

THE PRESCRIBED LEAVE RULES, 1959

1. Short title, commencement and application.- (1) These rules may be called the prescribed leave rules, 1959.

(2) They shall come into force at once and shall be deemed to have taken effect on and from the first day of July 1959.

(3) They apply to all Government servants including those of non-Asiatic domicile under the rule-making control of the provincial Government who entered service on or after the 1st July 1959 and to those who elect to be governed by them under rule 2, and when so applicable, shall be in substitution of the corresponding provisions of the East Pakistan Service Rules or of any other relevant rules.

2. Option.- (1) Government servants who entered service before the 1st July 1959 may elect to continue to be governed by the existing leave rules applicable to them or to accept these rules.

(2) The option given by sub-rule (1) shall be exercised within a period of six months from the date of publication of these rules in the official Gazette and communicated to the Accounts officer concerned in the case of gazetted officers and to the Heads of the offices in the case of non-gazetted staff and once so exercised shall be final.

(3) Government servants who do not exercise the option within the aforesaid period shall be deemed to have finally opted for the existing rules.

3. Leave on average pay and half-average pay.- (1) Permanent Government Servants-

(a) **Class IV Government servants-** (i) Class IV Government servants in permanent employ shall earn leave at the rate of 1/11th of the period spent on duty and the maximum that may be accumulated shall be four months. Any period earned in excess of four months shall be credited to a separate item in the leave account from which leave may be allowed on average pay on medical certificate or for the purpose of pilgrimage outside Pakistan, Burma, Ceylon and India.

(ii) The amount of leave on average pay that may be taken at one time shall not exceed four months. This limit may be raised to six months when leave in excess of four months is taken on medical certificate or for the purpose of pilgrimage outside Pakistan, Burma, Ceylon and India.

(iii) Leave on half-average pay shall be earned at the rate of 1/22nd of the period spent on duty and accumulation of such leave shall also be without limit. Such leave shall not be allowed except on medical certificate. It shall be permissible to convert leave on half-average pay

into leave on average pay at the rate of one day of leave of average pay for two days of leave on half-average pay up to a maximum of six months on average pay.

- (b) **Government servants in superior Service** - (i) Leave on average pay shall be earned at the rate of $1/11^{\text{th}}$ of the period spent on duty and the maximum that may be accumulated shall be four months. Any period earned in excess of four months shall be credited to a separate item in the leave account from which leave may be allowed on average pay on medical certificate or for the purpose of pilgrimage, education or rest and recreation outside Pakistan, Burma, Ceylon and India.
- (ii) The amount of leave on average pay that may be taken at one time shall not exceed four months. This limit may be raised to six months when in excess of four months is taken on medical certificate or for the purpose of pilgrimage, education or rest and recreation outside Pakistan, Burma, Ceylon and India.
- (iii) Leave on half-average pay shall be earned at the rate of one-twelfth of the period spent on duty and accumulation of such leave shall be without limit. It shall be permissible to convert leave so allowed into leave on average pay on production of a medical certificate up to a maximum of 12 months on average pay. This conversion will be allowed at the rate of one day of leave on average pay for two days of leave on half-average pay.

(2) **Temporary Government servants-** (a) A temporary Government servant who had rendered three years or longer continuous temporary service on the 30th June 1959, shall for the purpose of these rules excepting rule 5 be treated as a Government servant in permanent employ and if he elects these rules shall be subject to the provisions of these rules with effect from the 1st July 1959.

- (b) A temporary Government servant who had not completed three years on the 30 June 1959, or one who joined or may join Government service after that date shall be governed by the leave terms applicable to such Government servants on that date, but with effect from the date on which he completed three years continuous temporary service or on which he is appointed substantively to a permanent post, which is earlier, he shall, for the purposes of leave except that admissible under rule 5 be treated as a Government servant in permanent employ and his leave account at the same time shall be credited with the amount of leave which would have been admissible to him under these rules had he been in permanent employ from 1st July 1959 or if he joined service after that date from the date he joined service such credit being diminished by the amount of leave already taken.

4. **Carry forward of existing leave** - (a) In the case of a Government servant who elects these rules, leave on average pay or earned leave at his credit on the 1st

July 1959, shall be carried forward and further accumulation shall be subject to limits mentioned in these rules.

- (b) The leave account of the Government servant concerned shall be credited with leave on half-average pay earned in terms of rule 3(1) (a) (iii) or 3(1) (b) (iii) as the case may be, from the date of appointment in Government service less the amount of leave already enjoyed on half-average pay either with medical certificate or without medical certificate.

5. Leave not due - (1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ on half-average pay up to a maximum of twelve months during the whole service if it is on medical certificate or three months during the whole service if it is not on medical certificate.

- (2) When a Government servant in permanent employ returns from leave which was not due, no leave shall become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Note- Earning of leave referred to in clause (2) of this rule is the earning under rule 3(1) (4) (iii) or 3(1) (b) (iii) as the case may be and has no connection with the leave on average pay.

6. Leave salary - (1) Subject to the maximum laid down in rule 208 of the East Pakistan Service Rules, Part 1, leave salary during leave on average pay shall be calculated on the basis of the average pay drawn during the twelve complete months preceding the month in which the leave is taken, or the pay the Government servant was drawing before proceeding on leave whichever is more favourable.

- (2) Leave salary during leave on half-average pay shall be equal to half-average pay calculated under sub-rule(1).

- (3) Government servants shall draw their leave salary in Pakistan currency in Pakistan irrespective of the country where they spend their leave.

Note- The restriction imposed under sub-rule (3) shall not, however, apply in the case of study leave granted under Appendix No. 5 of the East Pakistan Service Rules, Part 1, and also to Government servants who entered service before the 29th January 1959.

7. Maximum leave permissible at a time- The maximum amount of leave that may be taken at one time shall be one year but supported by a medical certificate it may be extended to two years.

8. Government Servants in Vacation Department- (1) (a) Leave on average pay shall not be permissible to a Government servant in permanent employ serving in a Vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.

- (b) Leave on average pay to such a Government servant in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of thirty days if he is a Government servant in superior service of fifteen days if he is in class IV service, as the number of days of vacation not taken bears to the full vacation.
- (c) If in any year such a Government servant does not avail himself of the vacation, leave on average pay shall be permissible to him in a respect of that year as if he was in a non-Vacation Department.
- (d) Such Government servants shall be entitled to earn and avail themselves of leave on half-average pay like other Government servants.

(2) A Government servant in Vacation Department who is not in permanent employ shall continue to be governed by the leave terms applicable to such Government servants on the 30th June 1959 but with effect from the date on which he completes 3 years continuous temporary service or on which he is appointed substantively to a permanent post, whichever is earlier, he shall for purposes of leave, except that admissible under rule 5, be treated as a Government servant in permanent employ, and his leave account at the same time shall be credited with the amount of leave which would have been admissible to him had he been in permanent employ in a Vacation Department from the date he joined temporary service, such credit being diminished by the amount of leave already taken.

9. **Other provisions-** (1) The existing provisions for sick leave, maternity leave, hospital leave, quarantine leave, special disability leave and study leave shall be continued.

(2) Officers on contract shall continue to be governed in accordance with such terms for the grant of leave to Government servants engaged on contract as may be applicable to them.

(3) (1) Extraordinary leave for which on leave salary is admissible may be granted to any Government servant in special circumstances -

(a) When no other leave is by rule admissible, or

(b) When other leave is admissible but the Government servant concerned applies in writing for the grant of extraordinary leave.

(2) (a) Except in the case of a Government servant in permanent employ, the duration of extraordinary leave shall not exceed three months on any one occasion;

Provided that this restriction shall not apply in the case of a Government servant not in permanent employ who is permitted to undergo training abroad after executing a bond to serve Government for a period of five years and also in the case of such a Government servant who has rendered continuous service for at least three years and who is permitted to undergo training or study within Pakistan after executing a similar bond; and

Provided further that in case of absence on account of prolonged illness extraordinary leave may be granted to a temporary Government servant up to a maximum period of six months on production of a medical certificate.

- (b) Temporary Government servants who contract tuberculosis may be granted extraordinary leave up to maximum of twelve months on any one occasion, provided-

The post from which the Government servant proceeds on leave is likely to last till he returns to duty.

The extraordinary leave shall be granted on the production of a certificate specifying the period for which the leave is recommended, from the Medical Officer-in-Charge of a sanatorium or from a T. B. Specialist or a Civil Surgeon.

In recommending leave the Medical Officer shall bear in mind the provision in rule (7) under Appendix No. 8 of the East Pakistan Service Rules, Part 1.

- (3) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

10. (1) Leave at the credit of a Government servant in his leave account shall lapse on the date on which he must compulsorily retire provided that if at least three months before the date of commencement of the leave he has-

- (a) formally applied for leave and been refused it, or
(b) Ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the exigencies of the public service, then the Government servant may be granted after the date of retirement the whole or any portion of the leave so refused subject to a maximum of four months by the authority empowered to grant it.

(2) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of one-eleventh of the duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under sub-rule (1) had he retired on that date. The total period which he may take on each occasion shall not exceed four months.

When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of four months as follows:

- (i) the balance after deducting the amounts of leave, if any, taken during period of extension from the amount of leave which could have been granted to him under clause (1) had he retired on the date of compulsory retirement, plus
(ii) the amount of leave earned under this clause which is due to the Government servant and which he has, at least three months before the date of termination of the period of extension-
- (1) formally applied for and been refused, or
(2) ascertain in writing from the sanctioning authority, would not granted, if applied for,

in either case the ground of refusal being the exigencies of the public service.

Note 1 -This rule simply limits the amount of leave that may be granted to Government servants who have reached or are about to reach the date on which they are require to retire. The kind of leave and the salary are determined not by this rule, but by the generals rules in rules 3 and 7.

Note 2 - The proper test applying this rule is whether it would be more convenient on general administrative grounds for a Government servant to take leave before or after age of superannuation, and Government servants should be wanted that the rule is intended to apply only in case in which a Government servant with leave due to him has applied for leave at three months before the commencement of the leave and his application has been refused owing to the exigencies of the public service, and that is not intended to apply so as to enable a Government servant at his own option to take leave after, instead of before the date of retirement.

Note 3- The period of four months mentioned in this rule includes any period of vacation with which leave is combined.

Note 4- A deduction should be made under sub-rule (2) on account of vacation enjoined.

Note 5- This rule does not operate in the case a clerical Government servant between the ages of 55 and 60 or in the case of a member of the lower subordinate service between the ages of 60 and 65, unless and order is passed requiring him to retire.

Note 6- The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which, with the exception only of the net amount of leave refused, lapses under clause (1) of rule 10 on the date of compulsory retirement. The grant of any leave between the date from which the "refusal of leave" took effect and the date of superannuation should therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (1) after superannuation in such a case is, therefore, the amount of leave originally refused minus the amount of the "post-refusal" leave enjoined; and this difference is subject to a maximum of four months. The principle applies equally to leave available under clause (2) including that earned in respect of duty during a period of refused leave.

11. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave under these rules.

12. All other rules regulating the general conditions of granting leave as set out in section I and leave procedure in section VIII of chapter XV of the East Pakistan Service Rules, Part I, so far as they are not inconsistent with or repugnant to, these rules, will continue to apply in all cases.

Serial No. 4.

SUBJECT: *Option for the Prescribed Leave Rules, 1959.*

Sir,

I am directed to refer to your letter No. GAV/GL/692, dated 17th April, 1961 and to state that Government have been pleased to extend the time-limit for exercising option for the Prescribed Leave Rules, 1959 promulgated under Notification No. F/LA/3L-96/59/212, dated 2nd October, 1959 for a further period up to 30th June, 1961.

[Vide Finance (Audit) Department's memo No. F/LA/3L-29/60/168, dated the 6th May, 1961.]

(Reference to serial No. 1.)

Serial No. 5.

SUBJECT: *Option for the prescribed Leave Rules, 1959.*

In continuation of the Finance Department's letter No. F/LA/3L-29/60/168, dated the 6th May, 1961, the undersigned is directed to state that Government have been pleased to extend the time-limit for exercising option for the Prescribed Leave Rules, 1959 for a further period up to the 31st December 1962.

2. All Departments/Directorates/Offices are requested to bring the above instruction to the notice of all concerned, specially to those who are still abroad on training or on long leave or under suspension.

[Vide Service and General Administration (Regulation) Department's memo. No. RIII/3L-33/62/370, dated the 5th October, 1962.]

(Reference to serial No. 4.)

ক্ষমতা কর্তৃপক্ষের থাকিলেও অসুস্থতাজনিত কারণে মঞ্জুরকৃত ছুটি বাতিলের ক্ষেত্রে অসুস্থ কর্মচারীর মেডিকেল ফিটনেস সংক্রান্ত জটিলতা থাকায় অসুস্থতাজনিত ছুটি বাতিলের সুযোগ থাকে না।

বিধি-১৫৭। স্থায়ী কর্মে নিয়োজিত কোন সরকারী কর্মচারীকে মেডিকেল সার্টিফিকেটের ভিত্তিতে ছুটি মঞ্জুর করা হইলে, নির্ধারিত ফরমে মেডিকেল ফিটনেস সার্টিফিকেট দাখিল ব্যতিরেকে তিনি পুনঃকর্মে যোগদান করিতে পারিবেন না। কোন সরকারী কর্মচারীকে মেডিকেল সার্টিফিকেট ব্যতীত যদি স্বাস্থ্যগত কারণে ছুটি মঞ্জুর করা হয় অথবা ছুটির মেয়াদ বর্ধিত করা হয়, তাহা হইলে ছুটি শেষে যে কর্তৃপক্ষের নিকট যোগদান করিবেন, ঐ কর্তৃপক্ষ ইচ্ছা করিলে সংশ্লিষ্ট কর্মচারীকে কর্মে যোগদানের পূর্বে স্বাস্থ্যগত ফিটনেস সার্টিফিকেট দাখিলের নির্দেশ দিতে পারিবেন।

মূল বিধি

Rule-157. No Government servant in permanent employ who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. Any Government servant who has been granted leave or extention of leave for reasons of health, even though such leave or extention was not actually granted on medical certificate, may, at the discretion of the authority under which the Government servant will be employed on return from leave, be required to produce a similar certificate of fitness before being permitted to return to duty.

বিশ্লেষণ: (১) অসুস্থতার স্বপক্ষে মেডিকেল সার্টিফিকেট দাখিলপূর্বক ছুটি নেওয়া হইলে স্বাস্থ্যগত ফিটনেস সার্টিফিকেট ব্যতীত পুনঃকর্মে যোগদান করা যায় না। এমনকি কোন কর্মচারীকে মেডিকেল সার্টিফিকেট ব্যতীত স্বাস্থ্যগত কারণে ছুটি মঞ্জুরের ক্ষেত্রেও কর্তৃপক্ষ মেডিকেল ফিটনেস সার্টিফিকেট দাখিলের নির্দেশ দিতে পারেন। এইক্ষেত্রে মেডিকেল ফিটনেস দাখিল বাধ্যতামূলক। কোন কর্মচারী মেডিকেল ফিটনেস সার্টিফিকেট দাখিল ব্যতিরেকে যোগদান পত্র দাখিল করিলে উক্ত যোগদান পত্র গ্রহণ করা যাইবে না। উল্লেখ্য মেডিকেল ফিটনেস সার্টিফিকেট দাখিলের এই বিধান বর্তমানে স্থায়ী, শিক্ষানবীস এবং অস্থায়ী অর্থাৎ সকল প্রকার কর্মচারীদের ক্ষেত্রেই প্রযোজ্য।

বিশ্লেষণ: (২) এই বিধির অনুরূপ বিধান এফ, আর (এস আর)-২১ তে সন্নিবেশিত আছে।