevant spell of leave availed of by him.

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

NOTE- Extra-ordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 36.

### **31-H. Leave on medical grounds and resumption of duty**

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

An employee who has been granted leave on medical grounds shall be required to produce a medical certificate of fitness before resuming duty.

### **31-I. Re-joining of duty before the expiry of the leave and Return from leave**

(i) Except with the permission of the sanctioning authority no employee on leave may join duty before the expiry of the period of leave sanctioned to him.

(ii) Return from leave

An employee shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave.

### **31-J. Application for leave**

Leave should be applied for in the prescribed form given in Annexure VI. It should be applied for sanction before it is availed of except in special cases of emergency and for reasons to the satisfaction of the sanctioning authority.

**31-K.** Continuous temporary service followed by permanent service without any break, shall be included in the permanent service for the purpose of computation of leave.

### **31-L. Increment during Leave**

If the increment falls during leave other than casual leave or special casual leave, the effect of increase of pay will be given from the date the employee resumes duty without prejudice to the normal date of his increment.

### **31-M. Maximum amount of continuous leave**

Unless the Executive Council, in view of the exceptional circumstances of the case otherwise determines, no permanent employee shall be granted leave of any kind for a continuous period exceeding five years.

### **31-N. Leave account will be made for each employee in the prescribed form**

The order sanctioning earned leave, half-pay leave to an employee shall hereafter indicate the balance of such leave at his credit. Honorary or part-time employees shall be entitled to leave on the same conditions on which it is available to salaried employees of the University. Leave to the employees engaged on contract will be in accordance with the terms of the contract entered into.

### **31-O. Absence after expiry of leave**

- (1) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extra-ordinary leave.
- (2) Wilful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

### **31-P. Combination of holidays with leave**

(1)(i) When the day, immediately preceding the day on which a employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of series of holidays, the employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays.

(ii) In the case of leave on medical certificate-

(a) When a employee is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and

(b) When a employee is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

(2) Unless the authority competent to grant leave in any case otherwise directs-

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

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

Note- A compensatory leave granted in lieu of duty performed by a employee on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.



## **SECTION – III**

### **KINDS OF LEAVE**

**32.** The following kinds of leave shall be admissible to the employees:

(i) Leave earned by duty:

Earned leave, half pay leave, commuted leave and leave not due.

(ii) Leave not earned by duty:

Casual leave, special casual leave, maternity leave, paternity leave, child care leave, hospital leave, study leave and extra-ordinary leave.

### **33 Earned leave admissible to employees**

1 (a) The leave account of every employee shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(b) The leave at the credit of an employee at the close of the previous half year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

Provided that where the earned leave at the credit of an employee as on the last day of December or June is 300 days or less but more than 285 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (a) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

(c) The maximum amount of Earned Leave (E.L.) that can be granted to an employee at a time shall be 180 days.

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

(e) when an employee is appointed, earned leave shall be credited to his leave account @ 2 ½ days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is

appointed e.g. if he is appointed on 13th March, the number of completed months of his service in that half year will be 3 and the credit will be  $3 \times 2 \frac{1}{2} = 7 \frac{1}{2}$  days rounded to 8 days if he is appointed on 4th April, the number of completed months will be only 2 and the credit will be  $2 \times 2 \frac{1}{2} = 5$  days.

(f) the credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of  $2 \frac{1}{2}$  days per completed month in that half year up to the date of retirement/resignation. If in the case of an employee who resigns from the University service, the leave already availed of is more than the credit so due to him, necessary adjustment should be made in respect of leave salary overdrawn, if any.

(g) when an employee is removed or dismissed from service, credit of earned leave shall be allowed at the rate of  $2 \frac{1}{2}$  days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service. When an employee dies, while in service, credit of Earned Leave shall be allowed at the rate of  $2 \frac{1}{2}$  days per completed month of service up to the date of death of the employee.

(h) if an employee has availed of extra ordinary leave and/or some period of absence has been treated as *dies non* in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by  $1/10^{\text{th}}$  of the period of such leave and / or *dies non* subject to maximum of 15 days.

(i) while affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

## 2. **Limits of accumulation and grant**

(a) An employee shall cease to earn leave under Clause 1 (a) of Rule 33 when the earned leave due amounts to 300 days.

(b) The maximum amount of earned leave that can be granted to an employee at a time shall be 180 days.

Earned leave may be granted for a period exceeding 180 days, but not exceeding 300 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Myanmar (Burma), Sri Lanka, Nepal and Pakistan.

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

Provided earned leave taken as leave preparatory to retirement can be availed of upto a maximum of 300 days

(c) Prefixing /Suffixing of Holidays to leave:-

Prefixing and suffixing holidays to leave other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically with-held. When an employee is certified medically fit for joining duty, holiday(s) if any succeeding that day shall automatically be allowed to be suffixed to the leave and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

### **34. Half Pay leave**

(1) The half-pay leave account of every employee shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which an employee is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When an employee is removed or dismissed from service, credit of Half Pay Leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service. When an employee dies while in service, credit of Half Pay Leave shall be allowed at the rate of 5/3 days per completed month of service upto the date of death of the employee.

(d) When a period of absence or suspension of an employee has been treated as *dies-non* in a half year, the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one-eighteenth of the period of *dies non* subject to a maximum of ten days.

(3) Half-pay leave may be granted to an employee on medical certificate or on private affairs. No half-pay leave may be granted to an employee in temporary appointment except on medical certificate.

(4) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day.

### **35. Commuted leave**

(1) Commuted leave not exceeding half the amount of half pay leave may be granted on medical certificate to a permanent employee subject to the following conditions:-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

(c) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where an employee who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

Provided that no such recovery shall be made if the retirement is by reason of ill health in-capacitating the employee for further service or in the event of his death.

NOTE.- Commuted leave may be granted at the request of the employee even when earned leave is due to him.

### **36. Leave not due**

1. Save in the case of the leave preparatory to retirement, leave not due may be granted to an employee in permanent employment limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;

(c) leave not due shall be debited against the half pay leave the employee may earn subsequently;

Provided, however, in order to mitigate the hardship of the temporary employees who are suffering from T.B., Leprosy, Cancer or mental illness, leave not due may be granted to such employees for a period not exceeding 360 days during entire service subject to the fulfillment of conditions in clauses (a) to (c) above and also subject to the following conditions, namely:-

- (i) that the employee has put in a minimum of one year's service;
- (ii) that the post from which employee proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate.

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

(b) Where an employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

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

Provided further that no leave salary shall be recovered under clause (a) or clause (b) if the employee is compulsorily retired prematurely.

## SECTION IV

### **LEAVE NOT DEBITABLE TO LEAVE ACCOUNT**

#### **37. Casual Leave**

(i) Casual leave is not earned by duty. An employee on Casual Leave is not treated as absent from duty and his pay is not intermitted. Casual Leave cannot be claimed as of right and its grant is always subject to the exigencies of service and subject to a maximum of 8 days in a calendar year, which shall run from 1st January to 31st December each year.

Provided that persons who join service in the middle of a year may avail casual leave proportionately or the full period at the discretion of the competent authority.

(ii) Casual leave can be combined with Special Casual Leave and compensatory leave in lieu of Saturdays and other holidays but not with any other kind of leave.

(iii) it cannot be combined with joining time.

(iv) Casual Leave may be granted as and when occasion arises up to 5 days at any one time. Sundays / Public holidays/ restricted holidays/ weekly offs can be prefixed/suffixed to casual leave.

(v) Saturdays/Sundays and recognised holidays falling in between the casual/compensatory leave shall not be counted as part of casual leave.

(vi) Casual Leave can be taken for half-day also.

(vii) LTC can be availed during Casual Leave.

(viii) Late Coming

Half a day's casual leave shall be debited to the casual leave account of an employee for each late attendance but late attendance upto an hour, on not more than two occasions in a month may be condoned by the competent authority, if he is satisfied that it is due to unavoidable reasons e.g., illness in a family, vehicle breakdown, late running of buses / train etc.

## **38. Special Casual Leave**

### **A. For Participation in Sports and Cultural Activities:**

1. Special Casual Leave may be granted to an employee for a period not exceeding 10 days in any one calendar year for participating in inter-departmental tournaments and sporting events.

In the case of employees who are selected for participating in sporting events of national/international importance, the period of the actual days on which they participate in the events as also the time spent in traveling to and from such tournaments/meets may be treated as duty. Further, if any pre-participating coaching camp is held in connection with the above-mentioned events and the employee is required to attend the same, this period may also be treated as on duty.

2. The quantum of special casual leave for a period not exceeding 30 days in a calendar year allowed to employees for the following purposes:

- i) attending coaching or training camps under Rajkumari Amrit Kaur Coaching Scheme or similar All India coaching or Training Schemes;
- ii) attending coaching or training camps at the National Institute of Sports, Patiala;
- iii) participating in mountaineering expeditions;
- iv) attending coaching camps in sports organised by National Sports Federation/Sports Boards recognised by Government (Department of Youth Affairs and Sports);
- v) participating in trekking expeditions;
- vi) participating in sporting events of national/international importance; and
- vii) coaching/administration of teams participating in sporting events of national/international importance.

### **B. For Family Planning**

#### **1. In the case of male employees.**

Male employees who undergo vasectomy operation under the Family Welfare Programme for the first time may be granted special casual leave not exceeding five working days. Saturdays/Sundays and closed holidays intervening should be ignored while calculating the period of special casual leave. If any employee undergoes vasectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding five working days may be granted again on production of a certificate from the medical authority concerned to the effect that the second operation was performed due to failure of the first operation.

## **2. In the case of Female Employees.**

(a) Female employees who undergo tubectomy operations – whether puerperal or non puerperal – may be granted special casual leave not exceeding 10 working days.

(b) In the case of female employees who undergo tubectomy operation for the second time on account of the failure of the first operation, special casual leave not exceeding 10 working days may be granted again on production of a medical certificate from the prescribed medical authority concerned to the effect that the second operation was performed due to the failure of the first operation.

(c) Female employees who have insertions of intrauterine contraceptive devices (IUCD) may be granted special casual leave on the date of the IUCD insertion.

(d) Female employees who have reinsertions of Intrauterine Device (IUD) may be granted special casual leave on the date of the IUD re-insertion.

(e) Female employees who undergo salpingectomy operation after Medical Termination of Pregnancy (MTP) may be granted special casual leave not exceeding 10 working days.

Female employees who undergo salpingectomy operation alongwith Medical Termination of Pregnancy and avail the facility of maternity leave for six weeks under Rule 39 (2) will NOT be entitled to additional 10 working days of special casual leave.

## **3. Male Employees whose wives undergo tubectomy operation**

(a) Male employees whose wives undergo either Puerperal or non-puerperal tubectomy operation for the first time or for the second time due to failure of the first operation (Under Family Welfare Programme) may be granted special casual leave for 3 working days, subject to the production of a medical certificate stating that their wives have undergone tubectomy operation for the second time due to the failure of the first operation. It shall not be necessary to state in the certificate that the presence of the employee is required to look after the wife during her convalescence.

(b) Male employees whose wives undergo tubectomy, salpingectomy operation after Medical Termination of Pregnancy (MTP) may be granted special casual leave up to 7 days, subject to the production of the medical certificate stating that their wives have undergone tubectomy, salpingectomy operation after Medical Termination of Pregnancy. It shall not be necessary to state in the



certificate that the presence of the employee is required to look after the wife during her convalescence.

(c) **Special casual leave has to follow the date of operation.** The grant of special casual leave to a male employee whose wife undergoes tubectomy operation is intended to enable him to look after his family after the operation. In the circumstances, the special casual leave will necessarily have to follow the date of operation and there can not be any gap between the date of operation and the date of commencement of special casual leave.

**4. Special casual leave for women employees when their husbands undergo vasectomy operation.** Special casual leave for one day, on the day when their husband undergo vasectomy operation may be given to women employees, to enable them to attend on their husbands.

#### **5. Post-sterilisation complications**

An employee who requires special casual leave beyond the limits laid down for undergoing sterilisation operation owing to the development of post-operation complications may be allowed special casual leave to cover the period for which he or she is hospitalised on account of post-operational complications, subject to the production of a certificate from the concerned hospital authorities/an Authorised Medical Attendant.

#### **6. For undergoing recanalisation operation**

Employees who undergo operation for recanalisation may be granted special casual leave upto a period of 21 days or actual period of hospitalisation as certified by the Authorised Medical Attendant, whichever is less. In addition special casual leave can also be granted for the actual period of the to and fro journey performed for undergoing this operation. The grant of special casual leave for recanalisation operation (without any commitment to the reimbursement of medical expenses) is subject to the following conditions.

(i) The operation should have been performed in hospital/medical college/institute where facilities for recanalisation are available. If the operation is performed in a private hospital, it should be one nominated by the State Government/Union Territory /Administration for performing recanalisation operations.

(ii) The request for grant of special casual leave is supported by a medical certificate from the doctor who performed the operation to the effect that hospitalisation of the employee for the period stipulated therein was essential for the operation and post- operation recovery.

(iii) The concession indicated above is admissible to employees who:

(a) are unmarried or

(b) have less than two children or

(c) desire recanalisation for substantial reasons, e.g., a person has lost male children or all female children after vasectomy/tubectomy operation performed earlier.

## **7. Combining with regular/casual leave**

Special casual leave connected with sterilisation, recanalisation under family welfare programme may be suffixed as well as prefixed to regular leave or casual leave. However, special casual leave should not be allowed to be prefixed both to regular leave and casual leave. Special casual leave should either be prefixed to regular or to casual leave and not both. Similarly, special casual leave may be suffixed either to regular leave or to casual leave and not both. The intervening holidays and/or Saturdays/Sundays may be prefixed /suffixed to regular leave, as the case may be.

## **C. Miscellaneous**

(i) An employee summoned to serve as Juror or Assessor or to give evidence before the Court of Law as a witness in a civil or criminal case in which his private interest are not at issue may be given this leave. The leave so granted should be sufficient to cover the period of absence necessary.

(ii) Special Casual Leave not exceeding ten days in a calendar year may also be granted when an employee is deputed to attend reference libraries of other institutions and conferences of educational gathering of learned and professional society in the interests of the University/College or other academic work which will include working on the committees appointed by the University/Government/U.G.C., lecturing and examination work and U.P.S.C. work, or such other work as may be specified by the University.

(iii) Special Casual Leave may granted to an employee where the staff is prevented to attend office during civil disturbances, curfews or strikes.

## **38-A. Compensatory Leave**

Compulsory attendance on Saturdays/Sundays or other public holidays justifies the grant of compensatory leave for the number of days an employee is compelled to attend the office, unless it is imposed on him as a penalty or it is required to clear arrears for which he is personally responsible. The attendance in such cases should be under the previous orders of the office-in-charge. The number of days of compensatory leave earned will be noted in the casual leave register and the grant of leave also noted therein. Compensatory leave to the extent actually earned may be allowed under the same conditions as prescribed for grant of casual leave.

The compensatory leave earned by non-teaching employees should be allowed to be availed of within a period of four months of its becoming due;

### **39. Maternity Leave**

(1) A female employee with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 180 days from the date of its commencement.

(2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Maternity leave not exceeding 45 days may also be granted to a female employee (irrespective of number of surviving children) during the entire service of that female employee in case of miscarriage including abortion on production of Medical certificate.

(4) (a) Maternity Leave may be combined with leave of any other kind.

(b) Notwithstanding the provisions contained in sub-rule (1) of Rule 35 or sub-rule (1) of Rule 36, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of two years may, if applied for, be granted in continuation of maternity leave granted under sub-rule (i).

(5) Maternity leave shall not be debited against the leave account, and unmarried female employees are also eligible for maternity leave.

### **39-A. Child Care Leave (CCL):**

(1) Women employee having minor children below the age of eighteen years may be granted Child Care Leave by an authority competent to grant leave, for a maximum period of two years (i.e. 730 days) during their entire service for taking care of her two eldest surviving children, whether for rearing or to look after any of their needs like education, sickness and the like. Child Care Leave

shall not be admissible if the child is eighteen years of age or older. During the period of such leave, the women employee shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. It may be availed of in more than one spell. Child Care leave shall not be debited against the leave account. Child care leave may also be allowed for the third year as leave not due (without production of medical certificate). It may be combined with leave of the kind due and admissible.

(2) Child care leave shall be admissible for two eldest surviving children only.

For the purposes of sub-rule (1), "child" means-

(a) a child below the age of eighteen years: or

(b) a child below the age of twenty two years with a minimum disability of forty percent as specified in the Government of India in Ministry of Social Justice and Empowerment notification No. 16-18/97-N 1.1 dated the 1<sup>st</sup> June. 2001.

(3) Child Care Leave cannot be demanded as a matter of right. Under no circumstances can any employee proceed on Child Care Leave without prior proper approval of the leave by the leave sanctioning authority.

(4) The leave is to be treated like Earned Leave and sanctioned as such.

(5) Consequently, Saturdays, Sundays, Gazetted holidays, etc. falling during the period of leave would also count for Child Care Leave, as in the case of earned leave.

(6) Child care leave is also admissible to women employees with disabled children upto the age of 22 years.

(7) Child Care Leave may not be granted for a period less than 15 days at a time.

(8) Child Care Leave may not be granted in more than three spells in a calendar year.

(9) Child Care Leave should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied about the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal.

(10) LTC cannot be availed during Child Care Leave as Child Care Leave is granted for the specific purpose of taking care of a minor child for rearing or for looking after any other needs of the child during examination, sickness etc.

Notwithstanding the requirement of production of medical certificate contained in sub rule (1) of Rule 35 or sub-rule (1) of 36 leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) upto a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).

### **39-B. Paternity Leave**

1. A male employee with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife for childbirth, i.e. upto 15 days before, or upto six months from the date of delivery of the child. During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave).

2. If the paternity leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE.- The Paternity Leave shall not normally be refused under any circumstances.

### **39-BB Paternity Leave for Child adoption**

1. A male employee with less than two surviving children, on valid adoption of a child below the age of one year, may be granted Paternity Leave for a period of 15 days within a period of six months from the date of valid adoption.
2. During the period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
3. The Paternity Leave may be combined with leave of any other kind.
4. The Paternity Leave shall not be debited against the leave account.
5. If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE.- The paternity leave shall not normally be refused under any circumstances.

### **39-C. Child Adoption Leave**

1. A female employee, with fewer than two surviving children, on valid adoption of a child below the age of one year may be granted child adoption leave, for a period of 180 days immediately after the date of valid adoption.
2. During the period of child adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
3. (a) Child adoption leave may be combined with leave of any other kind.

(b) In continuation of the child adoption leave granted under sub-rules (1), a female employee on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period upto one year reduced by the age of the adopted child on the date of valid adoption, without taking into account child adoption leave.

Provided that this facility shall not be admissible in case she is already having two surviving children at the time of adoption.

4. Child adoption leave shall not be debited against the leave account.

### **40. Hospital Leave**

(i) Hospital leave may be granted to an employee for medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of official duty. This leave will be available to such employee only, whose duties expose them to such illness or injury.

(ii) Hospital leave may be granted on leave salary on average pay or half pay as the University/College may consider necessary.

(iii) The amount of hospital leave is limited to three months on average pay in any period of three years. Hospital leave on average pay counts for the purpose of this limit as half the amount of leave on average pay.

(iv) Hospital leave may be combined with any other kind of leave, except casual leave, which may be admissible provided that the total period of leave after such combination shall not exceed 180 days.

## **41. Extra–Ordinary Leave**

(1) Extra-ordinary leave may be granted to an employee in special circumstances-

(a) when no other kind of leave is admissible:

(b) when other leave is admissible, but the employee applied in writing for the grant of extra-ordinary leave.

(c) The period of extra-ordinary leave shall not count for increment.

(2) Unless the Executive Council in view of the exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employ, shall be granted extra ordinary leave on any one occasion in excess of the following limits.:-

(a) Three months;

(b) Six months, where the employee has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three month's extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;

(c) Eighteen months, where the employee who has completed one year's continuous service is undergoing treatment for-

(i) Pulmonary Tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

Note.- The concession of extraordinary leave upto eighteen months shall be admissible also to an employee suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognised as such 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.

(ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil surgeon or Staff Surgeon; or

(iii) Leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a Specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned;

- (iv) Cancer or for mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon or a specialist in such disease.

(d) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the employee concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a).

(3) Where an employee is granted extraordinary leave in relaxation of the provisions contained in Clause (d) of sub-rule (2), shall be required to execute an undertaking in the form of affidavit duly notarised to refund to the University/College the actual amount of expenditure incurred by the University/College during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

Note- The power of commuting retrospectively the period of absence without leave into extraordinary leave is absolute and not subject to any conditions.

**42. Quarantine Leave:** deleted (EC 172, 14.1.1993)

**43.** An employee shall be eligible for **Study leave** in accordance with the rules as may be prescribed by the Executive Council from time to time.

#### **43-A. Leave Salary**

(1) An employee on earned leave is entitled to leave salary equivalent to the pay drawn immediately before proceeding on Earned Leave.

(2) An employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub rule (1)

(3) An employee on Commuted Leave is entitled to leave salary equal to the amount admissible under sub-rule (1)



(4) An employee on extra-ordinary leave is not entitled to any leave salary.

(5) An employee, including an employee on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary upto a month's pay and allowances admissible on that leave salary subject to deductions on account of Income-tax, Provident Fund, House Rent, Recovery of Advances etc.

(6) In the case of an employee who is granted cash equivalent under Clause (b) of sub-rule (2) of Rule 31-F, the leave salary shall be based on the pay drawn by him exclusive of the pension equivalent of other retirement benefits.

**43-B.** In case an employee dies while in service, the cash equivalent of the leave salary for both earned leave and half pay leave, if any, at the credit of the deceased employee on the date of his death, not exceeding 300 days shall be paid to his family in the manner specified in Rule 43-D and the cash equivalent payable shall be the same as in Clause (b) of sub-rule (2) of Rule 31-F.

**43-C.** An employee who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted, *suo-motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of both earned leave and half pay leave, if any, at the credit of the employee on the date of invalidation from service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in Clause (b) of sub-rule (2) of Rule 31-F.

**43-D. Payment of cash equivalent of leave salary in case of death, etc. of employee.-**In the event of the death of an employee while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 31-F, 43-B and 43-C, such amount shall be payable-

- (i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male employee, or to the husband, if the deceased was a female employee;
- (ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;
- (vii) failing (i) to (vi) above, to the eldest surviving married daughter
- (viii) failing (i) to (vii) above, to the eldest surviving brother below the age of eighteen years;
- (ix) failing (i) to (viii) above, to the eldest surviving unmarried sister;

- (x) failing (i) to (ix) above, to the eldest surviving widowed sister;
- (xi) failing (i) to (x) above, to the eldest child of the eldest pre-deceased son.

EXPLANATION.- The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages.

**43-E. Cash equivalent of leave salary in case of permanent absorption in other organisation (UPSC/Government of India Departments / Autonomous Bodies/ Central Universities/Colleges of Delhi University)-**

An employee who has been permitted to be absorbed in other organisation (UPSC/Government of India Departments /Autonomous Bodies/ Central Universities/Colleges of Delhi University) shall be granted *suo motu* by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days (in addition to the number of days, for which encashment was availed alongwith Leave Travel Concession (LTC) while in service.) This will be calculated in the same manner as indicated in Clause (b) of sub-rule (2) of Rule 31-F.

**43-F. General**

(a) The benefit of encashment of unutilised earned leave is 300 days in respect of the following categories:-

(i) retirement on attaining the age of superannuation.

(ii) cases where the service of an employee has been extended in the interest of public service, beyond the date of retirement on superannuation.

(iii) voluntary/pre-mature retirement.

(iv) where the services of an employee are terminated by notice or by payment of pay & allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment.

(v) in the case of termination of re-employment after retirement.

(vi) in the case of death of an employee while in service to the family of the deceased.

(vii) in the case of leave preparatory to retirement.

(viii) in the case of transfer of an employee to an industrial establishment and

(ix) on absorption of an employee in the Central Public Sector Undertaking/ autonomous body wholly or substantially owned or controlled by the Central/State Government.

(b) An employee who resigns or quits service shall be entitled to cash equivalent in respect of earned leave at credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

Leave entitlement for the incumbents granted Temporary status will be as under:-

1. One day Leave after every 10 working days which will be earned over at their credit on their regularisation.
2. No casual or any other leave will be granted in addition to as referred to at (1) above.
3. The temporary status employee will not be entitled to Leave encashment on termination of service or their quitting service unless they are regularised as group 'D' post against substantive post.

### **43-G. Interpretation**

If any question arises relating to the interpretation of these rules, it shall be referred to the Executive Council whose decision thereon shall be final.

### **43-H Power to relax**

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

### **43-I Repeal and saving**

On the commencement of these rules, every rule, regulation or order, in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

Notwithstanding such cessation of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of an employee, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.