

HARYANA AFFILIATED COLLEGES LEAVE RULES, 2002

HARYANA GOVT. GAZ. (EXTRA.), OCT. 28, 2002 (KRTK. 6, 1924 SAKA) 845 [Authorised English Translation} HARYANA GOVERNMENT EDUCATION DEPARTMENT Notification The 28th. October, 2002 No. S.O. 88/H.A.15/1979/S-4, S and 102002 exercise of the powers conferred by sub-section (i) read with sub-section (2) of section 16 and sections 4 and 5 of the Haryana Affiliated Colleges (Security of Service) Act. 1979 (15 of 1979) and further read with rule 11 of the Haryana Affiliated Colleges (Security of Service) Rules, 1993 and all other powers enabling him in this behalf, the Haryana hereby makes the following rules regulating the leave to be granted to the employees working in affiliated colleges, namely :- (2) (iii) (v) (VI) (viii) (ix) These rules may be called the Haryana Affiliated Colleges Leave Rules, 2002. They shall be applicable to the employees working in affiliated colleges and working against Sanctioned posts which receive grant-in-aid from Government. 'Act' means the Haryana Affiliated Colleges (Security of Service) Act, 1979 (15 of 1979) 'competent authority' (in relation to exercise or powers) means Principal/management of the college, as the case may be; 'Department' means the Higher Education Department, Haryana; 'Director' means the Director Higher Education, Haryana; 'leave' includes earned leave, half pay leave, commuted and extraordinary leave; 'earned leave' means leave earned in respect of period spent on duty; 'half pay leave' means leave earned in respect of number of completed year of service; 'commuted leave' means commutation of half pay leave into full pay (to be debited against double the amount of half pay leave) on medical grounds and for pursuing an approved course of study; 'extraordinary leave' means leave sanctioned without pay; 'one year continuous service' means one year continuous service; the definition of 'affiliated college', 'Government,' and 'Managing Committee' used in these rules but not defined shall have the same meaning as respectively assigned to them in the Act. Short title and Application. Definitions. 846 Service counting for 3 (1) HARYANA GOVT. GAZ. (EXTRA.), OCT. 28, 2002 (KRTK. 6, 1924 SAKA) Leave is earned only by performing duty. For the purpose of this leave Application and grant. (3) No fee; period spent in foreign service shall be counted as duty if contribution towards leave salary is paid on account of such period. Service on commutation of gratuity. If re-employed, a person who is re-employed, thereupon returned or his pension is 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 previous service towards leave. Resignation from service, even though it is followed immediately by re-employment except, where the person has been tendered to join another assignment and have applied through proper channel) should entail forfeiture of past service for the purpose of leave. (4) An employee who is dismissed or removed from service, but is reinstated on appeal or revision, is entitled to his previous service for leave. (5) A person who has retired on superannuation is generally an excepted case and temporary expediency. Service of such re-employed pensioner should, therefore, be regarded like a fresh entrant. (6) Procedure in case of leave certificate. (7) of 4. An application (or leave, or for an extension of leave) shall be made to the authority competent to grant such leave or (authority competent to grant leave is given in Annexure A). An employee on foreign service in India should submit all applications for leave, earned leave, through his foreign employer to the competent authority to sanction leave in his parent organization except in the case of casual leave.

6. Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will be permanently unfit for service. Should be recorded in the medical certificate.

7. Every certificate of a medical or board or medical officer recommending the grant of leave to an employee must contain provision. That no recommendation contained in it shall be evidence of a claim to any leave not admissible to the employee under the terms of his contract or of the rules to which is subject. 8. (1) Leave cannot be claimed as a matter of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it. HARYANA GOVT. GAZ. (EXTRA.), OCT. 28, 2002 (KRTK. 1924 SAKA) 847 (2) The nature of leave due and applied for by an employee, 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 as applied for under this rule it not open to

him Ro after Ghe nature of such leave. An appu•cation for leave. on medical grounds should be ccompanied (3) by a certificate from medical officer of a Government Dispensary/ (Primary Health Health Hospital/General Hospital etc.) except in case of class IV employees in whose tase a medical certificate for leave up to one week from a Registered Medical Practitioner will be sufficienc- For leave beyond one week a certificate from a Government medical officer will be required in such cases. The grant of medical certificate does not itself confer upon the (4) employee corcerored any right to leave. The. certificate should be forwarded to the competent authority 10 grant the leave, and the orders of the authority should be awaited. An ernployee who absents• himself fromhis duly without permission of the competent authority is iiable to huve his absence Ireated as absence from duty without leave. The cornpeler,t authority to sanctitiüü reave Inay. al its discretion. (.5) secure a second medical opinion. hy requesting the Civil Surgeon have. the.appfic.ant medically exan•-uncd. Should it decide do so, must arrange for the second examination to be made on the earliest possible dale after. the dale on which the fir.st medical opiai0i1 was given. IL-vili be the duty bf the Civil Surgeon Io express an opinion both (6) 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 appl icant Io appear before himself or require the appl icanL. appear before a medical officer nominated by hi-m. . :— J lit; possession OJ Inedtcai certiificaic as presecil)cd this rule does Note nol itself confer upon the employee coocerned any right to leave. Leave Shall] not be granted t? an employee whom compt&l}.. (7) authority has decided Io diSrns(sS, remove zoc compulsorily retire trot n senti ce

9. Leave begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed.

10; A•- competent aÜiKbrity to grant leave may permit Sundä9s, oier recognized holidays or vacation to prefixed or suffixed or to both pcefixed and expenditure is incused for the period of the suffixed; provided no vacali0G. (--•.onu»en cem ent and expisy of leave: holidays with 848 HARYANA covr. GAZ. (EXTRA.), ocr. 28., 2002 (KRTK. 6. 1924 SAKA) Acceptan•ec of dnrng leave Ræau from leave. Return fro-m I ea v e- Overstay al of ieavc. PeFiods af off duty which are not Lreated as regular leave. and quacautine leave Genet-al n-ne.s a-nd c.åbditions. Earned I-eave.. adm.i ssible. to an to vacation. Note :—Casual leave which-is not recognized as leave under these rules shall• noc be combined with any. other kind. of leave_ 11. An employee on leave Shall! not take •any sentice or accepce any employment without obtaining the previous sanction of competent authority 12- -ÄJl orders recalling an employee duty before the. expiry of his-leave, should invariably state whether the recum to duty is optional or compulsory 13.. An ernployee on reave may return to. duty before the expiry of the period of leave granted (.o hi.m, he is pea-nilte.d to do so hy the auth061y which gganteö him leave. 14. ('l) An envl•oyee who remains absent?Ster Lhe end of his earned leave is iC'f per-l'üü SüC11 a.üSZiiC.e.ü.üü that period wilf be debi.ted against his reave account as though it were leave on half pay unless his leave is extended by the competent aukhoci ry. (2) Wilful absence from duty after the expiry of leave maybe treated as misconduct

15. Unless the cotiliary appears from the coqte.xt vacalion counls as duty and nol as leave. 16. (1) Afr employee on casual leave or on quarantine leave Is not treated gs absenctrom duty and his. pay and.allQwance.s are interriütteci«_ as suqh [his leave is not recoznized as regular leave. (2) 17. (1) 15.0.) vo in a: J '-uucge> 51 Lau 1 be govemed by the instructions issued by Ibe Director . Any kind of kelave under !hese rules rrwy be ganLed in combination wilh or in conLinualioh Of any other kind of leave. a!flhorilv which gran.téd leave to aa ernp,oyee dan com;nule it retrospecti vely into leave of & different kind which may be admissible but the employee concerned cannot c\airn it a; a. matter of right. The. earned leave, ad(üissibte In Lhe employees working in affiliated colleges entitled for availing of vacations during the year, will be. IO days• earned leave on full pay during lhe year. i.f.r lieu of 20 days half pay leave were admissftilo prior io 9 .d .87. mie half pay theartdit•-of such employees before-9-471987 will be showi separ.ately in the leave account and rmay be granted half pay leave!comrnuted leeve on the same terms and conditions HARYANA Gov•r. GAZ (EXTRA.), OCT- 28, 2002 (KRTK. 6, 1924 SAKA) as were applicable to them prior to 9-4-87. 849 The earned leave admissible to such ernploy.et: in respect of any year in which he is prevented from ava.iling himself of the full vacation is such proportion of lhe following periods as the number of days of vacation not taken bears to the full vacation (i) to an ernplo.yee with TO years' service or less: 13 days (ii) to an employee with Inore than: -ten years' service but not exceeding 20 years service: 20 days to an employee with over 20 yeare service: 30 days (iii) If in any year he does not avail himself of the vacation, earned leave will be admissible- in respect of thal year in

accordance with the provisions made in these rules, as per following formula No. of duly days x Total vacations during the year 365 24,18,12 as the case may be will decide which post. of non-teaching staff would be entitled to vacations. 19. (1) The earned leave admissible to an employee not entitled to vacation- (The details of employees entitled and not entitled for vacation is given in Annexure B). (a) 1124th or thk period spent on duty, during the first 10 years his service; 18th of the period spent during the next 10 years of his service; and (c) 1/12th of the period spent on duty, thereafter after the purpose of assessing the "length of service" under Ellis sub-rule, break in service caused as a result of retrenchment shall entail forfeiture of previous service. (2) Accumulation of earned leave shall be permissible to any extent but the maximum earned leave that may be granted at a time to an employee shall be— (a) : 120 days. if spent in India ; (b) : days if the entire leave so granted or any portion thereof is spent outside India: Provided that if an employee goes on a course or study or research work which increases his competence, knowledge or efficiency or adds to the technical knowledge, he may be granted earned leave to the extent it is due to him and not limited to 120 or 240 days. Earned leave to an employee not entitled to vacation. 850 (3) (4) 20. Grant of extraordinary leave. (2) HARYANA GOVT. GAZ. (EXTRA.), OCT. 28, 2002 (KRTK. 6, 1924 SAKA) leave encashment is admissible. The half pay leave admissible to employees of affiliated colleges not entitled for availing of vacation in respect of each completed year of service is 20 days. The half pay leave due may be granted to an employee either on medical grounds or for private affairs. Commuted leave not exceeding half the amount of half pay leave due may be granted to a employee on medical certificate or for pursuing an approved course of study i.e.- a course which is certified to be in the public interest by the leave sanctioning authority, subject to the following conditions : (i) half-pay leave upto a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilized for an approved course of study; when commuted leave is granted > twice the amount or such leave shall be debited against the half pay leave due: provided that no commuted leave may be granted under this rule unless the competent authority has reason to believe that the employee will return to duty on its expiry. The half pay leave earned by an employee in respect of a completed-year of service can be availed of by him during the course of a spell or leave or during an extension thereof (within which the date of anniversary of service falls. (2) The option once exercised will be final and debar an employee claiming re-conversion as a matter of fact the authority which granted leave can (if so disposed) allow it. Extraordinary leave may be granted to an employee in special circumstances, such as:— (a) when no other leave is admissible; (b) when other leave is admissible, but the employee concerned applies in writing for the same or extraordinary leave. The authority empowered to grant leave may commute retrospectively : (a) periods of absence without leave in to extraordinary leave; (b) extraordinary leave granted into leave of a different kind if the type of leave was admissible at the time the leave was granted. Note The power of commuting retrospectively periods of absence into extraordinary leave under Clause (a) of subrule (2) is HARYANA GOVT. GAZ. (EXTRA), OCT. 28, 2002 (KRTK. 6, 1924 SAKA) 851 absolute and not subject to the conditions mentioned in other words, such commutation is permissible even when other leave was admissible to the employee concerned at the time his absence without leave commenced. concession cannot, however, be claimed by the employee as a matter of right. (3) Extraordinary leave not exceeding the following limits may be granted on any one occasion : (i) (v) (vi) six months; twelve months in cases where the employee has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules (including six months extraordinary leave under (i) above) and his request for such leave is supported by a medical certificate as required under these rules; eighteen months, where the employee is undergoing treatment for— pulmonary tuberculosis or pleurisy of tuberculosis origin in a recognized sanatorium; or tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon; or (c) leprosy, in a recognized leprosy institution or by Civil Surgeon or a specialist in leprosy recognized as such by the Government; twelve months Where the employee is undergoing treatment for cancer, or for mental illness in an institution recognized for treatment of such disease or by a Civil Surgeon or a specialist in such disease : Provided that this concession will be admissible only to those employees who have been in continuous service for a period exceeding one year ; twenty-four months where the leave is required for the purpose of pursuing studies, certified to be in the public interest; provided the employee concerned has completed three years continuous service on the date of expiry of the leave (including six months extraordinary leave as (i)

above); thirty six months to enable him to join some post elsewhere; _ provided he had applied for the post under reference with the specific permission of the Competent Authority. 21. (1) An employee on earned leave shall be entitled to leave salary equal to the pay drawn by him immediately before leave. Leave salary. & 52 Maternity leave HARYANA GOVT. GAZ. (EXTRA.) OCT. 28, 2002 (KRTK. 6, 1924 SAKA) (2) An employee on half pay leave is entitled to leave salary equal to half the amount specified in sub-rule (1); (3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1); (4) An employee on extraordinary leave is not entitled to any leave salary (5) (a) During study leave availed of outside India, an employee shall draw leave salary equal to the pay that the employee drew while on duty immediately before proceeding on such leave and in addition the Dearness Allowance, House Rent Allowance as admissible under these rules. (b) During study leave availed of in India, an employee shall draw leave salary equal to the pay that the employee drew while on duty immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance as admissible under these rules. (c) Payment leave salary at full rate under clause (c) shall be subject to the production of a certificate by the employee to the effect that he has received of any scholarship, stipend or remuneration in respect of any part-time employment. (d) amount, if any, received by an employee during the period of study leave as Scholarship or Stipend or remuneration in respect of any part-time employment as adjusted against the leave salary payable under the rule subject to the condition that the leave salary shall not be reduced to the amount less than payable as leave salary half-pay leave. (e) No study allowance shall be paid during study leave for courses studied in India. The leave salary the employee while on leave is reinstated after the period spent under suspension and who proceeds on leave on reinstatement should be determined on the basis of the pay actually drawn by or allowed to him on the day immediately preceding the day of commencement of leave. (2) Annual increments during the leave will, actually be drawn after the expiry of leave. (3) All the leave except extraordinary leave taken otherwise than on medical certificate counts towards increments. 22. (1) A female employee with less than two surviving children may be granted Maternity leave by an authority competent to grant leave for a period of 6 months from the date of commencement. HARYANA GOVT. GAZ. (EXTRA.), OCT. 28, 2002 (KRTK. 6, 1924 SAKA) 853 h/n/c_ (5) 23. (1) (2) (2) During such period she shall be paid leave salary equal to the pay drawn by her immediately before proceeding on leave. 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the Maternity leave. may be combined with leave any other kind. Leave shall not be debited against the leave account. No grant will be given by the Government for a substitute during the maternity leave of employee. Study leave may be granted to an employee on such terms as may be Study leave. or may be referred in consultation with the Director to enable him to study scientific, technical or similar problems or to undergo special courses of instructions. Such leave is not debited against any leave account and is subject to 12 months at a time or 24 full sessions. A certificate from the competent authority sanctioning leave is that in any case, definitely advantageous to employee in his academic career. During the study leave an employee would be entitled for leave salary equal to his pay. However where the salary of the substitute is reimbursed by University Grants Commission, the period may be allowed as leave with full pay and allowances only for the period for which the salary of the substitute is reimbursed by University Grants Commission and the remaining period, if any, will have to be treated under the provision of study leave or any other kind of leave due and permissible under these rules

24. If any dispute arises between the employee and the Managing Committee, the matter shall be referred to the Director whose decision shall be final and binding upon the parties

25. If any question or doubt arises as to the interpretation of these rules, the Government shall decide the same

26. When in the opinion it is necessary or expedient to do so, it may be recorded in writing. Review of the provisions of these rules with respect to any class or category of persons. Arbitration. Interpretation of rules. of 854 HARYANA GOVT. GAZ. (EXTRA.) OCT. 28, 2002 (KRTK. 6, 1924 SAKA) ANNEXURE A (See rule 4) Authority competent to grant leave No. L 2

3. Earned leave, Kaif (a) Ordinary - (b) Study Special disability leave granted in accordance with the President in the case of principal of the college. Education in consultation with Finance Department Director Higher Education 01 Leave time. Up to 120 days at a respect of 01 teaching and staff except

Principal. Full powers. q HARYANA GOVT GAZ. (EXTRA.)) OCT. 28, 2002 (QTK. 6, 1924 SAKA) ANNEXURE B (Se.e. rule 19 (l)) List o? Staff Wor.kinv in ÅÜiinted• Coiieges 355 Y' aeati0üai otaif Lecturer 14(jil- i Vacationa1 Staf r Supetintendellt e.nngr.nnher Steno Typiest Assistant Librarian Personal Assistant A C)fTi cer Library AtlelidiMlt Mistri Ani tnalfPIanl Collector Sarai Karamchtu-i, Måli, Chowkidar) Peon Head ci erk curri Account&ull Daflri utner V -Äcauonal blart Laboratory Assistant Tabla V.nst.rucLor Gasma.n T 'pe Instruclor Laboratory Attendmt Lecture Assistant Technical Assistant P. K. Chaudhery, ¯.f.ri ,uEaarrh.

