

PART IV
CHAPTER X
Leave

Section I. – General Conditions of Leave

*57. **Leave earned by duty.** – 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.

Government of Rajasthan's Decision

% 1. A number of Government servants had to remain without posting for various period during the process of integration of services. A question has been raised whether such periods will count for earning leave.

Since leave is earned by the actual performance of duty and no duty was performed by the Government servants concerned during such periods, it has been held that the periods in question will not count for earning leave, even though these may count for pension in terms of F.D. No. 23 (2)-R/52, dated 31-5-1952, (See Government of Rajasthan's Decision No. 1 below Rule 180 of R.S.R.)

@2. Doubts have been expressed whether the terms "leave" referred to in Finance Department Memo. of even number dated 7-1-53 (reproduced as decision No.1) means only privilege leave or would include other kind of leave e.g. half pay leave also and whether the order will have retrospective effect. The matter has been examined. It has been held that the terms leave occurring in the said order refers to "privilege leave" or corresponding leave only and not to any other kind of leave. The order is to apply with retrospective effect but no recovery is to be made in cases of persons who retired before 7th January, 1953.

(2) Leave accounts of Government servants, who remained unposted or 'surplus' should be revised in the light of Finance Department Memo. of 7-1-53 (Decision No.1) as clarified in para 1 above. In the case of non gazetted employees this should be done by the Head of Offices concerned.

If any debit balance is caused by the revision on this basis of leave accounts of Government servants such balance should be adjusted against the leave to be earned in future.

57 A. How regulated in the case of Government servant governed by a different set of rules when holding post to which these rules apply— Unless in any case it be otherwise expressly provided by or under these rules, 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

* Inserted by F.D. Order No. F. 5(1) F. D(R)/56 dated 11-1-1956.

% Inserted by F.D. No. F.23 (2) R/52, dated 7-1-1953.

@ Inserted by F.D. Memo. No. F.23(2) R/52, dated 26-12-1953.

ordinarily entitled to leave under these rules in respect of duty performed before such transfer.

58. Leave in respect of service prior to discharge on re-employment or reinstatement.—(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.

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

Audit Instructions

(1) The re-employment of a person who has retired on superannuation or retiring pension is generally an exceptional and temporary expedient. In such cases the service of the re-employed person should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants,

* (2) Deleted.

*** *Government of Rajasthan's Decision***

In cases where resignation of public service is not deemed as resignation within the meaning of rule 208 (b) of the Rajasthan Service Rules continuity of Service benefit should be allowed in the matter of leave also.

****59. Leave cannot be claimed as right**— Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service; provided that any leave applied for and due as preparatory to retirement shall not be refused by such authority and it shall be refused in writing by the Government or by such authority to whom powers have been delegated in this behalf. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority, and so while it is open to the authority competent to refuse or

* Audit Instruction No. (2) deleted and Government of Rajasthan's Decision inserted vide FD Memo No.F.1(34)FD/63, dated 28-12-1963,

"(2) Resignation of the public service even though followed immediately by re-employment constitutes a forfeiture of past service for purposes of leave.

** Substituted vide FD Notification No. F.I (11)FD(Exp:-Rules)/67-I, dated 21-3-1967—

"59 Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave, to refuse or revoke leave at any time according to the exigencies of the public service. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave."

revoke leave due and applied for under this rule, it is not open to him to alter the nature of such leave.

Government of Rajasthan's Orders.

[%]Instances have come to notice of late where the interval of duty between two or more spells of leave availed of by the Government servants was only nominal. In such cases, the leave sanctioning authorities failed to check the attempt at evasion of leave rules by exercising their discretion under Rule 59 of Rajasthan Services Rule to refuse leave and granted the leave ignoring the spirit of the rules with the result that unintended benefit were derived by the Government servants concerned.

2. Under Rule 59 of Rajasthan Service Rules an authority empowered to grant leave has no power to interfere with the option admissible to a Government servant to take privilege leave or half pay leave as he may elect. Thus once leave is sanctioned, its nature cannot be altered by treating two separate spells of leave as a continuous one so as to obviate any unintended benefit being derived from the rules. The deliberate or intentional evasion of leave rules can, however, be checked by the leave sanctioning authorities by resort to refusal of leave under Rule 59 of R. S. R. as the case may be. It is, therefore, suggested that action may be taken to ensure that all cases in which a fresh spell of leave is applied for by Government servants after a short interval of duty, are carefully examined with a view to see that the spirit of the rules is observed and that the competent authorities refuse the leave by exercising the discretion vested in them under Rule 59 of R. S. R., if they have reason to believe that an attempt was being made to take undue advantage of the leave rules or to evade the spirit thereof.

^{*}3. Requests are being received in Finance Department from the Administrative Department/Heads of Departments that one kind of leave sanctioned to the Government servants be converted into another kind of leave.

The matter has been considered and the Governor has been pleased to order that in such a case the authority which granted him leave may commute it retrospectively into leave which was due and admissible to him at the time of leave was granted, provided that the request for commutation is received within a period of 3 months of the expiry of the said leave. It is further ordered that the commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servants i.e. any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

60. Commencement and end of leave. – Leave ordinarily begins on the day on which transfer of charge is effected and end 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 moving or anchorage in the port of debarkation or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.

[%] Inserted vide FD Memo No, 2834/F.7A (21)FD-A (Rules)/58, dated 7-2-1959.

^{*} Inserted vide F.D. Order No. F 1(25) FD (Gr.-2)/76 dated 14-5-1976.

****60-A. Address while on leave.** – Every Government servant proceeding on leave must record on his application for leave, the address at which letters will find him during leave. Subsequent changes in address (during leave), if any, should likewise be intimated to the Head of the office or the Department as the case may be.

61. Combination of holiday with leave ⁺ [] – When the day immediately preceding the day on which a Government servants leave begins or immediately following the day on which his leave ⁺[] expires is a holiday or one of a series of holidays, the Government servants may leave his station at the close of the day before, or return to it on the day following such holiday or series of holiday; provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over securities or of moneys other than a permanent advance :
- (b) his early departure does not entitle a corresponding early transfer from another station of Government servants 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;

62. Power to exempt – On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under Rule 61 is not applicable to any particular case.

63. Consequential arrangements when effective if holidays combined with leave — Unless the competent authority in any case otherwise directs :-

- (a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) If holiday are affixed to leave ^{*} [] time, the leave ^{*}[] is treated as having terminated on, and any consequent re-arrangement of pay and allowances take effect from the day on which the leave ^{*}[] would have ended if holidays had not be affixed.

@Government of Rajasthan's Decision

Finance Department Order dated 9-8-1962 appearing as "Clarification" below rule 35 of the Rajasthan Service Rules, regulates grant of additional pay under rule 50 in cases where dual arrangements are made for a period [%] of 30 days or more.

A question has been raised as to whether the period of holidays prefixed and affixed to leave could be included in computing the period of dual arrangements and additional pay granted accordingly. Under the existing

^{**} Inserted by F.D. Order No. (1) (R)/56 dated 11-1-1956.

⁺ Deleted the words "or joining time" vide F.D. Noti. No. F.1(7) (Exp. Rules)/67-I, dated 23-2-1967.

^{*} Deleted- the word's "or joining time" vide F.D. Noti. No. F.1 (7) FD.(Exp.Rules)/67, dated 23-2-1967.

[@] Inserted vide F.D. Memo No, F. 1(25) FD (Exp. Rules)/66, dated 1-7-1966.

[%] Substituted vide F.D. Order No. F. 1(78) FD. Rules/71, dated 10-11-1971 for, "exceeding".

provisions such periods of holidays are not included in computing the period of dual arrangements and no additional pay is admissible.

The matter has been examined in the light of provisions of Rule 63 of R. S. R. and it has been decided that for the purpose of aforesaid order holidays pre-fixed and affixed to leave should be included in computing the period of dual arrangements and accordingly additional pay should be granted.

CLARIFICATION

§It is observed that a restricted holiday is not exactly covered under Rule 7 (12) (b) of Rajasthan Service Rules, as it stands at present, because on a restricted holiday, the office is not closed for transaction of Government business without reserve or qualification. However, as the restricted holidays are akin to other closed holidays, it has been decided that restricted holiday can be prefixed or suffixed to regular leave or casual leave.

64. **Acceptance of employment on leave.** — (1) A Government servant on leave may not take any service or accept any employment % [including the setting up of a private professional practice as accountant, consultant, legal or medical practitioner] without obtaining previous sanction of Government.

*Note:— No permission under this Rule to take up any service or accept employment shall be granted in respect of a Government servant taking employment with International Agencies or Statutory Bodies/ Public Sector concerns in Rajasthan beyond the period of 3 years or one year as the case may be.

%%(2) The leave salary of a Government servant who is permitted to take up employment under a Government or private employer during leave shall be subject to such restrictions as the Governor may by order prescribe.

NOTES.

1. 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 141.

£2. This rule does not apply where a Government servant has been allowed to take up limited amount of private practice and receive fees therefore as part of his conditions of service e.g. where a right of private practice has been granted to a Medical officer.

CLARIFICATION

XIt is hereby made clear for the avoidance of doubt, that the restriction on leave salary imposed by Rule 64 (2) of R. S. R. will be equally applicable in the case of a Government servant in temporary employee who may be

§ Inserted vide F.D. order No. F. 1(49)F.D.(Gr. 2)/82 dated 15.9.1990

% Inserted vide F.D. No. D. 6403/59, F. 7A(34)FDA.(Rules)/59, dated 30-11-1959.

* Inserted by F.D. Notification No. F.1(21)F.D.(Rules)/72, dated 18-8-1972.

%% Inserted vide F.D. Order No. F. 1(86) R/56, dated 12-8-1958.

£ Inserted vide F.D. Memo No. F. 1(f)(16)F.D.A/R/57-I, dated 30.6.1961

X Inserted vide F.D, Order No, F.1 (86) R/56, dated 12-8-1958.

permitted to take up other employment under a State Government or under a private employer or employment payable from a local fund, during terminal leave or such other leave on the expiry of which he is not expected to return to duty.

It has further been decided that the restrictions referred to above shall also be applicable in the case of contract officers,

Government of Rajasthan's Decision

%The leave salary of a Government servant, who is permitted to take employment during leave preparatory to retirement or refused leave under another Government or under a private employer or employment payable from a local fund; will be restricted to amount of leave salary admissible in respect of leave on half pay.

***65. Re-employment of Government servants on leave preparatory to retirement.**—(1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining the duty will be cancelled. The leave so cancelled will be treated as leave refused and shall be granted from the date of Compulsory retirement or after the expiry of re-employment if the Government servant continues in service up to the date of compulsory retirement or beyond the aforesaid date, as the case may be.

[%] Inserted vide F.D. Memo No. F. 1(f) (16) F.D.A./R/57-I, dated 30-6-1961.

^{*} Substituted by F. D. No. D. 1760/59 F. 1 (f) (16) FDA/R/57, dated 30-10-1959-

"65. (1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of Rule 89 it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as optional for the purposes of Rule 66.(2) When a Government servant is employed in any post under Government, while he is on leave under Rule 89, he may continue to enjoy his leave concurrently with such employment but his leave salary, which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:—

- (i) In the case of a Government servant eligible for pension, to the amount of pension inclusive of pension equivalent of any retirement gratuity admissible under the rules which, it is anticipated, will be admissible to him on retirement. (No subsequent re-adjustment will be made on basis of the actual amount of the pension inclusive of gratuity finally sanctioned); and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

In respect of the fresh employment during leave the pay of the Government servant will be regulated as if he were in temporary employ. No leave will be earned in respect of such period of employment during leave.

During such employment he may also be granted dearness and compensatory allowances if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

(3) The leave salary of a Government servant who is permitted during leave preparatory to retirement before attaining the age of superannuation or during leave under Rule 89, to take up employment under another Government, or under a private employer or employment payable from a local fund, will also be restricted during each employment as in (2) above."

@(2) Deleted.

NOTE

*The amendment to Rule 65 made under Finance Department No. F. 35 (30)-R/52, dated the 12th July, 1952 will take effect from 1st April, 1951, the date from which the Rajasthan Service Rules come into force.

Government of Rajasthan's Decisions.

\$1. (1) A number of Government servants retired under Integration Department No.401-GD./Sec.II dated 24-6-49, and No. 26., Sec. II dated-14-8-49, were re-employed temporarily before availing, in full or in part, of the leave due to them. The question as to their enjoyment of the leave not availed of and of its being counted towards service qualifying for pension has been examined by Government. After considering all aspects of the matter it has been decided that the Government servants concerned may be allowed to be treated as on leave until the leave is exhausted while performing duty on the post to which they have been re-employed and in that case they may be allowed to draw half the leave salary admissible in addition to the pay fixed on re-employment and to count the period of leave towards pension. If any Government servant so re-employed does not wish to take advantage of this concession, he may avail of the leave and draw full leave salary admissible during such leave on the termination of the re-employment. In that case the retirement will be deemed to have been effective before re-employment and the period of leave will not count towards pension.

(2) In either case the leave shall not exceed the maximum extent of leave which could be availed of as leave preparatory to retirement under the rules of the unit concerned.

(3)The option with reference to para 1 must be communicated to the Accountant General through the Head of the Office before pension can be calculated.

@2. A doubt has arisen whether clause (2) of rule 65 precludes recall of a Government servant from leave preparatory to retirement granted under Rule 89 *ibid* and the grant to him, if necessary of further extension of service. The intension underlying the aforesaid clause is not to fetter the discretion of the competent authority in the matter. When a Government servant, who has proceeded on leave preparatory to retirement under Rule 89, is re-called to duty during the period of such leave and is granted further extension of service, the unexpired portion of his leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under proviso to rule 89.

@ Deleted vide F.D. Order No.F.1 (f)(16)FD-A(R)57-11,dated 30-6-1961—

"(2) The leave salary of a Government servant who is permitted to take employment during leave preparatory to retirement before attaining the age of superannuation or during leave under another Government or under a private employer or employment payable from a local fund will be restricted to amount of leave salary admissible in respect of half pay leave."

* Inserted vide F.D. Order No.F.35(51) R/52, dated 11-4-1953.

§ Inserted vide F. D. Memo No. F. 35 (1) R/52. dated 6-2-1952

@ Inserted vide F.D. Memo No. F. 35 (30) R/52. dated 6-1-1955.

£3. Leave salary to those who are allowed to take up employment during leave preparatory to retirement:- -Under paras 2 and 3 of Rule 65 of Rajasthan Service Rules the leave salary of a Government servant who is permitted to take up other employment or private employment or employment payable from a local fund during leave preparatory to retirement or during refused leave under Rule 89 of R.S.R. is restricted as follows:—

- (i) In the case of a Government servant eligible for pension to the amount of pension which it is anticipated will be admissible to him on retirement, and
- (ii) In the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

It has been contended in this connection that the application of two different formula in the matter of restriction on leave salary, according as the officer concerned is eligible for pension or not, leads to certain anomalies and operates inequitably especially in relation to a pensionable employee who retires on a pension less than the maximum pension normally admissible under the rules.

Since there is considerable force in the above contention and since it is desirable to ensure uniform treatment in this respect for all types cases, it was ordered in partial modification of clauses (2) and (3) of Rule 65 of Rajasthan Service Rules that in all such cases (including the case of a Government servant eligible for pension), the leave salary shall in future be restricted to the amount of leave salary admissible in respect of % (leave on half pay.)

These orders will have effect from the date of issue and past cases will not be re-opened.

@4. (i) In cases where an officer who before retirement was in the employ of the Government of Rajasthan is re-employed before he has had an opportunity to avail himself of the leave which had been refused to him in the exigencies of public service under rule 89 of the Rajasthan Service Rules before the date of superannuation, and which could only be enjoyed by him after, the date of superannuation, the officer may be permitted, to avail himself of the unutilised portion of such leave on termination of the period of re-employment.

(ii) The leave salary for the period of such leave would be the same as would have been admissible in the normal course but for re-employment reduced by the amount of pension and/or pension equivalent of gratuity and other retirement benefits.

(iii) The leave salary for the refused leave which is permitted to be availed of on termination of the period of re-employment would be borne by the Department which would have borne it had the leave been enjoyed before re-employment and not postponed.

(iv) To the extent the leave earned during the period of re-employment is not availed of during the period of re-employment itself, it will be allowed to be

£ Inserted vide F. D. Order No. 1416/ F. 7A (11) F. D. A. Rules/58 dated 24-4-1958

% Substituted for the words "leave on half average pay" vide F.D. Corrigendum No. 1346/59 F. 7A(11) F.D.A./Rules/58, dated 28-4-59.

@ Inserted vide F.D No. 1760/56 F.I (f) (16F. D.)A./57, dated 30-10-1959, w.e.f. 30-6-1959.

availed of on the termination of re-employment provided the refused privilege leave carried forward under para (i) above and the privilege leave allowed as terminal leave shall together not exceed the limits upto which privilege leave can be allowed at a time under Rule 89 of the Rajasthan Service Rules.

(v) If a person has on the date of re-employment enjoyed a portion of the refused leave the leave admissible to him on finally demitting office after re-employment will be composed of the unavailed of portion of such leave, and the leave earned during the period of re-employment in such manner as the officer desires and the incidence of such leave salary will follow the manner in which the two leaves are combined. Formal sanction to such leave should be accorded by the authorities empowered to sanction it prior to and during re-employment.

(vi) The privilege leave earned during re-employment shall be allowed to be availed of as terminal leave even though it may not have been formally applied for and refused in the exigencies of public service.

66. **Recall from leave.**— 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 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 for the journey under the Travelling Allowance Rules but to draw, until he joins his post, leave-salary only.

* Note. --(Deleted).

67. **Application for leave to whom made.** — An Application for leave or extension of leave must be made to the authority competent to grant such leave or extension.

68. **Government Servant before transfer to foreign service be acquainted with its leave rules.**— 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.

@69. **Application for leave by Government servant in foreign service.**- A Government servant on foreign service in India should submit all applications for leave, other than privilege leave not exceeding 120 days with the report of the Accountant General, through his employer to the authority competent to sanction the leave.

* Deleted vide F.D. Notification No. F.1 (58) FD (Rules)/70, dated 12-1-1976, the following:—

"Note —.**The concession regarding the drawal of travelling allowance on compulsory re-call from leave will be regulated under Rule 33 of the Rajasthan Travelling Allowance Rules." ** Substituted for existing note "The concession regarding the drawal of travelling allowance on compulsory recall from leave will be admissible if the leave curtailed is not less than one month" by F. D. Order No. 6896/F.1(178) FD/R/56, dated 19-2-1957.

@ Substituted for existing Rule 69 by F.D.Notification No. F. 1(17) FD-A, (Rules)/61, dated 11-5-1962. "69. A Government servant on foreign service should submit all applications for leave other than privilege leave for not more than three months, with the report of the Accounts Officer, through his employer to the authority competent to sanction the leave."

70. **Medical certificate for gazetted officer.**—Before a Gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form:—

Medical Certificate for Gazetted Officer

Statement of the case of.....Name (to be filled in by the applicant in the presence of the Civil Surgeon or Official Medical attendant).

Appointment.....

Age.....

Total service.....

Previous periods of leave if absence on medical certificate.

Habits.....

Disease.....

Civil Surgeon of

I.....after careful personal examination of the

Medical Officer at or of

case certify that.....is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment the period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted.....month's leave with effect from.....* [In my opinion it is/it is not necessary for the officer to appear before a Medical Board}.

Dated.....

The.....

Civil Surgeon.

or Official Medical Attendant.

*Note:—This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto 2 months or exceeds that period.

NOTES.

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

2. 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 from or to a particular Locality, or that he is not fit to proceed to a particular locality. Such Certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Madical Committee to decide the question of his fitness.

*3. In a case, where the period of leave initially recommended or the period of leave initially recommended together with any extension thereof

* Inserted by F. D. Notification No. F. 1(42) FD(E-R) 63, dated 12-12-1963.

+ Inserted by F.D.Notification No. F.I (42) FD(E-R)63 dated 12-12-1963

subsequently recommended, does not exceed @ [two months] the Medical Officer should invariably certify whether in his opinion it is or it is not necessary for the officer to appear before a Medical Committee.

Government of Rajasthan's Decision

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

%71. Deleted.

%72. Deleted.

73. Detention under professional observation in doubtful cases.—Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under the professional

* Inserted by F.D. Order No. F.1(40)FR/56, dated 5-9-1958.

@ Substituted for the words "one month" by F.D. Order No. F.1(47) F.D.A.(Rules)/61, dt. 28-11-1961

— Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

% Deleted vide F.D Notification No. F.1(12)F.D. (Gr.-2)/80, dated 5-12-1980, the following:—

"71. *Appearance before a Medical Committee.*—Having secured such a certificate, the Government servant must, except in cases covered by Rule 74 obtain the permission of the Head of his Office or, if he himself is the Head of an Office, of the Head of his Department to appear before a Medical Committee. He should then present himself with two copies of the Statement of his case before such a committee. The committee will be assembled under the orders of the Director of Medical and Health Services. The Committee will be assembled either at Jaipur or at such other place as the Government may appoint.

72. *Certificate from the Medical Committee.*—Before the required leave or extension of leave can be granted, the Government servant must obtain from the Committee 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.....to be such as to render leave of absence for period of.....months absolutely necessary for his recovery."

observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

"—having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain..... under professional observation for.....days."

***74. Grant of leave to a gazetted Government servant on medical grounds.—**

- (i) A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate. An application for leave on medical certificate made by a gazetted Government servant shall be accompanied by a medical certificate given by an authorised medical attendant in the form prescribed under Rule 70.
- (ii) When leave to a gazetted Government servant on medical Grounds exceeds a period of 60 days, leave may be granted by the competent authority on the basis of a medical certificate given by a medical officer of or above the rank of Chief Medical & Health Officer.
- (iii) When the applicant is hospitalized as an indoor patient and the leave is recommended by the medical officer Incharge of the case in the hospital not below the rank of Chief medical & Health Officer, leave for the period of hospitalization shall be sanctioned by the competent authority.

* Substituted vide F.D. No. F. 1(12)FD(Gr.2)/80, dated 5-12-1980 for:-

"74. *When certificate of Medical committee dispensed with.*— (1) If the State of the applicant's health is certified by a Medical Officer of Government or above the rank of a District Medical Officer 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 72 either:—

(a) a certificate signed by any two Medical Officers being Medical Officers of or above the rank of District Medical Officer ; or

(b) If the authority considers it unnecessary to require the production of two medical opinions a certificate signed by an officer of or above the rank of a District Medical Officer and countersigned by the Collector of the district or the Commissioner of the Division.

** (2) Notwithstanding anything contained in sub-rule (1) the authority competent to sanction leave may dispense with the procedure laid-down in rules 71 and 72 :—

(i) When the leave recommended by the authorised Medical Attendant is for a period not exceeding two months, or

(ii) When the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of District Medical and Health Officer for the period of hospitalisation or convalescence :Provided that such a Medical Officer certifies that in his opinion it is necessary for the applicant to appear before a Medical Committee."

**Inserted vide. F.D. Order No. F. 1(47) F. D. A. (Rules)/61, dated 28-11-1961.

Substituted vide FD Notification No. F.1(12)FD(Gr-2)/80 dated, 15.12.1992.

A gazetted Government servant may be granted leave by the competent authority for a period not exceeding 60 days on the basis of medical certificate given by the authorised medical attendant in the form prescribed under Rule 70.

^XNote:-1 The expression "authorised medical attendant used in sub-rule (1) shall mean a Government medical officer or Government Vaidya/Hakim/[@]Homeopathic Chikitsak on duty in a Government hospital or dispensary.

X Note:-2 The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days.

75. Medical certificate does not confer right to leave . – The grant of a certificate under * () Rule 74 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

%76. Leave on medical certificate to non-gazetted servants Procedure regarding :-(1) (a) An application for leave on medical certificate made by a non-gazetted Government servant shall be accompanied by a medical certificate in the form prescribed below this rule given by an authorised medical attendant defining as clearly as possible the nature and probable duration of illness.

(b) An application for leave on medical certificate under clause (a) may be accompanied by a certificate given by a registered medical practitioner +() if a Government medical officer/ Vaidya /Hakim is not

^X Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-1989 for

[@] Note 2. The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikitsak shall be accepted for the purpose of sanction of leave by the Competent authority for a period not exceeding seven days only.

[@] Renumbered as note No.1 and Inserted vide FD Notification No. F.1(12) FD/Gr.2/80 dated 2-5-1985.

* Deleted vide FD Notification No. F.1(12) FD (Gr.2)/80 dated 15-12-1980 the words "Rule 72 or."

[%] Substituted vide F.D. Notification No. F.1(12)FD (Gr.2)/80, dated 30-6-1980, for –

"76. Leave on medical certificate to non-gazetted servants procedure regarding – (a) Every application for leave on Medical Certificate made by a non-gazetted Government servant in superior service shall be accompanied by a Medical Certificate in the form prescribed below this rule given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a Medical Officer of Government.

⁺ Deleted the words "other than Homeopathic practitioner" vide F D Notification No F. 1 (12) FD (Gr. 2) 80, dt. 2-5-85.

(b) The authority competent to sanction leave may, at its discretion secure a second medical opinion by requesting the District Medical officer to have the applicant medically examined. Should it decided to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given

(c) It will be the duty of District Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

"Signature of applicant"

*Medical Certificate for Non-Gazetted Officers
recommended for leave or extension or
commutation of leave.*

I _____ after careful personal examination of the case hereby certify that _____ whose signature is given above is suffering from _____ and I consider that a period of absence from duty of _____

stationed at the place where he falls ill. The certificate from the registered medical practitioner should invariably indicate his registration number.

^xNote 1:— The expression "authorized medical attendant" used in sub-rule (1) (a) shall mean a Government medical officer or Government Vaidya/Hakim/"Homeopathic Chikistak" on duty in a Government hospital or dispensary and the expression "registered medical practitioner" includes Allopathic/Ayurvedic/Unani practitioner registered under law in force from time to time.

*Note 2. The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of sanction of leave by the competent authority for a period not exceeding fifteen days only.

(2) The authority competent to grant leave at his discretion may secure a second medical opinion by requesting a Government medical officer not below the rank of Chief Medical Officer to have the applicant medically examined on the earliest possible date.

(3) It shall be the duty of the Government Medical Officer referred to in sub-rule (2) to express opinion both as regards the fact of illness and as regards necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or before a medical officer nominated by himself.

with effect from _____ is absolutely necessary for the restoration of his health

Dated

The

*Government Medical Attendant
or other Registered practitioner.*

NOTE

The possession of certificate as prescribed in this Rule does not in itself confer upon the Government servant concerned any right to leave.

Government of Rajasthan's Decision

*Doubts have been expressed whether the term "Registered Medical Practitioners" occurring in Rule 76 (a) of R. S. R. is to be restricted only to registered Allopathic-Medical Practitioner or should also include registered practitioners of Ayurvedic and Unani systems for purposes of Rule 76 (a) of R. S. R. for application for leave on Medical Certificate by non gazetted Government servants in superior service. The matter has been examined and it has been held that the term "registered medical practitioner" occurring in Rule 76 (a) of R. S. R. may be interpreted so as to include also Ayurvedic and Unani Practitioners registered under law in support of application by Government servants for leave on medical grounds (Rule 76) (a) of R. S. R. or for purposes of (Rule 83 of R. S. R.) or

Medical Certificate issued by Homeopathic practitioners will not be accepted for any purpose for which a Medical Certificate is a pre-requisite under Rules.

* Inserted by F.D. Circular No. 22 (2) F. II/53, dated 30-10-1953.

^x Numbered as Note No.1 vide FD Notification No. F.1(12)FD/(Gr.2) 80 dated 2-5-1985.

* Substituted vide FD Notification No. F.1(12)FD/Gr.2/80 dated 16-10-89 for :—

@ "Note 2.— The certificate of sickness and fitness from the authorized medical attendant of Government Homeopathic Chikistak shall be accepted for the purpose of Sanction of leave by the competent authority for a period not exceeding seven days only."

@ Inserted vide FD Notification No. F. 1(12) FD/Gr.2/80 dated 2-5-85.

(4) The grant of medical certificate under this rule does not itself confer upon the Government servant concerned any right to leave.

Medical Certificate for non gazetted Government servant.

I.....,after careful personal examination of case hereby certify that....., whose signature is given below, is suffering from.....and I consider that a period of absence from duty of.....with effect from.....is absolutely necessary for the restoration of his health.

Date

Signature of Government servant

Name

Designation

Government Medical Attendant/

Department

other Registered Practitioner

with registration number.

Government of Rajasthan's Decision

राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

77. Leave on Medical Certificate to class IV Servant.—In support of an application for leave or for an extension of leave, on Medical certificate from a non-gazetted Government servant in Class IV service, the authority

¹ Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003.

competent to grant the leave may accept such certificate it may deem sufficient.

78. Medical Certificate to Government servant who is unfit to return to duty.- 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 Government servant is permanently unfit for Government service should be recorded in the Medical Certificate.

79. Every certificate of [@][] 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 of the rules to which he is subject.

[@] Substituted by F.D. Notification No. F. 1(12) FD(Gr. 2)/80 dated 5-12-1980, the words "a medical Committee or".

SECTION II

Grant of Leave

80. Priority of claims to leave.—In cases where all applications of leave cannot, in the interest of public service, be granted, an authority competent to grant leave should, in deciding which application should be granted to take into account the following considerations:—

- (a) the Government servant who can, for the time being best be spared,
- (b) the amount of leave due to 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.

%81. Grant of leave to a Government Servant who is unlikely to be fit to return to duty.—(1) When a medical authority has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not, necessarily be refused to such a Government servant. It may be granted if due by a competent authority on the following conditions:—

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

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

% Substituted for the following by FD Order No.D.3672 F.7a{12)FDA(Rules)57,dt. 28-9-1957:-

"When a Medical Committee has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted 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.

@(2) and (3) Deleted

82. Leave not admissible to a Government Servant who ought to be dismissed.—Leave should not be granted to a Government servant who ought at once to be dismissed or remove from Government service for misconduct or general incapacity.

***82-A. Omitted.**

(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 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 a 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 if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servants 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 pensions."

@ Sub-rule (2) & (3) deleted vide FD. Order No. F.7A(12)F.D.(1) Rules/58, dated 30-10-1958.

* Omitted vide F.D. Notification No. F.1(9)FD(Gr.2)/77 dated 26-5-78 w.e.f 1-9-1976 the following:—

@ @ 82-A. Leave to Gazetted Government Servants.—Leave to a Gazetted Government servant must not be granted without obtaining a report from the Accountant General upon his title to leave, except in Cases of emergency % [or in case of privilege leave not exceeding 120 days while in foriegn service] and on the responsibility of the Government Servant for the consequence of the leave asked for being in admissible. Such a report from the Accountant General is not required in the cases of Non-Gazetted servant unless in foreign service % [When he applies for leave other than privilege leave not exceeding 120 days].

NOTE

The admissibility of leave in the case of a Government servant officiating in a Gazetted post should be certified by the Audit Officer.

£Exception 1.—In case where a Government servant certifies in writing that the leave other than leave preparatory to retirement, refused leave and terminal leave applied for by him is admissible to him and is at his credit, under the rules, the same may be sanctioned by the authority competent to sanction the leave without waiting for a report from the Accountant General upon his title to leave. It should be mentioned in the sanctioning order that the grant of leave is subject to verification by the Accountant General. If leave so sanctioned, on verification by the Accountant General is found to be not due to him, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due, the period may be treated as extraordinary leave.

+2.—In case of leave preparatory to retirement the Government servant may obtain leave title directly from the Accountant General. On receipt of leave title he shall submit the same along with leave application to the leave sanctioning authority. The Accountant General while reporting leave title to the Government servant concerned shall also send a copy of his report on leave title to the leave sanctioning authority.

Where, however, leave title is not received by the Government servant concerned in time from Accountant General the officer himself will record a certificate on the leave application that to the best of his knowledge leave applied for is due to him. In such a case he shall also give an undertaking to the effect that if leave so sanctioned to him is found to be not due, it may be converted into other kinds of leave which may be admissible. If no other leave is admissible and due the period may be treated as extra-ordinary leave."

@@ Inserted vide F.D. Order No. F. 5(1)FD(R)/56, dated 11-1-56.

% Inserted by F.D. Notification No. F.1(37)F.D(Exp.-Rules)/64 dated 6-9-1966,

£ Inserted vide F.D. Notification No. F.1(5)FD(E-R)/66,dated 24-3-1966.

+ Inserted vide F.D. Notification No. F.1(22)FD(Exp.-Rules)/66 dated 23-9-1966.

^83. Certificate of fitness to return to duty.—A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

Civil Surgeon

I.....at.....do Medical officer (Name of Hospital/Dispensary) hereby certify that I have carefully examined Shri.....Designation.....of the..... department and find that he has recovered from his illness and is now fit to resume duties. I also certify that before arriving at his decision I have examined the original medical certificate(s) and/Statement(s) of the case on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Signature of Authorized
Medical Attendant/Civil Surgeon.

Dated:

Government of Rajasthan's Decision

@राज्य कर्मचारियों को देय विभिन्न प्रकार के अवकाशों जिनमें सक्षम चिकित्सा अधिकारी के द्वारा जारी चिकित्सा प्रमाण पत्र, आवेदन पत्र के साथ प्रस्तुत करने होते हैं, के लिए प्रारूप निर्धारित है। राजस्थान सेवा नियम, 1951 के नियम 70 एवं 76 में चिकित्सा प्रमाण पत्र एवं नियम 83 में चिकित्सा पूर्ण होने पर फिटनेस प्रमाण पत्र का प्रारूप निर्धारित किया हुआ है। इन प्रारूपों में अंकित की जाने वाली समस्त सूचनाएं प्राधिकृत चिकित्सक द्वारा पूर्ण रूप से भरी जानी चाहिए।

राज्य सरकार के ध्यान में लाया गया है कि कुछ अवकाश स्वीकृतिकर्ता प्राधिकारी प्राधिकृत चिकित्सक द्वारा निर्गमित अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्रों के आधार पर राज्य कर्मचारियों से प्राप्त आवेदन पत्र पर विचार कर अवकाश स्वीकृत कर देते हैं, जो नियमानुकूल नहीं है।

अतः समस्त अवकाश स्वीकृतिकर्ता प्राधिकारियों को पुनः निर्देशित किया जाता है कि जो राज्य कर्मचारी/अधिकारी अवकाश आवेदन पत्र के साथ अपूर्ण सूचनायुक्त प्रमाण पत्र प्रस्तुत करें, उनके अवकाश आवेदन पत्र पर विचार नहीं किया जावे।

[^] Substituted vide F. D. Notification No. F.D(12)F.D(Gr.2)/80, dated 5-12-1980 for—

"83. *Certificate of fitness to return to duty.*—A Government servant who has taken leave on Medical Certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

We the members of a Medical Committee —

Civil Surgeon of -----do hereby certify that we/I have carefully Registered Medical Practioner of -----examined.....of the Department and find that he has recovered from his illness and is now fit to resume duties in the Government service. We/I also certify that before arriving at this decision we/I have examined the original Medical Certificate(s) and Statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

The original Medical Certificate (s) and Statement (s) of the case on which the leave was originally granted or extended should be produced before the authority asked to issue the above certificate. For the purpose the original certificate (s) and Statement (s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned."

@ Inserted vide FD Circular No. F.1(15)FD/Rules/99 dated 22.2.2003

अपूर्ण सूचनायुक्त चिकित्सा प्रमाण पत्र के आधार पर परिवर्तित अवकाश अथवा अन्य अवकाश स्वीकृत करने की कार्यवाही को अनुशासनहीनता मानते हुए अवकाश स्वीकृत कर्ता प्राधिकारी के विरुद्ध विभागीय कार्यवाही प्रारम्भ की जावे।

***84. Deleted**

%85. Return from leave before due date:—(a) (i) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(ii) Notwithstanding anything contained in clause (i) above a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty save with the consent of the authority empowered to appoint him.

* Deleted vide F. D. Notification No. F. 1 (12) FD (Gr-2)/80, dated 5-12-1980, the following:—

84. *When Gezatted Government Servant to obtain Certificate of fitness from Medical Committee:—*If the Government servant on leave is a Gazetted Officer, such certificates should be obtained from a Medical Committee except in the following cases:—

(a) Cases in which the leave is for not more than three months.

(b) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the Medical Committee granting the original certificate or the certificate for extension State at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness.

In the excepted cases the certificate may be obtained from a District Medical Officer or of equivalent rank.

If the Government servant on leave is not a Gazetted Officer the Competent authority may, in its discretion accept a certificate signed by any registered medical practitioner.

Government of Rajasthan's Decision.

Rules 83 and 84 of Rajasthan Service Rules provide that an officer who has taken leave on medical certificate is required to produce a Medical certificate of fitness before returning to duty.

The Accountant General has brought to the notice of Government that in the case of Gazetted Officer, rejoining duty on return from leave on medical certificate, no information is, at present, received in his office to show whether or not the leave sanctioning authorities are obtaining from the concerned officers the certificate of fitness from the appropriate Medical Authority before permitting them to rejoin duty and accordingly it is not possible for his office to watch whether the compliance with the relevant rules in the Rajasthan Service Rules is being made.

With a view to secure due compliance of the rules and to avoid delay in the matter of issue of pay slips to the Gazetted Officers on their return from leave on Medical Certificate, the leave sanctioning authorities are requested to ensure that while issuing orders permitting an officer to rejoin duty, an intimation should simultaneously be sent to the Accountant General that the certificate of fitness from the appropriate Medical Authority as required under the rules has obtained from the officer before permitting him to join duty. As the pay slips on return from- leave will be issued by the Accountant General on receipt of such intimation it is necessary that the requisite information is sent to him as early as possible."

% Substituted for " 85 (a) 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" by F.D. Order No. F.7(4) II/55 dated 14-7-1955.

(b) 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.

Clarification.

@Attention is invited to cause (b) of Rule 85 which provides that a Government servant on return from leave is not entitled to presume as a matter of course, the post which he held before going on leave in the absence of formal orders of posting. In this connection doubts have been raised whether authorities competent to grant leave can issue posting orders of Gazetted officers on return from leave. The matter is clarified as follows.-

(1) An authority who is competent to grant leave can issue orders of reposting of a Gazetted officer to the same post if during the currency of leave the post was kept unfilled.

(2) Where leave has been sanctioned by one authority and the leave vacancy has been filled under orders of another authority the latter authority can only issue re-posting orders of officers returning from leave. As Accountant General will not issue pay authority in the absence of such an order re-posting an officer who has returned from leave, such orders should invariably be issued before expiry of leave.

Government of Rajasthan's Decision.

* Cases have come to the notice of Government when the sanctioning authorities while permitting a Government servant under Rule 85 of R.S.R. to return from leave before its expiry, do not issue orders and endorse a copy there of to Accountant General with the result that hardship is caused to the officers in getting duty pay for the period of leave not availed of.

It is imperative that no delay occurs in the issue of the orders for cancellation of leave. The sanctioning authorities are requested to keep this in mind in all cases when sanctioned leave is cancelled.

@@ 86. **Absence after expiry of leave:**—(1) A Government servant who is absent from duty without leave or before leave applied for has been sanctioned by the competent authority shall be treated to have remained willfully absent from duty and such absence shall amount to interruption in service involving forfeiture of past service unless, on satisfactory reasons being furnished, the absence is regularized by grant of leave due or is commuted into extra-ordinary leave by the authority competent to sanction leave.

@ Inserted vide F.D. Order No.F.1 (23)F.D. (E.R.)/63, dated 21-10-1963.

* Inserted by F.D. Memo. No.49/22/56/F.7(4)F II/55, dated 26-10-1956.

@@ Substituted vide FD Noti. No. F.1(58)FD(Rules)/70 dated 12-1-1976 for—

"86. *Absence after expiry of leave.* — 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 treated as though it were leave on half-pay unless his leave is extended by Government. Willful absence from duty after the expiry of leave may be treated as misbehavior for the purpose of this rule."

(2)⁺ (a) A Government servant who remains absent from duty after the expiry of *the* sanctioned leave or after communication of refusal of extension of leave is not entitled to any pay and allowances for the period of such absence and the period of such absence shall be commuted into extra ordinary leave unless on satisfactory reasons being furnished, the period of absence is regularized by grant of leave due by the authority to grant leave.

+*(b)* Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

%⁽³⁾ Notwithstanding the provisions contained in sub-rules (1) and (2) above the disciplinary authority may initiate departmental proceeding under Rajasthan Civil Services (Classification, Control & Appeal) Rules against a Government servant who willfully remains absent from duty for a period exceeding one month and if the charge of willful absence from duty is proved against him, he may be removed from service.

⁽⁴⁾. Unless the State Government, in view of the special circumstances of the case, determines otherwise a State Government employee who remains absent from duty for a continuous period exceeding five years other than on foreign service, whether with or without leave, shall be deemed to have resigned from service.

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to the employee before the provisions of this sub-rule are invoked.

**** Government of Rajasthan's Decision. (Deleted)***

+ Government of Rajasthan's Decision

^(i) Treatment of wilful absence from duty not recognised :

Wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as 'dies non,' for all purposes, viz. increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and the entire past service will stand forfeited.

(ii) Action for over stayal of leave :

⁺ Renumbered and inserted vide FD Notification No. F.1 (33) FD/Gr-2/78 dated 8-4-1986 with Immediate effect.

% Added vide F.D. Notification No. F. 1(33) FD(Gr. 2)/78 dated 22-2-1979.

⁼ Inserted vide FD Notification No. F.1(5)FD/Rules/96 dated 20.8.2001.

* Deleted vide F.D. Notification No. F. 1(58) (Rules)/70, dated 10-8-1976 w.e.f. 12-1-1976, the following:--

Government of Rajasthan's Decision

@A Question has been raised regarding the manner in which the absence of a Government servant without leave, or before leave has been sanctioned is to be treated.

The position is that willful absence from duty is misbehavior and has to be dealt with as such. Absence without leave, moreover, amount to interruption in service involving forfeiture of past service, unless on satisfactory reasons being furnished, the absence is commuted into extraordinary leave by the sanctioning authority."

⁺ Inserted by F.D. Memo No. F. 35(29) R/52, dated 9-7-1952,

[^] Inserted vide FD Notification No.F.1(33)FD(Gr.2)/78 dated 08-04-1986.

Doubts were raised in certain quarters as to how the cases in which an official over stays the prescribed quantum of extraordinary leave should be dealt with. The matter has been considered and it is clarified that the aforesaid rule does not take away the power of disciplinary authority to take appropriate disciplinary action for any misconduct and impose one of the penalties under Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958. Action can, therefore, be taken under these rules for unauthorised absence from duty or overstayal of leave even for one day, treating it is misconduct, if the facts and circumstances of the case warrant such an action.