

GUIDE LINES

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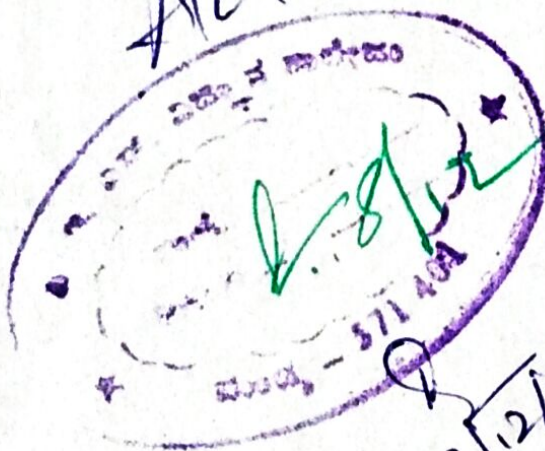
PRIVATE AIDED COLLEGES

Nagendra Babu

FDA

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3/12/98

by

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37. Kinds of leave and its definition

How many types of leave ?

	<u>Rule</u>
1. Earned Leave	112 to 118
2. Half pay leave	114 (a)
3. Comuted Leave	114 (c)
4. Extra Ordinary Leave	117
5. Leave not due	114 (d)
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7. Examination Leave	130 to 134
8. Refused Leave	110
9. Special disability Leave	136
10. Special Leave (Medical Dept.)	139
11. Study Leave	Appendix - II A(61 to 62 Rule)
12. Terminal Leave	150 note
13. Casual Leave	Annexure B (i) (ii)
14. Special Casual Leave	Annexure B (10) (11)

1. Earned Leave : (Rule 112)

Means leave earned in respect of periods spent on duty.

A Government servant other than a person serving in a vocation Department shall be entitled to earned leave of thirty days in a calendar year in two instalments of fifteen days each on the 1st January and 1st July every year in advance and the maximum E.L. in total should not exceed 240 days.

The E.L. shall be credited to the leave account of Govt. servant at the rate of two and half day's for each completed calender month of Service in the half of the Calender year in which he is appointed or retirement or resignation or removal from service.

The Govt. servants who are in vocational Dept. teaching staff the E.L. should be credited at 5 days for every half year of Service.

1-4-1958 to 30-6-76 1/11th of Service For the 1st year of service 1/22

1-7-1976 to 30-6-78 1st half 16 days 2nd half 15 days

1-7-1978 onwards E.L. should be calculated 15 days for 1st and 2nd half.

Example :

A Govt. servant who has 176 days E.L. at his credit applied leave for 25 days from 26-12-93 to 17-1-94.

E.L. at credit on 23-12-93	176 Days
Less E.L. availed for 8 days from 24 to 31/12	<u>08 days</u>
	168 days
Add. Advance Credit of 15 days for 1st half	<u>15 days</u>
Total	183 days
Deduct leave for 17 days from 1 to 17/1	<u>17 days</u>
Balance	<u>166 days</u>

2. Half Pay Leave : [Rule 114 (a)]

A Govt. servant shall be entitled to half pay leave of 20 days in respect of each year of Service. This can be sanctioned on Medical Grounds or on private affairs. This should be credited in advance as E.L.

3. Commuted leave : [Rule 114 (c)]

Commuted leave not exceeding half the amount of half pay leave due, when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due and it can be granted on Medical grounds or on private affairs.

4. Extra ordinary leave : [Rule 117] :

Extra ordinary leave shall be granted when no other leave is by rule admissible or when other leave is admissible, but the officer concerned applies in writing for the grant of extra ordinary leave. This leave can be granted without allowance.

5. Leave not due : [Rule 114 (d)]

Leave not due shall be limited to half pay leave he is likely to earn and shall be debited against the half pay leave the Govt. Servant may earn subsequently. While sanctioning the leave not due the authority competent to grant leave is satisfied that there is reasonable prospect of the Govt. servant returning to duty on its expiry, leave not due during the entire service shall be limited to a maximum of 360 days out of which not more than 90 days at a time and 180 days in all may be otherwise than on Medical Certificate.

6. Maternity leave : [Rule 135]

A married female Govt. servant may be granted maternity leave for a period of ninety days from the date of its commencement. During the leave, they shall be paid leave salary equal to the pay drawn immediately before proceeding on leave, provided that a female Govt. servant having two or more living children shall not be entitled to maternity leave and it can be combined with vacation or any kind of leave.

Maternity leave may also be granted in case of mis-carriage or abortion including abortion induced under the Medical termination of pregnancy Act 1971 which should not exceed six weeks and application is supported by a certification from the registered medical practitioner.

7. Examination leave : [Rule 130 to 134]

The grant of this leave is to enable Govt. servants to appear at examinations and it can be affixed or prefixed to E.L. No other kind of leave except half pay leave on medical certificate may be granted in continuation of Exam leave. The absence of the official from his station to attend the Departmental Exam is considered to be on duty.

It can be granted only for the days of exam attended with journey period and should not be allowed more than twice for each standard of Examination. Except for SAS and Treasury Head, Accountants exam.

which is for the first three attempts irrespective of whether he appears for the whole examination or a particular part or parts.

8. Refused leave : [Rule 110] :

No leave shall be granted beyond the date on which an Officer must compulsorily retire. Only earned leave can be refused 30 days once in two years OR maximum 240 days, can be refused at the time of retirement even if the date of retirement is extended, immediately after retirement, or within the extended period or after the extension period.

This refused leave can be sanctioned to whom the official has been suspended and revoked or reinstated with 6 months, but not to the officials who have been suspended and proved of his guiltiness.

9. Special Disability leave : [Rule 136] :

This leave can be granted to a Govt. servant whether permanent or temporary who is disabled by injury which should not exceed more than 24 months only on the Authorised Medical Certificate and this leave period will count as duty in calculating service for pension. It will not be regarded as interrupting service for leave.

10. Special Leave [Medical Dept. [Rule 136] :

Special leave not exceeding 15 day for every half year may be granted to a Govt. servant of the Medical department who handles radium. The interval between two such periods of special leave should not be less than six months. The leave is not allowed to accumulate.

The period spent on special leave counts for half pay leave but not for E.L.

11. Study Leave : [Rule 61 to 62 Appendix - II 'A']

Study leave can be granted to government servants for undergoing courses within OR outside the state but within India. The deputation can be made only 5% of the sanctioned permanent strength of the concerned cadre and who have put in a regular service of atleast 5 years and who are within the age of 45 years should be selected for which no monetary benefit should be allowed.

12. Terminal leave : [150 note] :

The Earned leave during re-employment (including re-employment on contract basis) may 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.

The application for availment of such leave shall be submitted to the competent authority and sanctioned by that authority before the termination of service of the Govt. Servant and the leave salary shall be paid in lumpsum the amount equivalent to leave salary and allowance admissible during such leave as one time settlement at the commencement of the leave.

13. Casual leave : [Annexure - B (1), (2)] :

15 days casual leave shall be credited to the Govt servants a/c on every 1st of the commencement of Calender year. It can be sanctioned even half day, but it should not exceed 10 days at a time including general holidays. Casual leave cannot be combined with any other kind of leave.

14. Special Casual leave : [Annexure - B (10), (11)] :

This is a leave which can be granted only on special occasions such as, seven days special casual leave can be granted for the woman Govt. Servants who has gone for tubectomy operation, if a Govt. servant's wife has gone for tubectomy operation who is not in Govt. service, the husband who is in government service can be granted 3 day special casual leave like that rat bite, snake bite, dog bite etc., for which special casual leave can be granted.

38. Workshop on Pension : (Rule 95 of KCSR):

What is Pension ? Pension is a Social Security measure.

Why Pension is paid ? Pension is a remuneration for the service done by the official

What are the Documents Required for Pension :

1. Service Register duly completed (Article 407)
2. Form No. 7 for pension & Form 9 for F.P.
3. Statement of leave availed
4. No due certificate

5. Last pay certificate
6. Calculation sheet of pension, DCRG and F.P.
7. Two specimen signatures or LTM in the case of illiterates duly attested in duplicate
8. List of particulars of identification marks and height in duplicate.
9. Three passport size copies of Joint Photograph of the Government servant and wife/husband duly attested (Two copies in case of bachelor or spinster).
10. List of family members
11. Declaration from the pensioner regarding non-receipt of any pension or Gratuity and undertaking to refund the amount of pension/DCRG/if found excessive subsequently.
12. Declaration from the pensioner regarding grant of Anticipatory pension / DCRG / in case delay anticipated in verification of services etc.
13. Formal particulars as prescribed under G.O. No. FD/SPL/83/ SPP/83 dated 18-9-1984.
14. Copy of order sanctioning Anticipatory pension in case anticipatory payment has been granted.
15. Invalid certificate in case of the claim is for invalid pension.
16. Death certificate in original in case of application for family pension.

NOTE : It should be clearly noted that as stated at item No. 13 with all the required details should be obtained from the retiring officer 12 months before his retirement. This shall be an attempt towards the claims for pension as per Article 329 (a) the S.R. should be sent to A.G. for verification after completing 25 years of service.

Types of Pension :

1) Super-annuation Pension	Rule 95	} Qualifying service minimum 10 years or 20 half years
2) Retiring pension	Rule 285	
i) Voluntary		
ii) Compulsory		
3) Compensation Pension	Rule 259	
4) Invalid Pension	Rule 273	

- | | |
|---------------------------|-----------------------|
| 5) Extra Ordinary Pension | Rule 384 |
| 6) Anticipatory pension | Rule 341 & 348 |
| 7) Provisional Pension | Rule 212 & 214 (A)(i) |

1) Super annuation Pension - Rule 95 :

It is a pension who attain the date of compulsory retirement of a Government servant i.e. 58 years of age. With the sanction of Government he may be retained in service, but he must not be retained after 60 years except in very special circumstances. If the day of retirement is the first day of the month, he shall retire on the afternoon of the last day of that month (after 1-1-1974).

2) Retiring Pension - Rule 285 :

(i) Voluntary : Any Government servant who has put in a qualifying service of not less than 15 years with 5 years weightage (285) (i) (a) may by giving a notice of atleast three months, in writting, to the appointing authority, retire voluntarily from service if Govt. may do so. If the Q.S. is less than 15 years no bonus service can be added. If notice was not accepted pension can be paid withholding DCRG till the acceptance of the notice.

(ii) Compulsory : Rule 285 : The official can be removed from service on the grounds of (1) Misconduct (2) inefficiency (3) insolvency ; but on the request of the family 2/3 pension can be paid on compansionate grounds to a minimum of Rs. 390/-

3. Compensation pension - Rule 259 :

If a Govt. servant is selected for discharge owing to the abolition of a permanent post, he shall, unless, he is appointed to another post the conditions of which are deemed by authority competent to discharge him to be at least equal to those of his own, have the option of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered or of accepting another appointment or to transfer to another establishment even on a lower pay.

4. Invalid Pension - Rule 273 :

An invalid pension is awarded, on his retirement from the public service, to a govt. Servant who by bodily or mental infirmity is permanently incapacitated and can be sanctioned on medical certificate

5. **Extra Ordinary Pension - Rule 384 :**

This pension is applicable to such cases of injury or death, injury means bodily injury resulting from violence, accident or disease assessed by a Medical Board as being not less than service.

6. **Anticipatory Pension - Rule 341 & 348 :**

This pension can be paid to the Government servants Gazetted by the A.G. and Non-Gazetted by the Authority Competant not more than 3/4 of the final pension upto six months and after that, approval of the A.G. or Govt. have to be sought for to the pension whose pension cannot be settled by the A.G. after his superannuation retirement due to some outstanding enquiries or cases in the court or the case may be.

Service Register should be maintained in duplicate.

As per Article 323 : Those who are going to retire within two years, their particulars should be sent to Finance Department every May and November.

Pension particulars should be sent to A.G. directly by the Head of the Office 2 months prior to his retirement in Form 7. Pension should be settled within two months of his retirement or otherwise maximum 11 1/2% interest should be paid to the official.

The Article 12 i.e. for giving certificate by the Head of Office for charecter of the official is abolished at the time of his retirement.

7. **Provisional Pension - Rule 212 & 214 (A) (i) :**

Where any departmental or judicial proceedings instituted under Rule 214 or where a departmental proceeding is continued under clause (a) of the provision thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which upon conclusion of such proceedings final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible.

Govt. have the right to withhold or withdraw a pension or any part of it, whether permanently or for a specific period.
No Gratuity or DCRG shall be paid to him untill the conclusion of

such proceeding and issue of final orders thereon. After four years of his retirement, established dues, enquiry cannot be conducted or no action can be taken but enquiry should be conducted only within 4 years to his retirement.

If Pension has to be reduced KPSC should be consulted.

A person can claim two pensions.

Pension should not be given to a person who is on contract basis.

Note 8 of Rule 114 - Quasipermanent : A Government servant who has served not less than five years of service shall be employed as permanent.

Rule 224 (A) : All services whether temporary or permanent should be taken for pension (Except local candidate service if it is not regularised).

Rule 222 : The service of a government servant does not qualify for pension unless it confirms to the following three conditions :

- i) The service must be under Government. ✓
- ii) The employment must be substantive and permanent or temporary.
- iii) The service must be paid for by Government. ✓

Rule 291 (b) : Where the service is less than 10 years the pension should be calculated according to 291 (b).

If the service register is lost, anticipatory pension and gratuity can be paid instead of regular pension and gratuity.

Rule 292 (B) D. (b) : Pension and Gratuity can be given to in the case of death of official.

- | | |
|---|---------------------------|
| 1. Widow or Child | -75% |
| 2. Father or Mother | - |
| 3. Minor sons or Brother below the age of 18 years, unmarried daughters or sisters below the age of 21 years. | 50% of extraordinary F.P. |

Extra Ordinary Pension : A Person dies while in service 12 months salary will be given.

Salary means pay, Additional pay, Stagnation increment, Special Pay + DA, HRA, CCA, Admissible on Basic pay.

Commutation of Pension – Rule 376 : Selling of portion of pension by the official & Purchasing by the Government.

Commutation can be made upto 1/3 of the pension. After commutation of 15 years original pension will be restored.

As per Rule 215 : If there are any dues from the Govt. Official, it can be recovered.

Superannuation retirement : At the time of sanctioning the pension, the following procedure to be followed, which is divided into four categories.

A) Total salary from the date of 1st appointment under the Govt. of Karnataka (Rule 221) till the date of retirement/ Death (Rule 95).

i) Compasionate / compensation Pension Rule	259
ii) Medicallly unfit for service Rule	273
iii) Retiring Pension Rule	285

B) Deduct :

i) Boy Service i.e., within 18 years (minor service) Rule	220
ii) E.O.L.after 3 years	224 (A)
iii) Unauthorised absence	254
iv) Jahagir, Palace, Foreign Service if pension contribution not paid	234(A)& 241(A)
v) Suspension	
vi) Temp-service in the survey settlement, if not followed by quasi-permanent	234

C) Gross qualifying Service

D) Additions :

i) 1/4th of the service max. 3 years of teachers service of private institutions	248
ii) Recruited after 30 years, 8 years service to be added	247 (a)
qualifying service i.e. Judicial Officers etc.	248(A)
iii) 50% of W.C. EST. service w.e.f. 1978	248 (A)
iv) Paid on Contingencies	248 (A)
v) Weightage of 5 years service	285
vi) Non-suspension service (if Govt. appd.)	235

Military service can be included to the pension if his pension was not settled in previously and if the pension settled in previous office, his military service cannot be included to pension.

E) C + D : Net qualifying service.

To get ready the pension papers, one year time is given.

Adhoc pension can be paid even within 10 years of service. But no gratuity can be considered.

Audit objections regarding pension :

1) *Procedure irregularities :*

i) Non adherence to rules

ii) Non maintenance of prescribed registers.

2) *Money value objections :*

i) Amount held under objection

ii) Proposed for recovery.

The formula for calculating pension is as follows, for those who retire from service on or after 31-8-1984 as per Govt. order No. FD 38 SRS 84 dated 31-8-1984.

$$\text{Pension} = \frac{\text{Emoluments}}{2} \times \frac{\text{Qualifying Service (Subject to a maximum of 66 completed six months)}}{66}$$

Pension will be granted if the entire service is thoroughly satisfactory. Pension also includes DCRG and it shall be granted in whole rupee by rounding off any fraction of a rupee to the next rupee. Grant of pension is based on two factors, viz (i) qualifying service and (ii) emoluments drawn at the time of retirement.

The minimum pension payable is Rs. 390/- per month and maximum Rs. 3450/- P.M. The amount of pension arrived at on the basis of the above formula will be related to maximum qualifying service of 66 completed six months, for Govt. servants who at the time of retirement have rendered qualifying service of atleast 10 years or more but less than 66 completed six months, the amount of their pension will be such proportion of the maximum admissible pension as the qualifying service of 66 completed six months.

With effect from 2-4-1984, while educating qualifying service in

terms of completed six months, fraction equal to three months and above shall be treated as completed six monthly period for DCRG refer to table at Rule 291-B. (New table of DCRG w.e.f. 1-7-1987) for calculation of DCRG, there is no average, but the emoluments drawn during the last month should be reckoned 16.5 times of emoluments is allowed as maximum DCRG. But it shall not exceed Rs.1.50 lakh. But w.e.f. 2-8-1984 Gratuity is at the rate 1/4th the emoluments for every completed six months subject to maximum of 66 completed six months.

Note : w.e.f. 1-1-1978 there is no need to surrender 2 months emoluments of Gratuity towards family pension.

In respect of Govt. servants who dies while in service on or after 1-7-1987 DCRG is payable as follows :


(1.50,000 Maximum)

Length of qualifying service	Rate of Gratuity
1) Less than one year	Two month emoluments
2) One year or more but less than 5 years	Six times the emoluments
3) Five years or more but less than 20 years.	Twelve times the emoluments
4) Twenty years or more	Half the emoluments for every completed six months period of qualifying service subject to a maximum of 33 times emoluments and DCRG does not exceed Rs.1.50 lakhs.

Emoluments for Pension

As per Govt. Order No. F.D. 20 SRS 87 (i) dated 17-8-87 Emoluments for the purpose of pension shall include the following :

- Basic pay (drawn during the last month)
- Stagnation increment
- Personal pay granted above the maximum of the time scale of pay and
- Special pay allowed to all the posts in a cadre for example

special pay attached to the posts of Stenographer, Typist, Drivers etc. 

NOTE : i) If immediately before retirement, the officer was on suspension and subsequently the period of suspension is ordered to be treated as duty, in such case, the pay he would have drawn had he not been kept under suspension.

ii) In case the Officer who is retiring was on leave at the time of retirement. In such a case the actual pay that he would have drawn but for proceeding on leave should be taken.

Anticipatory Pension

As per Govt. Order No. FD (SRP) DPR 80 dt. 29-06-1981, Anticipatory pension will be sanctioned where it is not possible to forward the pension records to the A.G. by the Head of the office within two months before the date on which the Govt. servant is due to retire. The head of the office shall draw and disburse Anticipatory Pension and Gratuity at the following rates to the official who retired from a regular pensionable post and in respect of whom no reduction in pension is contemplated on account of service not been thoroughly satisfactory.

Total No. of Years of qualifying service	Monthly Anticipatory pension as percentage of last pay (pay as per rule 8 (32) of KCSRs)	
1. Less than 10 years	Nil	
2. 10 years and above but less than 15 years	15%	} Subject to a minimum of Rs. 390 per month w.e.f. 1-7-1987
3. 15 years and above but less than 20 years	20%	
4. 20 years and above but less than 25 years	25%	
5. 25 years and above	30%	

Family Pension

This provision of family pension came into force with effect from 1-12-1964 for those who are already in service the exercising of option to family pension was extended upto 30-6-1980. But in respect of those joined service after 1-12-1964 exercising of option is not necessary family pension is payable to the surviving family members, in case death occurs to the Govt. servants. This was eligible to the family of the Govt. servant who has completed continuous regular service of not less than one year. But it is not permissible to the local candidates persons appointed on contract basis, paid out of contingencies, etc. As per G.O. No. FD 83 SRS 80 dated 13-7-1981 w.e.f. 31-7-1981 (date of publication in the official gazette) family pension is payable even in case of death of Govt. servant who was not completed one year continuous and regular service. As per Rule 5, the following is the quantum of family pension normally payable with effect from 1-7-1987.

Pay of the Govt. Servant	Monthly family pension
Upto Rs. 1500/-	30% of pay subject to a minimum of Rs. 390/- p.m.
From Rs. 1500/- to Rs. 3000/-	20% of pay subject to a minimum of Rs. 450/- p.m.
Exceeding Rs. 3000/-	15% of pay subject to a minimum of Rs. 600/- and maximum of Rs. 1250/- p.m.

Note : With effect from 1-1-1978 surrender of two months emoluments towards family pension from the DCRG payable has been dispensed with.

As per Rule 5A, in case of Govt. Servant who dies while in service after having rendered not less than qualifying service of 7 years, family pension shall be paid at an enhanced rate of 50% of pay last drawn or twice the family pension admissible under Rule 5, whichever is less, such enhanced rate of family pension shall be payable upto 7 years or till such date on which the employee would have attained the age of 58 years had he been alive which ever is earlier. Family Pension will not

be admissible to those who die after retirement, unless at the time of death he was in receipt of eligible to be paid any one of the pension.

Length of service cannot be taken into consideration for claiming family pension.

Explanation :

In case there is widow or widower, they will get family pension until their death or remarriage. In case there is no widow or widower, the eldest minor son will be eligible. After he attains majority, the next minor son and after the minor sons are exhausted, it will be given to unmarried daughter. But minor sons will have to get their pension through the appointed guardian.

A divorced wife or husband is deemed to be predeceased and will not be eligible for family pension. But the children born to them earlier are eligible. In case there is more than one legal wife, family pension shall be divided equally.

Note : When both father and mother are Govt. Servants and in case both of them die, the surviving minor son or daughter will be eligible to draw two family pensions subject to a maximum of Rs.1250/- p.m. (both inclusive w.e.f. 1-7-1987).

The formula for the family pension is as shown hereunder.

Family Pension : Last emoluments and %As per rule 302 illegitimate wife cannot get family pension, whereas illegitimate children can get family pension.

Commutation of Pension - rule 376 & 383

Commutation means selling or surrendering a portion of pension (Not exceeding 1/3rd of the pension) for a lumpsum consideration. Commutation will be in whole rupees since pension is granted in whole rupees.

As per G.O. No. FD (SPL) 26 PCP 83 dated 15-5-1984, the procedure (Rule 383 (9) of KCSR's) for commutation of pension has been simplified as under.

1) Every Govt. servant retiring on or after 1-9-1984, is required to

declare his intension or otherwise of commuting a portion of pension not exceeding 1/3rd thereto from the date on which payment of pension commences. The declaration shall be made in the following proforma which should accompany the formal application for pension.

DECLARATION

I.....(Name and Designation)
hereby declare my intension to commute.....(portion of) my
pension in accordance with the provisions of G.O. No. FD (SPL) 26 PCP
83 dtd. 15-5-1984.

I.....(Name and Designation)
hereby declare my intention not to commute any portion of my pension.

Place :

Date :

Signature

Scoreout whichever is not applicable :

2) Where the declaration is not furnished along with form 1 B it will be presumed that the Govt. servant has opted for maximum commutation permissible as per rules.

3) The declaration given or deemed to have been given as above, will be final. A retiring Govt. servant who has once declared his intension to commute, a portion of pension less than 1/3 rd shall not be allowed any further commutation afterwards.

4) A retiring Govt. servant whom a departmental enquiry or judicial proceedings is pending, shall not be allowed to commute. It is possible only after the conclusion of the enquiry and the commuted value as admissible from the date of commencement of pension shall be authorised by the A.G.

5) A retiring Govt. servant who is paid Anticipatory pension shall not be legible for commutation. However, after sanction of final pension the declaration is deemed to have been made shall be considered and the admissible commuted value as admissible on the date of commencement of pension shall be authorised by the A.G.

6) No Separate sanction is necessary for authorisation of commuted

New Pension Fitment Tables

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Revised Pensionary Benefits

2018

(ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಆಇ 33 ಪಿಇಎನ್ ದಿನಾಂಕ: 24.4.2018)

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PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub:– Revision of Pensionary Benefits

GOVERNMENT ORDER NO. FD 33 PEN 2018, BENGALURU, DATED: 24.04.2018

The 6th State Pay Commission constituted vide Government Order No.FD 22 SRP 2017 dated 01.06.2017 has submitted its report on 31.01.2018.

2. Government have accepted the recommendations of the 6th State Pay Commission in G.O.No. FD 06 SRP 2018 dtd:01.03.2018 and are now pleased to issue the following orders regarding revision of pensionary benefits.

3. Minimum Pension :

The Minimum amount of the following kinds of pension admissible under the Karnataka Civil Services Rules and the Extraordinary Pension admissible under the Karnataka Civil Services (Extraordinary Pension) Rules, 2003 shall be enhanced to Rs. 8,500/- per month.

- (i) Superannuation Pension
- (ii) Retiring Pension
- (iii) Invalid Pension
- (iv) Compensation Pension
- (v) Compassionate Allowance

4. Maximum Pension :

- 4.1 The ceiling on the maximum amount of various kinds of Pension mentioned in para 3 above shall be fixed at Rs.75,300/- per month.
- 4.2 The quantum of adhoc pension that may be sanctioned under Rule 210 of the Karnataka Civil Services Rules, shall not, save in the most exceptional circumstances, exceed Rs.8,500/- per month.

5. Dearness Allowance :

The pensioners including holders of family pension shall continue to be granted Dearness Allowance at the same percentage as is adopted in the case of Government Servants. Since the Dearness Allowance admissible as on 01.07.2017 is merged with the basic pension/family pension, the first installment of DA will be due from 01.01.2018.

6. Retirement gratuity /Death gratuity :

- 6.1. In the case of a Government Servant who has completed not less than ten six monthly periods of qualifying service the amount of retirement gratuity payable under the Karnataka Civil Service Rules shall be equal to $1/4^{\text{th}}$ of the emoluments for each completed six monthly period of qualifying service, subject to a maximum of $16\frac{1}{2}$ times the emoluments. The amount of retirement gratuity thus calculated shall be subject to a maximum of Rs.20.00 lakhs to the Government Servants who retire on or after 01.04.2018.
- 6.2. In the event of death of a Government Servant while in the service on or after 01.04.2018 the death gratuity shall be admissible under Karnataka Civil Services Rules at the following rates.

Length of qualifying Service	Rate of gratuity
(1) Less than one year	Two times of emoluments
(2) One year or more but less than 5 years	Six times of emoluments
(3) Five years or more but less than 20 years	Twelve times of emoluments
(4) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to maximum of 33 times of emoluments provided that the amount of death gratuity shall not exceed Rs.20.00 lakhs.

7. Family Pension:

- 7.1 The rates of family pension admissible as per Karnataka Government Servants (Family Pension) Rules, 2002 shall be 30% of the emoluments subject to minimum of Rs.8,500/- and maximum of Rs.45,180/- per month in respect of Government Servants who dies while in service or retires on or after 01.04.2018.
- 7.2 In the event of death on or after 01.04. 2018 of both father and mother who are Government Servants, the family pension payable to minor children under the Karnataka Government Servants (Family Pension) Rules, 2002 shall be subject to a maximum of Rs.45,180/- per month.

8. **Emoluments :**

The term emoluments for purpose of calculating various retirement and death benefits and family pension shall mean the basic pay drawn by a Government Servant in the scale of pay applicable to the post held by him on the date of retirement/ death shall also include:

- (a) Stagnation increment, if any, granted to him above the maximum of the scale of pay.
- (b) Personal pay, if any, granted to him under the sub-rule 3 of Rule 7 of the Karnataka Civil Services (Revised Pay) Rules, 2018.
- (c) Additional increments granted beyond the maximum of the time scale of pay for 20, 25 and 30 years of service.

9. **Revised Pension and Family Pension:**

9.1 The revised pension and family pension of state Government servants who have retired or died while in service prior to 01.07.2017 shall be as follows:-

- (i) Basic Pension / Family Pension as on 01.07.2017.
- (ii) Dearness Allowance of 45.25% of Basic Pension / Family Pension as on 01.07.2017
- (iii) 30% of Basic Pension/Family Pension as on 01.07.2017.

The total of (i) + (ii) + (iii) above will be subject to a minimum of Rs.8,500/- per month for pension/family pension and maximum of Rs.75,300/- per month in respect of pension and Rs.45,180/- per month in respect of family pension.

9.2 Where family pension is sanctioned to two or more members of a family, increase under these orders shall be determined with reference to the share of each recipient. The total family pension should be consolidated as per the above guidelines. Wherever all the shares are being drawn in the same Treasury, the consolidation and determination of shares shall be calculated and arrived at by the Treasury Officer himself. Wherever those shares are being drawn in different treasuries, the Accountant General should be consulted in the matter.

9.3 The increase in pension/family pension in respect of pensioners/ family pensioners who have retired or died while in service prior to 01.07.2017 under this order shall be paid to the pensioners/ family pension holders by the treasury officers without any authorization from the Accountant General, subject to cases falling under para 9.2.

10. The increase in pension or family pension sanctioned in this order shall be subject to the following conditions:

10.1 In case of increase in pension/family pension now admissible together with existing pension/family pension results in monthly pension/family pension exceeding the maximum pension /family pension allowed, the total shall be restricted to the maximum pension of Rs.75,300 and maximum of family pension of Rs.45,180/.

10.2 In case of death of a pensioner who was entitled to the increase in pension, arrears, if any, shall be paid to the persons entitled to receive family pension or to their legal heirs and for such payment prescribed in the Karnataka Treasury Code shall be followed.

11. The existing provisions in the Karnataka Civil Services Rules (Extraordinary Pension) Rules, 2003, Karnataka Government Servants (Family Pension) Rules, 2002 and other orders issued on the subject from time to time stand modified to the above extent. The other rules, conditions and orders regulating pension, gratuity, family pension and commutation of pension shall continue to apply. Necessary amendments to the Karnataka Civil Services Rules and other Rules will be issued separately.

12. Restoration of commuted portion of Pension:

In the case of Government Servant who commutes a portion of a pension under Rule 376 of the Karnataka Civil Services Rules, the commuted portion of his pension shall be restored after 15 years from the date of commutation.

13. These orders are not applicable to the retired State Government Employees on UGC, AICTE and ICAR scales of pay and retired Judicial Officers on NJPC scales of pay. Separate Orders shall be issued in this regard.

14. These orders are not applicable to the Government Servants who are appointed under New Defined Contributory Pension Scheme on or after 01.04.2006.

15. Monetary Benefits:

The increase on account of revision of pension/family pension shall be payable in cash from 01.04. 2018. In cases where a Government servant has retired from service or died while in service or ceased to be in service during the period between 01.07.2017 and 31.03.2018, his pay fixed notionally in the revised scale of pay shall be taken into account for the purpose of calculation of pension/family pension. The monetary benefit shall, however, accrue to the retired Government servant or the beneficiary of the deceased Government servant with effect from 01.04.2018.

The revised basic pension and family pension admissible to the Government Servants who have retired or died while in service prior to 01.07.2017 is shown in the Annexure to this Order.

16. Any difficulty encountered in the implementation of this order may be referred to Deputy Secretary to Government (Pension) in Finance department for examination and necessary remedial action.

By order and in the name of the
Governor of Karnataka,

(Dr. EKROOP CAUR)
Secretary to Government (Expenditure)
Finance Department.

PART III — LEAVE
CHAPTER XI — MAIN RULES
SECTION I — GENERAL RULES

105. This part shall apply in respect of all claims in respect of leave availed of on and after 1st October 1957 under the Mysore Leave Rules, 1957 as if they are claims made under this part:

Provided that every person allotted to serve in connection with the affairs of the State of Mysore under Section 115 and Section 116 of the State Reorganisation Act, 1956 (Central Act 37 of 1956), shall continue to be governed by the Rules applicable to him before the 1st day of November, 1956, as amended from time to time, unless such person exercises his ¹ [Option to be governed by these Rules before the first day of August, 1962]

² [Provided further that a person referred to in the preceding proviso who has failed to exercise option to these rules before the first day of August, 1962, may be permitted to exercise option to be governed by these rules with effect from first day of August, 1972. Such option shall be exercised before the first day of August 1973.]

Note — The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 31st July 1972 and leave calculated according to the old rules (which are applicable to them prior to 1st August 1972 and found to be at credit at the end of July 1972 according to the old rules), will be carried forward for being availed of later, subject to the maximum limits prescribed in the old rules. Leave due from 1st August 1972 will be calculated according to the new rules and the total leave at credit (calculated according to the old rules upto 1st August 1972 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).]

1. 1Amended by No. FD 18 SRS 62 dt. 15-3-62

2. Inserted by No. FD 128 /SRS 72 dt. 3-10-72.

¹ (Provided further that any person referred to in the preceding two provisos who failed to exercise option to these rules before 1st August 1972 and therefore continues to be governed by the rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st January 1978. Such option should have been exercised on or before 31st December 1978. On exercise of such an option, he shall be eligible to entitlement of leave under rules contained in this part from 1st January 1978.

Note - The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of December 1977 and leave calculated according to the old rules, (which were applicable to them prior to 31st December 1977 and found to be at credit at the end of December 1977 according to the old rules) will be carried forward for being availed of later subject to the maximum limits prescribed in the old rules. Leave due from 1st January 1978 will be calculated according to the new rules and the total leave at credit (calculated according to the old leave rules upto 31st December 1977 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120).)

² (Provided further that any person referred to in the preceding three provisos who had failed to exercise option to these rules before 31st December 1978 and therefore continues to be governed by the rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st July 1985. Such option should be exercised on or before 31st December 1985. On exercise of such an option he shall be eligible to entitlement of leave under these rules contained in this part from 1st July 1985.

Note - The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 30th June 1985 and leave calculated according to the old rules (which were applicable to them prior to 30th June 1985 and the

1. Inserted by No. FD 91 SRS 78, dt. 8-2-1980. (w.e.f. 28-2-1980)

2. Inserted by No. FD 25 SRS 85, dt. 15-7-85 (w.e.f. 1-7-1985)

leave so found to be at their credit at the end of June 1985 according to the old rules) will be carried forward for being availed of later subject to the maximum limits prescribed in the old rules. Leave due from 1st July 1985 will be calculated according to the new rules and the total leave at credit (calculated according to the old leave rules upto 30th June 1985 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limit prescribed under these rules (vide rule 120.)

¹ {Provided further that any person referred to in the preceding four provisos who had failed to exercise option to these rules before 31st December 1985 and therefore continues to be governed by the rules applicable to him before 1st November 1956 may be permitted to exercise an option to be governed by these rules from 1st April 1991. Such option should be exercised on or before 30th June 1991. On exercise of such an option, he shall be eligible to entitlement if leave under these rules contained in this part from 1st April 1991.

Note – The leave accounts of all the Government servants who opt to this part under this proviso will be closed at the end of 31st March 1991 and leave calculated according to the old rules (which were applicable to them prior to 31st March 1991 and the leave so found to be at their credit at the end of March 1991 according to the old rules) will be carried forward for being availed of later, subject to the maximum limits prescribed in the old rules. Leave due from 1st April 1991 will be calculated according to the new rules and the total leave at credit (Calculated according to the old leave rules upto 31st March 1991 and according to new rules thereafter) will be permitted to be availed of subject to the maximum limits prescribed under these rules (vide rule 120.)

Explanation:— The option under the proviso should be exercised by making a declaration in writing and should be communicated by the Government servant concerned to the Head of his office if he is a non-gazetted Government servant and to the Accountant General, Karnataka, if he is a Gazetted Government servant. The declaration when received from a non-gazetted

1. Inserted by No. FD 43 SRS 90, dt. 1-4-1991.(w.e.f. 1-4-1991)

Government servant should be countersigned by the Head of the office and pasted in the Service Book of the Government servant concerned. It will be the responsibility of a Government servant opting to be governed by these rules to ensure that the receipt of his declaration is acknowledged by the Accountant-General, Karnataka, or by the Head of his office, as the case may be.

Note :— The leave accounts of all the Government servants who opt to this part will be closed at the end of September 1957 and leave calculated according to the old Rules, which were hitherto applicable to them and found to be at credit at the end of September 1957 according to the old Rules will be carried forward to their credit, for being availed of later subject to the maximum limits prescribed in the old Rules. Leave due from 1st October, 1957 will be calculated according to the New Rules, and the total leave at credit (calculated according to the old Rules upto 1st October 1957 and according to the New Rules thereafter) will be permitted to be availed of subject to the maximum limits fixed under these Rules (vide Rule 120).

106. In these rules:—

(i) "Leave" includes Earned leave, Half pay leave, Commuted Leave, Leave not due and extra-ordinary leave.

(ii) "Earned Leave" means leave earned in respect of periods spent on duty.

(iii) "Half pay Leave" means leave earned in respect of completed years of service.

(iv) "Earned Leave Due" means the amount of earned leave, and privilege leave on full pay to the credit of an officer on the 30th September, 1957 under the Old Rules in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 115 as the case may be, diminished by the amount of the earned leave taken after the 30th September 1957.

¹ [Provided that in respect of persons who elected to opt for the new rules with effect from 1st August 1962 "Earned Leave

"Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on the 31st July 1962 under the old rules in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 114 as the case may, diminished by the amount of the earned leave taken after the 31st July 1962:

Provided further in respect of persons who elected to opt for the new rules with effect from 1st September 1972 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on 31st August 1972 under the old rules in force on that day, plus the amount of earned leave calculated, as prescribed in Rule 112, Rule 113 or Rule 114 as the case may be, diminished by the amount of earned leave taken after 31st August 1972:

Provided also that in respect of persons who elected to opt for the new rules with effect from 1st January 1978 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of an officer on 31st December 1977 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rule 112, Rule 113 or Rule 114 as the case may be, diminished by the amount of the earned leave taken after 31st December 1977.]

¹ [Provided further that in respect of persons who elected to opt for the new rules with effect from 1st July, 1985 "Earned Leave Due" means the amount of earned leave and privilege leave on full pay to the credit of a Government servant on 30th June 1985 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rules 112 or 113 as the case may be, diminished by the amount of the earned leave taken after 30th June 1985.

¹ [Provided further that in respect of persons who elected to opt for the new rules with effect from 1st April 1991 "Earned Leave Due" means the amount of Earned Leave and Privilege Leave on full pay to the credit of a Government Servant on 31st March 1991 under the old rules in force on that day, plus the amount of earned leave calculated as prescribed in Rule 112 or 113 as the case may be, diminished by the amount of the earned leave taken after 31st March 1991.]

(v) "Government" means the Government of Karnataka.

(vi) "Commuted Leave" means leave taken under sub-rule (c) of Rule 14.

(vii) "Half-Pay Leave Due" means the amount of leave on half-pay or half-average salary at credit on 30th September, 1957 under the Old Rules Plus the amount of half-pay leave calculated as prescribed in Rule 114 for the service after the 30th September, 1957, diminished by half-pay leave (both due and not due) taken after 30th September, 1957.

² [Provided that in respect of persons who elected to opt for the new leave rules with effect from 1st August 1962, "Half pay leave Due" means the amount of leave on half average salary at credit on 31st July 1962 under the old rules plus the amount of half pay leave calculated as prescribed in Rule 114 for the service after 31st July 1962, diminished by the half pay leave (both due and not due) taken after 31st July 1962:

Provided further that in respect of persons who elected to opt for the new leave rules with effect from 1st September 1972, "Half-pay leave due" means the amount of leave on half average salary at credit on 31st August 1972 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 31st August 1972 diminished by the half pay leave (both due and not due) taken after 31st August 1972:

Provided also that in respect of persons who opt for the new leave rules with effect from 1st January 1978, "Half pay leave due"

1. Inserted by No. FD 43 SRS 90 dt. 1-4-1991 (w.e.f. 1-4-1991)

2.. Inserted by No. FD 91 SRS 78, dt. 8-2-1980 (w.e.f. 28-2-1980)

means the amount of leave on half average salary at credit on 31st December 1977 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 31st December 1977 diminished by the half pay leave (both due and not due) taken after 31st December 1977.]

¹ [Provided further that in respect of persons who opt for the new rules with effect from 1st July 1985 "Half pay leave due" means the amount of leave on half average salary at credit on 30th June 1985 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 30th June 1985 diminished by the half pay leave (both due and not due) taken after 30th June 1985.]

² [Provided further that in respect of persons who opt for the new rules with effect from 1st April 1991 "Half pay leave due" means the amount of leave on half average salary at credit on 31st March 1991 under the old rules plus the amount of half pay leave calculated as prescribed in rule 114 for the service after 31st March 1991 diminished by the half pay leave (both due and not due) taken after 31st March 1991.]

(viii) "Completed years of service" and "One Year's Continuous Service" means continuous service of the specified duration and includes periods spent on duty as well as on leave including extra-ordinary leave.

(ix) "Old Rules" means the leave rules applicable to a Government servant immediately before 1st day of October, 1957.

³ [(x) "Vacation Department" means a department or a part of the department to which regular vacations are allowed.]

⁴ [106-A:— ⁵ [A Government servant who absents himself from duty without leave will not be entitled to any salary for the days of absence and the period of such absence shall be debited

1. Inserted by No. FD 25 SRS 85, dt. 15-7-1985 (w.e.f. 1-7-1985).

2. Inserted by No. FD 43 SRS 90, dt. 1-4-1991 (w.e.f. 1-4-1991).

3. Inserted by No. FD 91 SRS 78, dt. 8-2-1980 (w.e.f. 28-2-1980).

4. Inserted by No. FD 178 SRS 59, dt. 26-8-1959 (w.e.f. 3-9-1959).

5. Amended by No. FD 178 SRS 59, dt. 13-11-1959 (w.e.f. 19-11-1959).

to his leave account as though it were half-pay leave to the extent such leave is due and as extra-ordinary leave to the extent the period of such absence, unless leave is granted by a competent authority for the days of such absence.] Absence from duty of a Government servant without leave granted by a competent authority, will also render such Government servant liable to disciplinary action for misconduct except where the Government servant establishes to the satisfaction of the authority competent to sanction leave that he was unable to join duty for reasons beyond his control.]

¹ [Note 1— when a Government servant has attended office late after the expiry of the grace period of ² [ten minutes] from the appointed time of commencement of office but before 2.00 p.m. he shall forfeit casual leave for half-a-day on each day of such late attendance. If, however, the Government servant concerned has no casual leave at his credit, he shall forfeit a day's earned leave or any other kind of leave, due and admissible to him for each day of such late attendance.]

³ [Note 2— Where a day's duty of a Government servant is divided into two parts, unauthorised absence for any one part shall entail forfeiture of half a day's pay and allowance.]

⁴ [106-B (1) No Government servant shall be entitled to any leave under these Rules in respect of absence from duty in pursuance of a strike.

(2) Absence from or cessation of duty, by a Government servant on account of participation in a strike shall entail lapse of all kinds of leave at his credit.

Explanation:— For purposes of this rule, the expression "strike" shall have the same meaning as in the Karnataka State Civil Services (Prevention of Strikes) Act, 1966, and include

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1. Substituted by No. FD 166 SRS 74 dt. 18-3-1975 (w.e.f. 17-4-1975).
 2. Amended by No. FD 14 SRS 82 dt. 1-5-1982 (w.e.f. 13-5-1982).
 3. Inserted by no. FD 12 SRS 65 dt. 5-8-65 (w.e.f. 28-1-64)
 4. Inserted by No. FD 32 SRS 65 dt. 18-1-67

refusal or abstention from doing work though physically present at the place of duty, by resort to pendown strike or stay-in-strike or other method].

107. Leave cannot be claimed as of 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.

¹ [108. Unless Government, in view of the special circumstances of the case, determines otherwise, an officer who remains absent from duty without leave ² [for a period of four months or more] may be liable to be dismissed or removed from service ³ [after following the procedure laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.]

109. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave (except casual leave).

⁴ [110 X X X]

111. Subject to the provisions of Rule 107 ⁵ [XXX] an officer may at any time be granted the whole or any part of the earned leave due to him.

⁶ 112. (1) A Government servant other than a person serving in an vacation Department shall be entitled to earned leave of thirty days in a calendar year.

(2) The leave account of every Government servant shall be credited with earned leave in advance in two instalments of fifteen days each on the 1st January and 1st July every year.

⁷ [(3) The leave at credit of a Government servant at the close of the previous half year shall be carried forward to the next

1. Substituted by No. FD 57 SRS 65 dt. 15.6.68 w.e.f. 11.7.68

2.. Amended by No. FD 57 SRS 65 dt. 12-11-1968

3.. Amended by No. FD 38 SRS 69 dt. 21-5-1969

4. Deleted by No. FD 42 SRS 84 dt. 30.11.1984 w.e.f. 2.8.84

5.. Deleted by No. FD 42 SRS 84 dt. 30.11.1984 w.e.f. 2.8.84

6. Substituted by No. FD 91 SRS 78 dt. 8-2-1980 w.e.f. 28-2-1980

7.. Substituted by No. FD 9 SRS 87 dt. 15-5-1987 (w.e.f. 21-5-1987)

half year, subject to the condition that the leave so carried forward plus the credit for the half year does not exceed two hundred and forty days.]

(4) Earned leave shall be credited to the leave account of a Government servant at the rate of two and a half days for each completed calendar month of service in the half of the calendar year in which he is appointed.

(5) (i) The credit for the half year in which a Government servant is due to retire or resigns from service shall be afforded at the rate of two and a half days for each completed calendar month of service upto the date of retirement or resignation.

(ii) When a Government servant is removed or dismissed from service or dies while in service, the credit of earned leave shall be allowed at the rate of two and a half days for each completed calendar month of service upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies while in service.

¹ [(6) If a Government servant has taken any Extraordinary Leave and/or some period of his absence, like suspension, has been treated as dies non or non-duty in a half year, the credit to be afforded to his earned leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such Extraordinary Leave and/or dies-non or, non-duty, subject to a maximum of 15 days.

Explanation:— In the case of the Government servant who is placed under suspension, the credit to be afforded to his earned leave account at the commencement of the next half year shall be reduced by 1/10th of the period of suspension. If the period of suspension is subsequently treated as duty or leave other than extra-ordinary leave, the earned leave account shall be recalculated.

(7) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

(8) If a Government servant is on leave on the last day of any half year he shall be entitled to the credit, of earned leave on the first day of the succeeding half year provided the authority competent to grant him leave has reason to believe that the Government servant will return to duty on its expiry.

(9) Subject to the provisions of rule 107 and rule 110 the maximum earned leave that may be granted at a time shall be—

(a) One hundred and twenty days to a Government servant employed in India, or

(b) One hundred and eighty days to a Gazetted Officer if the entire leave so granted or a portion thereof which is not less than sixty days is spent outside India.

¹ [(c) Two hundred and forty days leave preparatory to retirement.]

Note :— The provision of sub-rule (1) and sub-rule (2) shall apply to calculation of leave corresponding to earned leave under the old rules, applicable to a Government servant before 1st November 1956, in respect of those who continue to be governed by those rules.

[(d) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding two hundred and forty days.]

(10) Between the 1st July 1976 and 30th June 1978, the foregoing provisions of this rule shall be applicable with the following modifications, namely:—

(a) the credit of earned leave afforded shall be 30 days and 31 days in alternate calendar years. This shall be done in two instalments-15 days on the 1st January and 1st July every year except that on 1st July of an even year the credit shall be sixteen days.

1. Substituted by No. FD 9 SRS 87 dt. 15-5-1987 w.e.f. 21-5-1987

(b) if a Government servant has, during any half year, taken leave other than earned leave, the credit to be afforded to his earned leave account at the commencement of the next half year shall be reduced by one-eleventh of such leave.]

113. (a) Earned leave is not admissible to an officer ¹ [xxx] serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation. But in case of urgent necessity earned leave may be granted to any such Government servant under the ordinary rules subject to the condition that he shall during his absence receive only half the leave salary ordinarily admissible during earned leave.

¹ [However, no earned leave shall be admissible to a Government servant not in permanent employment in respect of the first year of his service.]

² [Explanation:— The term "Vacation Department" used in this rule includes also an institution having Vacation with which the Government servant is on foreign service.]

The authorities sanctioning transfers to foreign service should indicate in each case whether the transfer is to an institution having Vacation benefits and should also specify the authority competent to issue general or special orders preventing in any year the Government servant from availing himself of the vacation or vacations in the institution to which the Government servant is transferred on Foreign service.]

(b) If a Government servant is, by general or special orders issued by competent authority, prevented in any year, from availing himself of the vacation or vacations by reason of his having to remain at his post on duty, earned leave will be admissible under these rules, (Rules 112) in respect of that year.

(c) A Government servant whose work requires him to be present at his station for a portion of the vacation is eligible for earned leave under these rules provided he has not been absent

1. Amended by FD 31 SRS 82 dt. 20-6-83 (w.e.f. 28-2-80)

2. Inserted by No. FD 156 SRS 61 dt. 22-1-66 (w.e.f. 1-3-66.)

from his station for more than 15 days of the vacation. If he has been absent for more than 15 days, his title to earned leave is regulated by sub-rule (d). Any such Government servant applying for earned leave must attach to his application a certificate either:—

(1) that he was not absent from his station for more than 15 days, or

(2) That he was absent from his station for specified number of days exceeding fifteen, in any of the vacations included in the period of the service by which the earned leave claimed has been earned.

(d) A Government servant, who is by general or special order issued by competent authority prevented from availing himself of a part only of a periodical vacation may, during earned leave subsequently taken, draw his full salary under the ordinary rules for a period bearing such proportion of 30 days as the number days of vacation not taken bears to the full vacation.

(e) Vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave taken is in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the officer at a time under Rule 112; provided further that the total duration of vacation, earned leave and commuted leave in conjunction shall not exceed 240 days.

¹ [Note 1:— The clerical and menial staff working in the Educational Institutions such as High Schools, Training Institutions, ² [B.Ed., and other Government Colleges ³ [(including Laboratory Attenders and Laboratory staff)] shall be treated as belonging to non-vacation Department.]

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1. Inserted by No. FD 54 SRS 63 dt. 10-7-63 (w.e.f. 20-7-60).
 2. Amended by No. FD 39 SRS 64 dt. 12-5-64 (w.e.f. 10-6-64)
 3. Amended by No. FD 65 SRS 65 dt. 27-7-68.

¹Explanation:— The term "Educational Institutions" used in the above Note includes also Middle Schools and Primary Schools.

² [Note 2:— For purposes of this rule only period of recess of 30 days or more shall be treated as Vacation]

³ Note 3— For purposes of this rule references to the provisions of rule 112 should be construed as reference to the provisions of the said rule as in force prior to the 1st July 1976.

⁴ [114. (1) A Government servant shall be entitled to half pay leave of twenty days in respect of each completed year of service.]

(2) Leave due under sub-rule (1) may be granted on medical certificate or on private affairs:

Provided that in the case of a Government servant not in permanent employ, or quasi-permanent employ, no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the Government servant will return to duty on its expiry.

(3) If a Government servant is on leave on the day on which he completes a year of service he shall be entitled to half pay leave in accordance with the provisions of sub-rule (1) without his having to return to duty.

(4) Commuted leave not exceeding half the amount of half pay leave due may be granted on a medical certificate or on private affairs subject to the following conditions, namely,—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

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1. Substituted by No. FD 91 SRS 78 dt. 8-2-80 (w.e.f. 28-2-80)
 2. Inserted by No. FD 13 SRS 66 dt. 22-4-67 (w.e.f. 17-5-67).
 3. Inserted by No. FD 30 SRS 65 dt. 20-4-66.
 4. Submitted by No. FD 91 SRS 78 dt. 8.2.80 (wef.28-2-80)

(c) the maximum commuted leave on private affairs that may be granted at a time shall be 120 days. If commuted leave on private affairs is combined with earned leave, the total period should not exceed 180 days.

(5) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service, or in the event of his death.

(6) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ subject to the following conditions, namely,—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry:

(b) leave not due shall be limited to half pay leave he is likely to earn afterwards;

(c) leave not due during the entire service shall be limited to a maximum of 360 days out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;

(d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently:

Provided that in case of a temporary Government servant who is suffering from tuberculosis, leprosy, cancer or mental illness, leave not due may be granted for a period not exceeding 360 days during his entire service subject to fulfilment of conditions in clauses (a), (b) and (d) of this rule and following further condition, namely,—

(i) the Government servant has put in a continuous service of not less than one year;

(ii) the post form which the Government servant proceeds on leave is likely to last till his return to duty; and

(iii) that the request for grant of such leave is supported by a medical certificate in the form prescribed in rule 182 issued by the Civil Surgeon of the District or the District Medical Officer, or a Specialist in the concerned disease, not lower in rank than a Civil Surgeon/District Medical Officer and the certificate specifies that the Government servant has reasonable chances of recovery on the expiry of the leave recommended;

(7) (a) Where a Government servant who has been granted leave not due resigns from service or, at his request, is permitted to retire voluntarily from service without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave commenced and the leave salary already paid shall be recovered;

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under the foregoing clauses of this sub-rule if the retirement is by reason of ill-health incapacitating the Government servant for further service or the Government servant is compulsorily retired under rule 285 or in the event of his death.

(8) For the purpose of this rule and rule 117, a Government servant who has rendered not less than five years of continuous service excluding the service as a local candidate and periods of suspension adjudged as penalty, shall be considered as belonging to Permanent employ provided the Departmental Competent authority certifies that there is no prospect of his reversion or discharge.

1 [116 X X X]

117. (a) Extra-ordinary leave may be granted to any officer in special circumstances—

- (i) when no other leave is by rule admissible; or
- (ii) when other leave is admissible, but the officer concerned applies in writing for the grant of extraordinary leave.

¹ (b) unless Government in view of the exceptional circumstances of the case otherwise determines, no Government servant who is not in permanent employ or quasi-permanent employ shall be granted extra-ordinary leave on any one occasion in excess of the following limits:—

- (i) three months without medical certificate;
- (ii) six months for common ailment, where the Government servant has completed a continuous service of not less than one year on the date of expiry of leave of the kind due and admissible under these rules, including extra-ordinary leave of three months under clause (i) above and his request for such leave is supported by a medical certificate, as required by these rules;

(iii) eighteen months, where the Government servant, who has completed a continuous service of not less than one year, including extra-ordinary leave of three months under clause (i) is undergoing treatment for cancer/mental illness/pulmonary tuberculosis/pleurisy of tubercular origin/tuberculosis of any part of the body/leprosy, in Government institution or at his residence through such institution and his request for such leave is supported by a medical certificate in the form prescribed in rule 182 issued by the Civil surgeon of the District or the District Medical Officer, or a Specialist in the concerned disease, not lower in rank than a Civil Surgeon/District Medical Officer and the certificate specifies that the Government servant has reasonable chances of recovery on the expiry of the leave recommended;

(iv) two years for under-graduate/graduate/post-graduate courses and three years for doctorate courses, where the

1. Substituted by No. FD 91 SRS 78, dt. 8-2-80 (2ef. 28.2.80)

Government servant has completed a continuous service of not less than three years on the date of expiry of leave of the kind due and admissible under the rules, including the extra-ordinary leave of three months under clause (i) and applies for the leave for prosecution of higher studies, having a close bearing on his sphere of duty, provided that prior approval of Government is taken before sanctioning the leave.

(c) Where a Government servant, who is not in permanent employ or quasi permanent employ, fails to resume duty on the expiry of the maximum period of extra-ordinary leave granted to him or where such a Government servant who is granted lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period, which together with the extra-ordinary leave granted exceeds three months, he shall, unless Government in view of the exceptional circumstances of the case otherwise determine,¹ [be liable to be dismissed or removed from service]² [after following the procedure laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957].

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

³ [118.(1) A Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on such leave.

Note :— ' pay ' for this purpose means the pay as defined in sub-rule (32) of rule 8 of these rules and the rate at which it is admissible immediately before the date of commencement of leave.

(2) Notwithstanding anything contained in the foregoing sub-rule, a Government servant may surrender a portion of earned leave and receive a cash equivalent of the leave salary therefor in accordance with the rules made in Annexure 'C'.

1. Substituted by No. FD 57 SRS 65 dt. 15-6-68

2. Substituted by FD 38 SRS 69 dt 21-5-1969

3. Substituted by No. FD 91 SRS 78 dt. 8-2-1980 (w.e.f. 28-2-80)

(3) A Government servant on half pay leave or leave not due shall be entitled to leave salary equal to half the amount specified in sub-rule (1).

(4) A Government servant on commuted leave shall be entitled to leave salary equal to the amount specified in the sub-rule (1).

(5) A Government servant on extra-Ordinary leave is not entitled to any leave salary.

¹ [118-A ² (1) (a) Where a Government servant retires on attaining the normal age of retirement under the terms and conditions governing his service, the authority competent to grant leave shall *suo-motto* granting cash equivalent of leave salary for earned leave, if any, at the credit of the Government servant, subject to a maximum of two hundred and forty days.

(b) The cash equivalent under Clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one-time settlement. No house rent allowance or city compensatory allowance shall be payable:

Basic pay admissible on the date of retirement + Dearness Allowance admissible thereon on that date	No. of days of unutilised earned leave at credit on the date of retirement, subject to a maximum of 240 days
---	--

Cash equivalent = _____ X

30

(2) The authority competent to grant leave may withhold whole or part of the cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement, while under suspension or while disciplinary

1. Substituted by FD 91 SRS 78 dt. 3.2.1980 (w.e.f. 28-2-1980)
 2. Substituted by No. FD 38 SRS 69 dt. 21.5.69

or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.

(3) (a) Where the service of a Government servant has been extended in the interest of public service beyond the date of his retirement, he may be granted—

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement, subject to a maximum of 120 days/180 days as the case may be, as prescribed under clause (a) and (b) of sub-rule (9) of Rules 112,

(ii) after expiry of the period of extension, cash, equivalent in the manner provided in sub-rule (1) in respect of earned leave at his credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 240 days.

(b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-rule shall be calculated in the manner indicated in clause (b) of sub-rule (1) above.

(4) A Government servant who retires by giving notice to Government or who is retired by Government by giving him notice or pay and allowances in lieu of such notice in accordance with the provisions of rule 285, may be granted, *suo-motto* by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit, subject to a maximum of 240 days.

¹ [(4) (A) Where a Government servant is compulsorily retired as a measure of penalty under the provisions of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and the disciplinary authority has not imposed any reduction in the

amount of his pension (including gratuity) under rule 218 of the rules, the authority competent to grant leave shall *suo moto* issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the Government servant, on the date of such retirement, subject to a maximum of two hundred and forty days.]

(5) In case a Government servant dies while in service, the cash equivalent of the leave salary in respect of earned leave at the credit of the deceased Government servant on the date of his death, subject to a maximum of 240 days shall be paid to his family.

(6) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted *suo-motto*, by the authority competent to grant leave, cash equivalent of leave salary in respect of earned leave due and admissible on the date of his invalidation from service, subject to a maximum of 240 days.

(7) The cash equivalent payable under sub-rule (4) ¹, [(4) (a).] (5) and (6) shall be calculated in the manner indicated in clause (b) of sub-rule (1) above.

119 :— ² [In respect of Government servants governed by these rules, leave account should be maintained in Form 1. The leave at credit on the date immediately preceding the date with effect from which a Government servant has elected to be governed by the rules in this part (hereinafter in this rule called the said date) should be noted on the top page of the page containing the leave accounts. Such leave and the leave availed of by the Government servant after the said date should be noted in it separately and not mixed up with the leave earned after the said date.]

120 :— In respect of Government servants as who have, in pursuance of the option exercised under the provisions of rule 105 or the provisions thereunder, elected to be governed by the rules in this part with effect from the 1st day of August 1962 or the

1. Inserted by FD 39 SRS 88 dt. 18-3-1989 (w.e.f. 6-4-1989)

2. Substituted by FD 91 SRS 78 dt. 8-2-1980 (w.e.f. 28-2-1980)

first day of October 1972 or the first day of January 1978, as the case may be, hereinafter in this rule called the 'said date' the following provisions shall be applicable.

I. In the case of Government servants allotted to the new State of Mysore from the States of Bombay, Hyderabad, Coorg and Madras.

(1) Bombay Leave Rules:

(i) Old Leave rules:— Leave on average pay.

The maximum leave on average pay at a time will be limited to four months; it may be extended upto eight months, if the leave in excess of four months is spent out of India or the leave in excess of four months is supported by Medical Certificate but is not leave preparatory to retirement.

(ii) Revised Leave Rules:

(a) **Earned Leave:** Earned leave will be added to earned leave earned from the said date (upto the prescribed maximum limit).

(b) **Half pay leave due:** This will be added to half pay leave earned from the said date.

(2) The Madras Leave Rules, 1933:

The following method shall be adopted in calculating the unearned leave (i.e., leave on private affairs and leave on Medical Certificate) at the credit of the Government servant the date immediately preceding the said date:

Calculate the ratio between the period of completed years of service put in by the Government servant to the date immediately preceding the said date and the total period of completed years of service he would put in if he would retire at the age of superannuation (55 years). Calculate the amount of unearned leave at the same ratio and deduct the leave availed of to the date immediately preceding the said date. The balance will be the amount of unearned leave (half pay leave due) at the credit of the Government servant on the said date. If the leave already taken

exceeds the amount that would thus be admissible, the excess should be shown in red ink in the leave account and debited against half pay leave that would be earned for each completed year of service from the said date.

This principle is applicable also to other cases where leave is not based on a fixed fraction of the service rendered.

II. In the case of Government servants allotted to the New State of Mysore from the Old State of Mysore eligible for leave under the Mysore Services Regulations.

(a) Privilege leave :— This will be added to "Earned Leave" due from the said date (subject to the prescribed maximum limit).

During the period of privilege leave availed of on or after the said date (as earned leave) the leave salary should not be less than the " salary" as on the date immediately preceding the said date.

Note :— In the case of temporary Government Servants who had put in a service of one year as on the said date, the amount of privilege leave due up to the date immediately preceding the said date will be calculated at 1/11th of the period of duty as per the Leave Rules in Mysore Service Regulations and the amount of earned leave due will be calculated at 1/22nd of the period of duty as per the Leave Rules in this part from the said date, till the date of completion of a service of one year.

(b) Leave on half average Salary :— This will be added to " Half pay leave due".

Note 1:— Temporary Government servants who have put in a service of less than 5 years as on the said date may be given credit furlough leave on half average pay calculated with reference to their service as on the date immediately preceding the said date, and carried forward for availment after the said date subject to the limit prescribed in the New Leave Rules.

Note 2:— According to Article 207, Mysore Service Regulations (Old), Average salary will be granted during Furlough due for a total period not exceeding one year in the whole service, (six months at a time which can be extended upto eight months on Medical certificates) twice the period of Furlough leave on Average salary being debited to the leave account in terms of leave on half average salary.

The employees of the old Mysore State will be permitted to avail the Furlough Leave on average salary, which was at credit on the date immediately preceding the said date on or after the said date, subject to the prescribed maximum limits. The total of furlough on average salary (Old Rules) and of commuted leave (New Rules) should not exceed one year, during the whole service, if the Government servant had earned leave on average pay for at least 120 days on the date immediately preceding the said date.

If the leave earned is less, the maximum limit will stand correspondingly reduced.

Leave on half average salary during the whole service (other than privilege leave or earned leave) should not exceed three years.

Note 3— Government servants of the old Mysore State can be granted furlough leave on average salary which was at their credit on the date immediately preceding the said date, preparatory to retirement, subject to the prescribed limit.]

SECTION II - CASUAL LEAVE

¹ [xxx]

SECTION III - EXAMINATION LEAVE

130. The rules in this Section regulate the grant of leave to enable Government servants to appear at examinations.

131. Examination leave may be affixed or prefixed to earned leave; except as herein provided, no kind of leave, except half pay leave on medical certificate, may be granted in continuation of Examination leave.

1. Deleted by No. FD 163 SRS 58 dt. 4-12-58 (w.e.f. 1-1-1959).

132. A Government servant while absent from his office or from his station to attend an obligatory Departmental Examination is considered to be on duty.

133. Leave may not be given to a Government servant to prepare for examination, or for recreation after examination. A reasonable time, including the day or days of examination, should be allowed for the journey to and from the place of examination, and nothing more.

134. A Government servant permitted to present himself at any examination which must be passed before he is eligible for higher appointment in any branch of the public service, may, under the orders of his immediate departmental superior, be allowed leave of absence for the number of days which is actually necessary to enable him to attend the examination, that is, the number of days required for travelling from his station to the place of examination and back, and the number of days which the examination itself will occupy. During this absence no deduction will be made from the allowances of the Government servant unless the Head of the Office finds such deduction necessary to enable him to make arrangements for carrying on the work. Such leave should not be allowed more than twice for each standard of examination.

¹ [Exception:— A Government Servant appearing for the examinations like Subordinate Accounts Service and Treasury Head Accountants, Examination held only at Bangalore Centre, may be allowed leave of absence for the number of days which is actually necessary to enable him to attend the examination and for the period required for travelling to Bangalore and back to his place of duty, for the first three attempts irrespective of whether he appears for the whole examination or a particular part or parts comprised therein.

1. Inserted by No. FD 97 SRS 68, dt. 2-9-68.

¹ [134-A : For purposes of the rules contained in this section as well as clause (d) of the sub-rule (15) of rule 8 of these rules, an examination or test is deemed to be obligatory, if it is prescribed as a condition precedent for allowing increments or promotion, or for confirmation, Examination Leave is not leave in the normal sense. To get the benefit of duty to appear for an obligatory examination, the Government servant concerned shall obtain permission to be away from office. Such permission shall be given only twice in respect of each such obligatory test or departmental examination, subject to the provisions of the Exception below rule 134 of these rules. Where such absence cannot be treated as duty, the Government servant has to apply for such kind of leave as is due and admissible to him.]

SECTION IV - MATERNITY LEAVE

² [135:- (1) A female Government servant may be granted maternity leave by an authority competent to grant leave for a period of 90 days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) Maternity leave may also be granted in case of miscarriage or abortion including abortion induced under the Medical Termination of Pregnancy Act 1971 (but not threatened abortion), subject to the conditions that:-

(a) the leave does not exceed six weeks; and

(b) the application for leave is supported by a medical certificate from a Registered Medical Practitioner.

(3) Maternity leave under sub-rule (1) or (2) above shall not be admissible to a female Government servant who has two or more living children.

(4) (a) Maternity leave may be combined with vacation or any other kind of leave. Such leave not exceeding sixty days may be granted without production of medical certificate.

1. Inserted by No. FD 55 SRS 79 dated 30-10-79 (wef 8-11-79)

2. Substituted by No. FD 9 SRS 86 dated 19-9-86 (wef 25-9-86).

(b) Leave in further continuation of leave granted under clause (a) of sub-rule (4) may be granted in the case of illness of the female Government servant subject to production of a medical certificate from the Authorised Medical Attendant. Such leave may also be granted in case of illness of a newly born baby, subject to production of a medical certificate from the Authorised Medical Attendant to the effect that the condition of ailing baby warrants personal attention and that her presence by the baby's side is absolutely necessary.

(5) the maternity leave shall not be debited against the leave account.]

SECTION V - SPECIAL DISABILITY LEAVE

136. (1) Subject to the conditions hereinafter specified, Government may grant special disability leave to a Government servant. ¹ [whether permanent or temporary] who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifests itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Government if they are satisfied as to the cause of the disability may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

² [(3) The period of leave granted shall be such as is certified by the Authorised Medical Attendant of the Government servant concerned to be necessary. It shall not be extended except with the certificate of that authority and shall in no case exceed 24 months.]

(4) Such leave may be combined with leave of any other kind.

1. Inserted by No. FD 18 SRS 61 dated 6-5-61 [wef 18-5-61]
 2. Substituted by No. FD 18 SRS 61 dated 6-5-61 [wef 18-5-61].

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than twenty-four months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave will count as duty in calculating service for pension but it will not count as service for leave. It will not be regarded as interrupting service for leave under the ordinary rules, nor as diminishing the amount of such leave at the Government servant's credit nor as part of the maximum leave admissible to him, except that commuted leave taken under Rule 114 (c) will be reckoned as half-pay leave.

¹ [(7) Leave salary during such leave shall-

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave; and

(b) for the remaining period of such leave, be equal to the leave salary during half pay leave:

Provided that a Government servant may, at his option be allowed leave salary as in clause (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account.]

(8) In the case of a person to whom the Workmen's Compensation Act applies, the amount of leave allowance payable under this Rule shall be reduced by the amount of compensation payable under that Act.

137. Government may extend the application of the provisions of Rule 136 to a Government servant ² [whether permanent or temporary] who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the following further conditions:-

1. Substituted by No. FD 65 SRS 80 dated 18-11-80 (wef 27-11-80).

2. Inserted by No. FD 18 SRS 61 dated 6-5-61 (wef 18.5.61).

- (a) that the disability, if due to disease must certified by ¹ [the Authorised Medical Attendant of the Government servant concerned] to be directly due to the performance of the particular duty, and
- (b) that if the Government servant has contracted such disability during service otherwise than with a Military force, it must be in the opinion of Government so exceptional in character [xx.....] and
- ² [(c) that the period of absence recommended by an Authorised Medical Attendant may be covered in part by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.]

138. Temporary employees of the Livestock Farms of the Veterinary Department who are incapacitated for work from injuries received in the execution of their legitimate duties (provided the injuries are not due to any negligence on their part) may be granted leave with allowance upto 30 days by the Director of Animal Husbandry in Karnataka on the strength of a medical certificate granted by a District Medical Officer.

SECTION VI - OTHER KINDS OF LEAVE

139. Special leave not exceeding 15 days for every half-year may be granted to a Government servant of the Medical Department who handles radium. The interval between two such periods of special leave should not be less than six months. The leave is not allowed to accumulate.

The leave allowances payable during this special leave are those admissible during earned leave. The period spent on special leave counts for half-pay leave but not for earned leave.

³ [x x x]

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- 1. Inserted by No. FD 18 SRS 61 dated 6-5-61 (wef 18-5-61).
 - 2. Substituted by No. FD 65 SRS 80 dated 11-11-80 (wef 27-11-80).
 - 3. Deleted by No. FD 241 SRS 71 dated 28-12-71

¹ [Note 2:- The above leave may be treated as similar to earned leave for purposes of increments and pension].

² [Note 3:- The following staff of the Virus Diagnostic Laboratory, Shimoga and the Kyasanur Forest Disease Control Unit, Sagar who have to handle infectious material and are subject to risk may be allowed Special Leave under this rule.

1. Virus Diagnostic Laboratory, Shimoga

- (i) Assistant Director of Public Health
- (ii) Research Assistant
- (iii) Scientific Assistants (Two)
- (iv) Senior Laboratory Technicians (Two)
- (v) Animal Attendants (Seven)
- (vi) Peons

2. Kyasanur Forest Disease Control Unit, Sagar

- (i) Medical Officer of Health
- (ii) Junior Health Inspectors
- (iii) Driver
- (iv) Cleaner]

140. Rangers and Foresters, forest Guards and Clearks of the Forest Department working in the Ranges mentioned below may be given a special locality leave of one month on full pay for every year in addition to earned leave to enable them to have a change of place to recoup their health. The grant of this leave should not involve extra cost and the work of officers on leave should be arranged to be looked after by those of a neighbouring Range:-

[Range Offices.]

- 1. Kakankote
- 2. Ainurmarigudi
- 3. Begur
- 4. Heggadadevanakote

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- 1. Inserted by No. FD 153 SRS 59, dated 7-7-59 (wef 1-4-58).
 - 2. Inserted by No. FD 135 SRS 68, dated 2-9-68 (wef 13-6-61).

5. Muthodi
6. Thadasa
7. Manjarabad
8. Sivesvar
9. Sacrebyle
10. Umblebyle
11. Choradi
12. Koppa Range (Chikmagalur District)
13. Kallurkatte
14. Agumbe Range
15. Mudigere
16. Lakkavalli
17. Narasimharajapura
18. Hebbe Range

FORESTERS ONLY

1. Maddur (Gundlupet Range)
2. Bandipur
3. Anechowkur
4. Veeranahosahalli
5. Koppa (Mysore District)
6. Settihalli
7. Hanagere
8. Kumbi Forester
9. Talaguppa

Note 1:- The above leave may be treated as similar to earned leave for purposes of leave salary, increments, half-pay leave and pensions.

Note 2:- The leave may not be combined with leave other than earned leave but the grant of special locality leave should not result in extra cost.

Note 3:- The leave may not be accumulated beyond a period of one month.

¹ [x x x]

1. Deleted by No. FD 91 SRS 78 dated 8-2-80 (wef 28-2-80)

CHAPTER XII - SUBSIDIARY RULES

Conditions of Grant

143. If in the interest of the Public Service, all applications for leave cannot be complied with, authority competent to sanction leave will have full discretion in deciding which should be granted, and in so doing, it may take into consideration the following circumstances:-

(1) The Government servants who can, for the time being, be conveniently spared.

(2) The leave due to various competing applicants.

(3) The amount and character of the previous continuous service that they have rendered.

(4) The fact that a Government servant was compulsorily recalled from the leave last enjoyed by him.

(5) The fact that a Government servant has been refused leave in the public interests.

¹ [144. Leave shall not be granted to a Government Servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government Service].

² [145. A Government servant appointed as a probationer is entitled to leave as a temporary Government servant].

146. "Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

Leave on medical certificate on half average pay not exceeding one month may be given to an apprentice in each year of apprenticeship.

Extraordinary leave without allowance may be given for a period not exceeding two months on each occasion and this may be combined with leave on half average pay.

1. Substituted by No. FD 58 SRS 58, dated 8-4-1958 (wef 1-4-1958)

2. Inserted by No. FD 55 SRS 80, dated 23-5-1980 (wef 5-6-1980)

147. Part-time Government servants are not entitled to any other kind of leave except casual leave, which shall be limited to fifteen days in each calendar year in non-vacation departments and ten days in vacation departments.

148. A Section-writer or a Press servant paid under the piece work system will come under the service rules of the Press.

149. Earned leave is not allowed to a Government servant employed in an establishment the duties of which are not continuous, but are restricted to certain fixed periods in each year.

150. Re-employed pensioners who are granted either salary or honorarium may be allowed earned leave ¹ [as per rule 112].

² [Note:- The authority competent to grant leave may grant cash equivalent of earned leave earned by the re-employed Government servant during the period of re-employment and at his credit on the date of termination of the period and re-employment. The cash equivalent payable under this rule shall be calculated in the manner indicated in clause (b) of sub-rule (1) of Rule 118-A of the rules].

Service counting for Leave

151. A Government servant who is discharged on reduction of establishment from, or resigns the Public Service, and is re-employed after an interval, cannot without the permission of the authority sanctioning the re-employment, count his former service towards leave.

152. 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 of leave.

³ [152-A. A Government servant employed while on refused leave under rule 110, earns leave under rule ¹ [112] in respect of the period of employment running concurrently with refused leave and the leave so earned may be granted as terminal leave under the Note below Rule 150].

1. Substituted by No. FD 91 SRS 78, dated 8-2-1980 (wef 28-2-1980)

2. Substituted by No. FD 9 SRS 87, dated 15-5-1987 (wef 21-5-1987)

3. Inserted by No. FD 140 SRS 68, dated 15-1-1969

Earned Leave (Vacation Department)

153. In the case of every Government servant to whom Rule 113 applies, the presumption is that he will avail himself of the vacation. No certificate of title to earned leave except the leave "in case of urgent necessity" under Rule 113 can be given for the period of service rendered between two vacations, until the second vacation expires. If, however, the conditions required to render a Government servant eligible for earned leave under the ordinary rules are subsequently fulfilled in respect of the second vacation, any earned leave which may have been granted on half pay, in consequence of the presumption that the Government servant would avail himself of the vacation may be commuted into earned leave on full pay. Earned leave on full pay may be combined with earned leave on half pay to the extent due.

¹ [Note:- The District and Sessions Judges and all other Judicial Officers (Gazetted and non gazetted) in the Mysore Judicial Services are treated as Officers of the Vacation Department.

154. A Judicial Officer (Gazetted) who is exercising jurisdiction in both Civil and Criminal cases in a combined court, may be permitted to avail himself of the summer vacation. If he does not avail of the summer vacation, he will be entitled to earn earned leave under the ordinary rules.

Exception:- A Judicial Officer (Gazetted or non-gazetted) exercising jurisdiction only in criminal cases is not entitled to avail himself of summer vacation. He is entitled to earn earned leave under the ordinary rules].

155. (a) A Government servant transferred from a vacation to a non-vacation departments, counts his service for earned leave under the ordinary rules from the date on which the last vacation in the former department ended.

(b) If, however, he had at his credit at the time of his transfer any earned leave on full pay admissible to him the amount of such earned leave shall be added to the earned leave calculated under sub-rule (a) of this rule.

1. Amended by No. FD 48 SRS 60, dated 23-8-1960 (wef 1-9-1960)