

Rules prescribing Leave Procedure

(Rule 221)

Under West Bengal Services Rule, 1971

Note.—The rules of this Appendix are numbered throughout in parenthesis, e.g., "rule (15)," References to rules without the parenthesis in this Appendix are, unless the contrary is expressly stated, references to the Service Rules, West Bengal.

I—General

(1) [Omitted].

** (2) (a) [Omitted].

** (b) [Omitted].

(c) in the case of Government employees to whom leave rules in Section II of Chapter XV apply, a leave account shall be kept in the form prescribed in Schedule II to these rules :

Provided that in the case of special disability leave granted under rule 195, only half the amount of earned leave under clause (b) of sub-rule (7) of that rule shall be counted as 'earned leave' taken and entered in the Service records.

Note 1.—*The form appended in Schedule II of these rules shall, in the case of each Government employee be attached to his Service book;*

** (3) (a) The leave account of a Group A Government employee shall be maintained by the head of the office in which he is employed.

(b) The leave account of a Group B, C and D Government employee shall be maintained by the head of the office in which he is employed.

** (4) Every application for leave or for an extension of leave shall be sent to an authority competent to sanction the leave through the intermediate superior, if any, of the Government employee applying for leave. In the case of Group-A Government employee, the application should be sent through the head of office. The application of a Government employee in foreign employ shall be sent through the Audit Officer who accounts for the contribution recovered from the foreign employer.

** (5) Fractions of a day should not appear in the leave account, fractions below should be ignored, and those of 1 or more should be reckoned as one day.

* (6) A separate account should be kept of the leave earned by a Government employee serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance

under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government.

*(7) Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government employee concerned will ever be fit to resume his duties. In such cases, the opinion that the Government employee is permanently unfit for Government Service should be recorded in the medical certificate.

*(8) Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government employee must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government employee under the terms of his contract or of the rules to which he is subject.

***(9) Before a Group A Government employee can be granted leave or an extension of leave on medical certificate, he must obtain a certificate accompanied by a Statement of his case in the following form :—

Name (to be filled in by the applicant in the presence of the Medical Officer of Health)

Appointment

Age

Total Service

Previous period of leave of absence on
medical certificate

Habits

Disease

I,-----Medical Officer at -----, after careful personal examination of the case hereby certify that-----is in a bad state of health, and I solemnly and sincerely declare that according to best of my judgement a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted-----months' leave with effect from-----

Medical Officer of Health

Dated, the

Note 1.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificate

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 Medical Board to decide the question of his fitness for service.

*(10) Having secured such a certificate, the Government employee must, except in cases covered by rule (13), 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 administrative medical officer of the State who will, where practicable, preside over it: The committee will be assembled either at the headquarters of the State or at such other place as Government may appoint.

*(11) Before the required leave or extension of leave can be granted, the Government employee must obtain from the committee a certificate to the following effect:—

We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of CD. to be such as to render leave of absence for a period of _____ months absolutely necessary for his recovery.

(12) Before deciding whether to grant or refuse the certificate the committee may in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:—

CD. 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 C D. under professional observation for _____ days.

*(13) (1) If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to *b&* 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 (11) either—

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil station, in whatsoever State they may be serving; or

(b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the 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, when the leave recommended by the authorized medical attendant or the Medical Superintendent of the hospital in which the applicant is undergoing treatment is for a period not exceeding one month, dispense with the procedure laid down in rules (10) and (11) and grant leave on the recommendation of such Medical Officer provided that such Medical Officer certifies that, in his opinion it is unnecessary for the applicant to appear before a medical committee.

*(14) The grant of a certificate under rules (II), (13) or 07) does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the order of the authority should be awaited.

** (15) Every application for leave on medical certificate made by a Group B, Group C or Group D Government employee shall be accompanied by a medical certificate 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.

(16) The authority competent to sanction leave may, at his discretion, secure a second medical opinion by requesting the Presidency Surgeon or the District Medical Officer of Health to have the applicant medically examined. Should he decide to do so, he 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.

(17) It will be the duty of the Presidency Surgeon or the District Medical Officer of Health 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.

*(18) The following form of medical certificate is prescribed for Group B, Group C or Group D employee recommended for leave or extension or commutation of leave :—

(Signature* of applicant)

I..... after careful personal examination of the case hereby certify thatwhose signature given above, is suffering from: and I consider that a

period of absence from duty ofis absolutely necessary for the restoration of his health.

Dated, the .

Government Medical Officer
or
Registered Medical
Practitioner.

Note 1.—The nature and probable duration of the illness, should be specified, vide rule (15).

Note 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 to (or from) a particular locality, or that; he is not fit to proceed to a particular locality. Such certificate 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 Medical Board to decide the question of his fitness for service,

(19) The medical certificate of fitness required by rule 159 shall be as prescribed below:—

(a) if the leave is taken outside India,

"We certify that we have carefully examined A.B. of the, Service and find that he is in good health and fit to return to his duty in India. We also certify that before arriving at this decision, we have examined the original medical certificate(s) and statement(s) of (he case (or certified copies thereof) on which the leave was granted or extended, and have taken these into consideration in arriving at our decision."

**In the case of a Group A employee in India, such certificate shall be obtained from a Medical Committee except—

(i) in cases in which the leave is for not more than three months, or (ii) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months, but the Medical Committee granting the original certificate or the certificate . for extension state, at the time of granting such certificate, that the Government employee need not appear before another Medical Committee for obtaining the certificate of fitness.

Note 1.—A certificate signed by one or two medical officers obtaining under rule (13) shall be deemed equivalent for the purpose of this rule to a certificate obtained from a Medical Committee.

(20) The original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which the leave was originally granted or extended shall be produced before the authorities asked to issue the certificate's prescribed in rule (19).

******(21) In support of an application for leave, or for an extension of leave, on medical certificate from Group D employees, the authority competent to grant the leave may accept such certificate as he may deem sufficient.

III—Grant of leave

(22) In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should in deciding which application should be granted, take into account the following considerations :—

- (a) The Government employees who can, for the time being, best be spared.
- (b) The amount of leave due to the various applicants.
- (c) The amount and character of the service rendered by each applicant since he last returned from leave.
- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in the public interests.

Note.—*Grant of leave on private affairs to the men of the Military Police is subject to the condition that the number absent on leave on half average salary, whether on medical certificate or not, does not exceed 5 per cent, of the Battalion from 15th October to 15th April, and 10 per cent, from 16th April to 14th October.*

(23) When a medical committee in India has reported that there is no reasonable prospect that a particular Government employee will ever be fit to return to duty, leave may only be granted by Government and on the following conditions:—

- (a) If the medical committee is unable to say with certainty that the Government employee will never be fit for service again, leave not exceeding twelve months in all may be granted. Such leave may not be extended without further reference to medical committee.
- (b) If the medical committee declares that Government employee to be completely and permanently incapacitated for further service, the Government employee should, except as provided in clause (c) below be invalided from the service either on the expiration of the leave already granted to him. if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report. (c) A Government employee 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 employee's breakdown in health has been caused in and by Government service, or

when the Government employee has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension. Note.—A report from a single Medical Officer shall be accepted for purposes of leave under this rule in cases where such a certificate is deemed sufficient for granting invalid pensions.

(24) Leave should not be granted to a Government employee who ought at once to be dismissed or removed from Government service for misconduct or general incapacity:

(25) If, in a case not covered by rule (24) an authority competent to remove a Government employee from service decides, before such Government employee departs from India on leave, that he will not be permitted to return to duty in India, the authority shall inform him to that effect before he leaves India.

(26) If, when a Government employee is about to depart from India, on leave it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary or if for any reason it is considered inexpedient that a Government employee on leave should return to India, a full report of the circumstances shall be made by Government to the High Commissioner in time to enable him to take any necessary measures before the Government employee would in the ordinary course be permitted to return to duty. The report should, in any case, reach the office of the High Commissioner at the latest three months before the end of the Government employee's leave.

(27) The abolition of the substantive post of a Government employee absent on leave out of Asia should be immediately communicated to the High Commissioner.

(28) When leave on medical certificate has been granted to a Government employee, if such Government employee proposes to spend his leave in Europe, North Africa, America or the West Indies, Government shall without delay forward a copy of the Medical statement of the case to the High Commissioner for India.

(29) When a Government employee who has been granted leave for reasons of health proceeds to any of the localities named in rule (28), the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under rule 159.

(30) Every Government employee proceeding on leave out of Asia should procure from the Head of Office and take with him a copy of the memorandum of information issued for the guidance of Government employees proceeding on leave out of Asia. If the leave

has been granted on medical certificate, he must take a copy of the medical statement of his case also.

(31) A Government employee taking leave out of India must, if so required by the Head of Office report his embarkation, through that Officer, to the authority which granted his leave in such form as the Government may prescribe.

******(32) A Group A employee, on return from leave, must report his return to Government or Head of Office.

(33) On return from leave exceeding two months a Group "A" employee must obtain orders as to his posting. On return from leave not exceeding two months, a gazetted Government employee may resume the post which he held before going on leave unless he receives orders to the contrary.

Note.—*Authorities empowered to grant leave may when they sanction leave, permit group "A" employees to return from leave exceeding two months to resume the post which they held before going on leave.*

(34) Unless specially otherwise ordered, leave must begin within 35 days, of the date on which it is granted.

(35) Omitted.

TV—Records of Service

*****(36) Omitted.

*****(37) A service book in such form as the Auditor-General may prescribe must be maintained for every whole time Government employee other than those employed casually on daily wage basis.

*****(38) The service book shall be maintained in duplicate for each Government employee from the date of his first appointment to Government service. One copy shall be kept in the custody of the Head of the Office in which such Government employee is serving and transferred with him from office to office. In the case of the officers of the West Bengal Civil Service (Executive) and the West Bengal Police Service, the "service records shall, however, be maintained centrally by the Home (Personnel and Administrative Reforms) Department. The other copy will be kept with the Government employee.

*****(39) Every step in the Government employee's official life must be recorded in his service book, and each entry must be attested by the head of his office or, if he himself is the head of the office, by his immediate superior. The head of the office must see that

all entries are duly made and attested and that the book contains no erasure or over-writing, all corrections being made and properly attested.

At a fixed time early in the year the service books should be taken up for verification by the head of the office or other officer as may be specially authorised by Government in this behalf who, after satisfying himself that the services of the Government employee concerned are correctly recorded in each service book, should record in it a certificate in the following form over his signature:

"Service verified up to (date) from (the records from which the verification is made)".

The officer in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods (naming them) a statement in writing by the Government employee, as well as a record of evidence of his contemporaries, is attached to the book.

The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

Before the establishment pay bills are destroyed, the periods of temporary officers as may be specially authorised by Government in this behalf, from the pay bills concerned and the fact of verification recorded under proper attestation in the service books, and officiating service should be verified by the Heads of Offices or such other officers. Such officers should also invariably give necessary particulars with a view to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not.

When a Group A, Group B, Group C and Group D employee is transferred from one office to another, the Head of the Office or such other officers as may be specially authorised by Government in this behalf under whom he was originally employed, should record in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls, in respect of the whole period during which the officer was employed under him, before forwarding the service book to the office where the services are transferred.

*The entries in the copy of the service book which will remain in the personal custody of the Government employee will be made up-to-date at least once a year and also when a Government employee is transferred, under proper attestation by the Head of the Office or by any other officer authorised by the Head, of Office.

Any addition, alteration or overwriting in the entries made in any of the copies of the service book will not be accepted as authentic unless the same is attested by the competent authority.

The service book will be made in Bengali or in Nepali (for the Nepalese speaking Government employees) in addition to English.

(40) For the words "in any entry made across the page of the service book" substitute by the words "in the relevant column of the service book".

(41) Personal certificates of character must not unless the head of the department so directs, be entered in a service book, but if a Government employee is reduced to a lower substantive post, the reason of the reduction must be briefly shown in the relevant column.

(42) It shall be the duty of every Head of Office to initiate action to show the service book to Government employees under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the 15th March of every year. The Government employees shall, *inter alia*, ensure before affixing their signature that their service* have been duly verified and certified as such. In the case of a Government employee on foreign service, his signature shall be obtained in his service book after the Audit Officer has made, therein necessary entries connected with his foreign service.

** (43) When a Group A, Group B, Group C or Group D Government employee is transferred, whether permanently or temporarily, from one office to, another, the; necessary entry of the nature of the transfer shall be made in his service book, which, after being duly verified to date and attested by the Head of that Office or such other officer as may be specially authorised by Government in this behalf, shall be 'transmitted to the Head of the Office to which the Government employee has been transferred who will thenceforward have the book maintained in his office.

** (44) Omitted.

(45) If a Government employee is transferred to foreign service, the Head of his Office or department must send his service book to such Audit Officer as the Auditor-General may prescribe. The Audit Officer will return it after noting in it, over his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government employee's retransfer to Government service, his service book must again

be sent,' to the Audit Officer who will, then note in it, over his signature all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

*(46) Omitted.

*(47) Omitted.

*(48) Omitted.

*(49) Omitted.

****Schedule I—Omitted.**

Schedule II

[See rule (2) (c)]

FORM OF LEAVE ACCOUNT

Name of Government employee.....

Date of commencement /continuous service.....

Date of permanent employment.....Date of retirement.....

EARNED LEAVE				
Particulars of service in the half-year of a calendar year		Completed months of service in the half year of a calendar year	E.L. credited at the beginning of half year	No. of day so E.O.L. (Col. IK!) availed of during the previous calendar half year
From 1	To 2	3	4	5

E.L. to be deducted (1/10th of the period in Col. 5) 6	Total E.L. at credit in days (Col. 4+11-6) 7	Leave taken			Balance of E.L. on return from leave (Col.7-10) 11
		From 8	To 9	No. of days 10	

HALF-PAY LEAVE TAKEN

(On Private Affairs and Medical Certificate including Commuted leave and leave not due)

Length of service			Credit of leave	
From	To	No. of completed years	Leave earned (in Col. 15-4-35)	Leave at (credit days)
12	13	14	15	16

Leave against the earning on half-pay			Commuted leave on medical certificate on full pay		
From	To	No. of days	From	To	No. of day*
17	18	19	20	21	22

HALF-PAY LEAVE TAKEN

(on Private Affairs and Medical Certificate including Commuted Leave and leave not due)

Commutated leave without out Medical Certificate for studies certified to-be in public interest limited to 180 days' H.P.L. converted into. 90 days' commuted leave in entire service			Commutated leave converted into half-pay leave (twice of Col. 22 and 25)
From 23	To 24	No. of days 25	26

On Medical Certificate			Otherwise than on Medical' Certificate limited to 180 days		
From 27	To 28	No. of days 29	From. 30	To 31	No. of days 32

Leave not due limited to 360 days in entire service.

Total of leave not due (Col. 29+32)	Total half-pay leave taken (Col. 19+26+33)	Balance of half-pay leave <i>on</i> return from leave (Col. 16-34)	*Other kinds of leave taken
33	34	35	36

*Here insert the nature and duration of leave taken also on deputation to other Government, etc., and also allocation of periods of leave for which leave salary is debitable to another Government /Organisation with details of leave and the name of Government/ Organisation to which the same is debitable.

Note 1. The Earned leave due should be expressed in days.

Note 2. When a Government employee is appointed during the course of a half year of a particular calendar year earned leave shall be credited at the rate of 2 1/2 days for each completed calendar month and the fraction of day will be rounded to the nearest day.

Note 3. The entries in column 6 shall be in complete days. Fraction of day shall be rounded to the nearest day.

Note 4. Period of extraordinary leave shall be noted in red ink.

Note 5. The entries in columns 12 and 13 shall indicate only the beginning and end of completed years of service at the time the half-pay leave commences. Where a Government employee completes another year of service while on half-pay leave, the extra credit shall be shown in columns 12 to 16 by making suitable additional entries and this should be taken into account while completing column 35.