

CHAPTER II- General Conditions

7. Right to leave

- (1) Leave cannot be claimed as of right.
- (2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

Provided that leave applied under Rule 20, shall not be refused or revoked without reference to the Medical Authority, whose advice shall be binding.

[DOPT Notification No. No. 18017/1/2014-Estt. (L), dated 03.04.2018]

8. Regulation of claim to leave

A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

9. Effect of dismissal, removal or resignation on leave at credit

- (1) Except as provided in Rule 39 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.
- (2) Where a Government servant applies for another post under the Government of India but outside his parent office or department 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) A Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.
- (4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

10. Commutation of one kind of leave into another

- (1) At the request of a Government servant, 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 Government servant 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 Government servant joining his duty on the expiry of the relevant spell of leave availed of by him.

[DOPT Notification No. 140 15/2/97-Estt. (L), dated 31.12.1997]

- (2) 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 servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE.- Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 31.

11. 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 recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

12. Maximum amount of continuous leave

(DOPT Notification No. No. 13026/2/20 10- Estt. (L), dated 29.03.2012)

- (1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years
- (2) Unless the President, in view of the exceptional circumstances of the case, otherwise determines, a Government servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Government service:

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to that Government servant before provisions of sub-rule (2) are invoked.

Provided that this rule shall not apply to a case where leave is applied on medical certificate, in connection with a disability.

(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

13. Acceptance of service or employment while on leave

- (1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of -
- (a) the President, if the proposed services or employment lies elsewhere than in India; or
- (b) the authority empowered to appoint him, if the proposed service or employment lies in India.
- (2)(a) No Government servant while on leave, other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment.
- (b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.
- (c) A Government servant while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment with a Public Sector Undertaking or a body referred to in Clause (a) of sub-rule (2) of Rule 38 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Rule 40.
- (3)(a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.
- (b) The leave so cancelled under Clause (a) shall be allowed to be encashed in the manner provided in sub-rule (2) of Rule 39.
- (c) Deleted.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)
- (d) Deleted.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)