

Government temporarily or part-time or casually on Union Agency work should be governed by the leave rules of the Government of Bombay, irrespective of dates of recruitment.

Note 1.—Government servants other than the Press employees mentioned in Rule (2) of Part I and Rule (2) of Part II in Appendix XLIV-B, in whose case the leave rules in Appendix XLIV-B shall apply to the aforesaid Press employees, from the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad allocated to the State of Bombay, who do not elect to be governed in regard to the amount of leave, by the rules of the former States applicable to them before the 1st November 1956, will be governed by Revised Leave Rules contained in Appendix XLIV-A to B. C. S. Rs., Volume II.

Note 2.—The option for leave rules to be exercised by the Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad allocated to the State of Bombay covers also three types of leave, *viz*, Special Disability Leave, Maternity Leave and Hospital Leave, and also the Pilgrimage Leave in the case of the allocated Government servants from the former State of Hyderabad only, admissible under Article 180-A, Appendix XXI, Vol. II, of the Hyderabad Civil Services Rules, but in the case of Study Leave they are all governed by the B. C. S. Rs. and there is no option to be exercised by them in respect of such leave.

614. Except as provided in Rule 616, leave is earned by a Government servant under sections I to V of the Chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

615. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period or the recovery thereof is waived.

616. A military officer, other than a military commissioned officer in civil employ, remains subject to military leave rules, but his leave while in civil employ is regulated by the provisions of Rule 768.

617. Unless in any case it be otherwise expressly provided by or under these rules a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the Government servants specified in Rule 766 below, may count such duty for leave as though it were duty performed in a vacation department, all leave taken during the service concerned being treated as taken under these rules.

618. (a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if this gratuity is thereupon refunded or his pension held wholly in abeyance, his past services thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

CHAPTER XV—LEAVE

SECTION I—EXTENT OF APPLICATION

613. Unless in any case it be otherwise distinctly provided, the rules in this chapter apply to all Government servants whose conditions of service the Government of Bombay are competent to prescribe: Provided that the leave of those Government servants, who were in service on 1st June 1929 and who have, under the proviso to Rule 613 of the Bombay Civil Services Rules Manual, 2nd Edition, elected to remain under the leave rules in the Civil Services Regulations, shall be governed by those rules:

Provided further that the amount of leave to those Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad, allocated to the State of Bombay, who elected to be governed by the rules of the former States applicable to them before the 1st November 1956 in accordance with Government Resolution, Finance Department, No. INT-1056-S-8, dated the 7th January 1957, as modified from time to time, shall be governed by those rules.

[For the Revised Leave Rules, 1935, made by the Government of Bombay in substitution for the corresponding rules in the Bombay Civil Services Rules, see Appendix XLIV-A; subsidiary orders and instructions issued by Government regarding the application of the Revised Leave Rules, 1935, have also been brought out in an Annexure to Appendix XLIV-A.]

[For Revised Leave Rules for Permanent and Temporary Salaried Press Employees, see Appendix XLIV-B.]

Government servants recruited for employment in Agency Departments whose pay, leave salary, allowances and pensions are charged direct to the Union Government but who are technically under the administrative control of the Government of Bombay should be governed by the following leave rules:—

(a) Leave rules of the Union Government if recruited on or after 1st April 1937;

(b) otherwise, leave rules of the Government of Bombay:

Provided that it shall be open to such Government servants who were on the 6th January 1944 governed by the leave rules of the Government of Bombay to exercise an option of remaining under the leave rules of the Government of Bombay or of going under the rules of the Union Government on the principles and conditions laid down in Bombay Civil Services Rule 765-A and the Note below it. Government servants who are recruited and employed in connection with the affairs of the State of Bombay whose pay, etc., are charged to the Consolidated Fund of the State but who are employed by the Bombay

Note 7.—When a re-employed Government servant is appointed either to officiate in a second post or to hold charge of the current duties of a second post his presumptive pay for the purpose of clause (b) or of Note 6 should be taken to be the total of pay *plus* pension (inclusive of pension equivalent of death-cum-retirement gratuity) which he would have drawn in accordance with the Instructions below Bombay Civil Services Rule 330 had he been appointed exclusively to the second post.

610. [*Cancelled.*]

611. A Government servant appointed to hold substantively as a temporary measure, or to officiate in, two posts of which one is subordinate to the other is not, save in exceptional circumstances, entitled to any additional remuneration under Rule 609 (b), as it is undesirable that a Government servant doing the work of his subordinate in addition to his own should draw any extra remuneration for that work.

Note.—A Government servant who, in addition to his own duties, is required to be in charge of the current duties of a second post may be allowed special pay under Note (b) to Rule 609, when his own post is subordinate to the second post but not when the second post is subordinate to his own post.

612. A Huzur Deputy Collector or Huzur Mamlatdar may not draw permanent travelling allowance and tentage for doing the duties of an Assistant or District Deputy Collector in addition to his own, the nature of which renders it impossible for him to fulfil the purpose, for which these allowances are granted. But a District Deputy Collector or a Mamlatdar temporarily placed in charge of the duties of Huzur Treasury Officer may continue to draw the permanent travelling allowance and tentage, if any, attached to his permanent post

CHAPTER XIV—COMBINATION OF APPOINTMENTS

609. A Government servant may be appointed to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows :—

(a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post ;

(b) for each other post he may be permitted to draw such reasonable pay, in no case exceeding 20 per cent of the presumptive pay (excluding overseas pay) of the post, as Government may fix ; and

(c) if a compensatory allowance is attached to one or more of the posts, he draws such compensatory allowance as a competent authority may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

Note 1.—The following explains the distinction which should be drawn between additional pay for holding an additional post or posts and special pay for performing additional duties :—

(i) In cases in which a Government servant continues to perform the duties of his own post, and assumes, in addition, technically plenary responsibility for the duties of one or more independent posts, the additional remuneration, if any, which may be sanctioned will be described as additional pay.

(ii) In cases in which a Government servant, over and above performing his own duties is required to perform certain duties selected from the sum of duties associated with another post or posts, but the officer is not appointed to hold the additional post or posts, the additional remuneration, if any, which may be sanctioned, will be special pay.

Note 2.—Presumptive pay for the purposes of clause (b) of this rule should, according to Rule 9 (46), be taken to be what the Government servant, who is placed in additional charge, will draw as initial pay in the time-scale of the additional post under Rule 41, were he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government servant in his substantive post, the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of clause (b) of this rule.

Note 3.—This rule requires that such pay as may be considered reasonable in the circumstances may be given 20 per cent of the presumptive pay of the post is not therefore to be regarded as the amount normally permissible.

Note 4.—Ordinarily a Government servant in charge of two or more posts shall be regarded as holding them substantively or in an officiating capacity, as the case may be, and his pay and allowances shall be regulated according to this rule.

Note 5.—No formal appointment of a Government servant to officiate in a second post shall be made if the vacancy is expected to last for less than one week, unless such appointment is essential in order to provide for the exercise of statutory powers.

Note 6.—When a Government servant is not in a position to discharge adequately and with full responsibility the duties of the second post he shall not be appointed to hold that post substantively or to officiate in it but shall be merely required to be in charge of the current duties of the second post and his aggregate pay shall not exceed the pay drawn in respect of the first post plus special pay at the rates prescribed, and subject to the provisions and conditions laid down, in Appendix XLIV, or, in cases not provided for in that Appendix, at a rate to be determined by Government not exceeding one-tenth of the presumptive pay of the second post—provided that in either case no special pay shall be granted if the charge of current duties is required to be held for less than a week. He shall not receive any compensatory allowance attached to the second post, unless it be permanent travelling allowance or conveyance allowance in which case he may be granted such permanent travelling allowance (or ordinary travelling allowance) or conveyance allowance as Government may decide. In cases falling under Appendix XLIV, the authority competent to require the Government servant to be in charge of the current duties of the second post shall be the authority competent to appoint him to the first post with the exception of the Chief Conservator of Forests, and the Superintending Engineers and the Electrical Engineer to Government, who are empowered to place members of the B.F.S. and B.S.E., respectively, in charge of another division and sub-division, respectively, and to grant to them a special pay subject to the limits and conditions specified in columns 3 and 4, respectively, of entries Nos. 1 and 13, respectively, in the said Appendix.

(b) A Government servant, who is removed or dismissed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

SECTION II—GENERAL CONDITIONS

619. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Note 1.—Under Rule 757 (a) the nature of the leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority and under this rule while it is open to the sanctioning authority to refuse the leave due and applied for or revoke the leave granted, it is not open to him to alter the nature of such leave.

Note 2.—See Note Below Rule 57.

620. Leave should not be granted to an extent which would deplete the strength of a service or department available for duty below the essential minimum.

621. Where the cadre of a service includes provision for appointments under the Union Government, particular care should be taken to see that the needs of that Government are properly complied with. The case of Government servants who apply for leave on average pay in India should be taken into special consideration, for, as they can be readily recalled if necessary, they stand on a different footing from Government servants who are out of convenient reach.

622. When a Government servant applies for repeated grants of leave on medical certificate within short intervals, the attention of the Medical Board/Government Medical Officer should be drawn to his case with a view to their/his carefully considering the term of absence necessary for his complete recovery.

622-A. For the purposes of Rules 624, 625, 641, 650, 661, 671, 672, 691 (i), 693, 694, 695 and 703, a non-gazetted Government servant who is proceeding or has proceeded on leave while officiating in a gazetted post should be treated as a gazetted Government servant irrespective of whether, but for his going on leave, he would have continued to officiate in the gazetted post or not, and whether on the expiry of his leave he would return to his gazetted post or not.



623. Except as provided in Rule 682, any leave, other than special disability leave, admissible under these Rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant or by any other competent authority.

624. In cases of emergency, a gazetted Government servant may be allowed to proceed on leave by the authority competent to grant him leave, but leave may not be finally sanctioned to him, until a report as to the admissibility of the leave has been obtained from the Audit Officer.

625. Except as provided in Rule 682, any leave other than special disability leave, admissible under these Rules may be granted to a gazetted Government servant by a competent authority on receipt of the report referred to in Rule 624.

Note.—Before sanctioning leave to a non-gazetted Government servant who is treated as a gazetted Government servant under Rule 622-A and who, while on leave, counts as one on leave in that cadre, the head of office concerned should be consulted, if the Government servant holds a lien on a non-gazetted cadre which includes a leave reserve.

626. A Government servant in foreign service in India may be granted by his employer leave for a period not exceeding four months, provided that it is certified by the Account Officer to be admissible. Leave of longer duration may be granted by the authority who sanctions the transfer.

627. As a general rule the duties of a Government servant absent on leave for a period not exceeding four months should be discharged by another Government servant in the same station or district. Only in exceptional cases, where there is no Government servant available on the spot, can the transfer of a Government servant from another station or district to officiate in consequence of a Government servant being on leave not exceeding four months in duration be allowed. In the case of posts held by members of the All-India Services, if a member of that service is not available on the spot, a State service officer should be placed in charge of the vacant post.

628. Formal joining of the duty at the end of leave with the intention of taking leave again within a few days should not be permitted. The principle on which the requirements of this rule should be enforced is that no deliberate or intentional evasion of the rule should be permitted; but so long as this condition is satisfied, it is left to the discretion of the authority competent to grant the leave to grant or refuse it, as may seem proper in each case.

629. (a) Leave begins on the day on which transfer of charge is effected, if the transfer takes place in the forenoon of that day; otherwise, on the following day.

(b) Leave ends on the day on which charge is resumed, if the resumption takes place in the afternoon; otherwise, on the preceding day. When joining time is allowed to a Government servant returning from leave out of India the last day of his leave is the day before the arrival of the vessel, in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India. This provision applies only to cases falling under Bombay Civil Services Rule 79 (c) in which joining time is granted to a Government servant returning from leave out of India of more than four

months' duration. The circumstances in, and the conditions on, which Sundays or other recognised holidays may be prefixed or affixed to joining time are defined in Rules 630 to 633 below.

Note.—The joining time of a Government servant who returns from leave out of India and disembarks, not at the first port of call in India, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

Instruction.—*Interpretation of the expression " recognised holidays "*—

All days which are within the definition of " holidays " in Rule 9 (24) and are also allowed to the individual concerned but no other days shall be treated as " recognised holidays " for purposes of this rule. The effect will be that a so-called sectional holiday of this Government will be treated as a recognised holiday if it is a public holiday in terms of the Explanation to Section 25 of the Negotiable Instruments Act, 1881, and is admissible as a sectional holiday to the individual concerned but not otherwise.

630. When the day immediately preceding the day, on which a Government servant's leave begins, or immediately following the day, on which his leave or joining time expires, is a holiday or one of a series of continuous holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays, provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance ;

Exception.—Forest officers holding no securities or monies other than cash balances are exempted from the operation of this proviso.

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties, account being taken in this connection only of the substitute who takes the place of the absent Government servant and not of all the Government servants in the chain of arrangements arising from the Government servant's absence on leave ; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it.

Note.—On condition that the departing Government servant remains responsible for the monies in his charge Government may declare that proviso (a) under this rule is not applicable to any particular case.

631. Unless Government in any case otherwise direct—

(a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from, the day on which the leave or joining time would have ended if holidays had not been affixed.

632. Holidays cannot be prefixed to joining time.

633. "Vacation" is a holiday for the purpose of Rule 630 above with the limitation that vacation can be prefixed to leave only if the substitute takes over charge at the end of the vacation, and an absentee may affix vacation to leave only if his substitute is transferred on the expiry of the leave so as not to be on duty in the absentee's post during any portion of the vacation. Vacation may either be prefixed or affixed to leave but may not be both prefixed and affixed nor may it be interposed between two periods of leave: Provided that Government servants in Classes I and II of the Bombay Educational Service may be permitted to prefix and affix vacations to leave on condition that no extra cost to Government is caused thereby.

Such extra days as the 28th to 30th December on which offices are allowed by executive order to be closed in continuation of holidays are also recognised as holidays for the purpose of Rule 630 for officers not in charge of a treasury.

Note 1.—Extra cost mentioned in the proviso in sub-paragraph (1) of this rule is caused to Government if in place of a Government servant permitted both to prefix and affix vacations another Government servant is required under Rule 741 to remain on duty at headquarters thus increasing under Rule 747 (a) the total leave at credit of that Government servant.

Note 2.—Holidays immediately preceding or immediately following a vacation should be treated as vacation for all purposes.

634 and 635. [Deleted.]

636. (a) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Note.—The foregoing clause of this rule is not applicable to Government servants mentioned in exception under Rule 738 (c) when vacation is combined with such leave on average pay not exceeding four months as may be taken by itself.

(b) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum period of continuous absence from duty on leave granted otherwise than on medical certificate which is prescribed in Rule 736 (d).

Note.—The period of leave on average pay granted to a Government servant under the ordinary leave rules, in combination with vacation, should be limited so that the total period of leave on average pay and vacation does not exceed four months [which may extend to six months under Note 1 to Rule 736 (b)] unless the period of absence after the first four months—whether it is leave, or vacation period—is supported by medical certificate or is spent elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden.

637. When vacation is combined with leave on average pay exceeding four months by Government servants belonging to a vacation department but treated as serving in a non-vacation department, the vacation shall be included in calculating the period of the first four months of leave on average pay for which no maximum limit of leave salary is prescribed under Rule 759.

638. (1) A Government servant on leave may not take any service or accept any employment without obtaining the sanction of a competent authority.

(2) The leave salary of a Government servant who is permitted to take up employment under a Government or a private employer during leave shall be subject to such restrictions as the Government may by order prescribe.

Note 1.—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service which is governed by Rule 107.

Note 2.—Although the grant of permission to take up private employment during leave on medical certificate is technically covered by this rule, such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave which can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. This rule should not, therefore, be construed as permitting a Government servant who avails himself of leave on medical certificate to undertake regular employment during such leave.

Note 3.—When a Government servant on leave, other than leave preparatory to retirement whether with or without leave salary, is allowed to take up under this rule an employment in another Government office or department, all leave salary must *ipso facto* cease on the taking-up of new employment, other than work or service referred to in Note 1.

Note 4.—Government servants on leave preparatory to retirement desiring to take up employment under Government will be given the option of retiring forthwith, or of remaining on leave until they have exhausted the leave admissible to them, on condition that, so long as they are employed under the Government, leave salary will be restricted to the amount of the pension admissible to them on retirement. The expression 'employment under Government' includes employment in any office under the Government whether under State Government or the Union Government.

Note 5.—Cases of grant of leave and leave salary of Government servants permitted to accept Government or private employment during leave preparatory to retirement should be regulated in the following manner :—

(1) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under the Government of Bombay, and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of Bombay Civil Services Rule 753, it may be granted from the date of compulsory retirement, of the Government servant. Such recall will be treated as optional for the purposes of Bombay Civil Services Rule 639.

•(2) When a Government servant is employed in any post under the Government of Bombay while he is on leave under Bombay Civil Services Rule 753, he may continue to enjoy his leave concurrently with such employment but his leave salary which may be drawn in addition to pay of the post in which he is employed will be restricted to the amount of leave salary admissible in respect of leave on half average pay.

In respect of the fresh employment during leave the pay of the Government servant will be regulated as if he were a post 1931 entrant in temporary employment. No leave will be earned in respect of such period of employment during leave.

During such employment he may also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowance.

(3) The leave salary of a Government servant who is permitted during leave preparatory to retirement or during leave under Bombay Civil Services Rule 753, to take up employment under any other State Government or under the Central Government or under a private employer or employment payable from a local fund or employment in any independent profession, trade or business such as setting up of a practice as a lawyer or doctor, will also be restricted during such employment as in (2) above. These instructions also apply *mutatis mutandis* to Government servants subject to leave rules other than those contained in the Bombay Civil Services Rules.

Note 6.—Re-employment of a Government servant in a post other than in his parent department or office is to be treated as involving a "contracting out" of the Government servant's normal conditions of service and such an employment does not, therefore, attract the protection afforded by Bombay Civil Services Rule 22.

•These orders will have effect from the date of issue, i.e., 8th July 1958, and past cases will not be re-opened.

639. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional the Government servant is entitled to no concession. If it is compulsory, he is entitled :—

(a) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

(iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate, at which he would have drawn it, had he not been recalled but returned in the ordinary course on the termination of his leave.

Note.—The expression 'on the termination of his leave' occurring in sub-clause (iii) above should be interpreted to mean 'on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was ordinarily granted'. The effect of this interpretation will be to make the same leave-salary, admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under Bombay Civil Services Rule 79 as the case may be.

(b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance for the journey, in accordance with the provisions of Rule 530, but to draw until he joins his post leave-salary only.

Note.—Orders recalling a Government servant from leave out of India should be communicated to him officially through the High Commissioner for India. The orders of recall should state clearly whether the return is optional or compulsory.

640. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as Government may prescribe. The authority granting the leave may at its discretion require a similar certificate from any Government servant who has been granted leave for reasons of health even though such leave was not actually granted on a medical certificate.

641. (i) A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :—

" Signature of applicant.

We, the members of a Medical Committee,

I, Civil Surgeon of _____,

I, registered medical practitioner of _____,

, do hereby certify that

we/I have carefully examined A. B. C. of the _____ Department, whose signature is given above, and find that he has recovered from his illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision we/I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision."

The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority asked to issue the above certificate.

(ii) If the Government servant on leave is a gazetted officer, such certificate should be obtained from a Medical Committee except in the following cases :—

(1) Cases in which the leave is for not more than three months ;

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

In the excepted cases the certificate may be obtained from a commissioned medical officer, or a medical officer-in-charge of a civil station.

If the Government servant on leave is not a gazetted Government servant the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any registered medical practitioner.

642. (a) A certificate in the following form should be produced on return from leave by a Government servant on leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America, or the West Indies :—

“ We certify that we have carefully examined C. D. of the Department and find that he is in good health and fit to return to his duty in India.

Date

Place

”

The certificate should be signed by two medical practitioners. If signed by foreigners, it should be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

(b) The form to be used by a Government servant on leave out of Asia in Europe, North Africa, America, or the West Indies will be supplied to him by the High Commissioner on application.

643. When a Government servant who has been granted leave for reasons of health proceeds to Europe, North Africa, America, or the West Indies, the authority which granted the leave shall inform the High Commissioner whether a certificate of fitness is required under the second sentence of Rule 640. Medical examination of female Government servants may either be dispensed with or a certificate signed by any female medical practitioner may be accepted. The medical reports shall be regarded as confidential.

644. (1) A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

645. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by a competent authority. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 22.

Note.—The overstay of leave taken by a Government servant before 1st January 1922 should not be debited in his leave account.

646. If the leave ends on a working day but is overstayed, any authorised holiday occurring before the Government servant rejoins should be counted as part of the time overstayed.

647. Leave granted under the Military Leave Rules to Government servants in civil employ is subject to the limitations and conditions prescribed in Army Regulations, India, Volume II. In cases where an extension becomes necessary and is admissible, the procedure specified in paragraph 234-A, Army Regulations, India, Volume II, must be followed. Government servants overstaying the period of leave granted them, should be dealt with under the provisions of paragraph 216 (i), (ii), or (iii) *ibid* according to the circumstances of the case.

648. Subject to any instructions which may be given by the Comptroller and Auditor-General of India in order to secure efficiency and uniformity of audit, the procedure to be followed—

- (i) in making application for leave and for permission to return from leave,
- (ii) in granting leave,
- (iii) in the payment of leave-salary, and
- (iv) in the maintenance of records of service,

shall be such as may be prescribed by Government.

649. The leave account required by Rule 731 shall be maintained in B. C. S. R., Form 8 in Appendix XLV in the case of Government servants

under the special leave rules and in $\frac{\text{B. C. S. R., Form 9}}{\text{F. R., Form 9A}}$ and in B. C. S. R.

Form 9A in Appendix XLV in the case of those under the ordinary leave rules.

Note 1.—In the case of Government servants subject to the "Revised Leave Rules, 1935" leave accounts may be maintained in the form prescribed under those rules in Appendix XLIV-A.

Note 2.—Whenever a Government servant subject to the Special Leave Rules applies for leave the amount of leave at his credit has to be arrived at each time [*vide* instruction (3) for filling up Bombay Civil Services Rules Form 8] by calculating the amount of leave earned up to the date of handing over charge and adding to it the last previous balances, if any, of leave at his credit. Similarly, calculation of leave on average pay at $\frac{1}{11}$ th of duty should be worked out separately on a side of the leave account. In doing so, calculations should be made and rounding of fractions effected each time a Government servant proceeds on leave. The method adopted should thus be exactly the same as applicable to Government servants subject to the ordinary leave Rules. It is, however, not the intention that all the leave accounts of Government servants subject to the Special Leave Rules should be overhauled and the small difference of a day or two resulting from the adoption of the new procedure regularised. In cases in which subsidiary leave accounts on average pay have not yet been opened under the revised procedure such accounts should now be opened as and when the occasion arises in accordance with the procedure indicated below, the

revised method of calculation of one-eleventh of duty being given effect to from the 1st September 1939 and credits already given in the leave account up to 31st August 1939 under the old procedure being left undisturbed :—

Privilege leave on 1st January 1922	.. .. .	..	..
Additional one year	.. .. .	..	..
One-eleventh of duty from 1st January 1922 to 31st August 1939	..	..
	Total	..	..
Furlough on average pay prior to Bombay Civil Services Rules (Show dates and period).		..	
Leave on average pay under Bombay Civil Services Rules (up to 31st August 1939) (show dates and period).		..	
	Balance on 1st September 1939	..	..
Less leave on average pay taken from 1st September 1939 to		..	..
	Balance	..	..
Add one-eleventh of duty from	.. .. .	..	..
	Total	..	..
Less Leave taken	.. .. .	..	..
	Balance	..	..
	and so on.		

650. (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the Audit Officer responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained, and the entries therein attested, by the head of the office in which he is employed.

651. An application for leave or for an extension of leave must be made through the intermediate departmental superiors (if any) to the authority competent to grant such leave or extension.

652, 653 and 654. [Deleted.]

655. Applications for leave from military officers in civil employ, whether they are subject to Military Leave Rules or Civil Leave Rules, should be submitted to Government through the Civil Audit Officer who audits the pay of the officer going on leave. No leave should be sanctioned to such an officer before a report is received from the Civil Audit Officer, who may, if he considers necessary, consult the Controller of Military Accounts-in-charge of the officer's record of pension service before certifying the admissibility of the leave and specifying the leave-salary.

Exception.—A copy of Government Notification granting leave to the Comptroller of the Household and Aides-de-Camp to the Governor may be forwarded to the Controller of Military Accounts, Southern Command, Poona.

Note.—The Civil Department, when forwarding the application for leave from a Military Officer holding an officiating appointment, should intimate whether the Officer will revert to the Military Department in the event of the leave being granted.

656. When a military officer subject to the Military Leave Rules applies for leave of absence on medical certificate, he should communicate his intention to his immediate departmental superior when he sends in his application.

657. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

658. A Government servant in foreign service in India should submit his application for leave for a period not exceeding four months to his employer through the Audit Officer concerned. If the period is in excess of four months, he should submit the application through his employer to the authority, competent to grant the leave along with the Audit Officer's report thereon.

659. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

660. Every certificate of a Medical Board or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it, shall be deemed to be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

661. Subject to the provisions of Rules 671 and 672 before a gazetted Government servant can be granted leave or an extension of leave on medical certificate he must obtain a certificate in B. C. S. R. Form 10 or as nearly in that form as the circumstances permit.

662. Having secured the certificate mentioned in Rule 661 the Government servant must, except in cases covered by Rule 670, obtain the permission of the head of his office or, if he himself is the head of an office of the head of his department to appear before a Medical Board. He should then present himself with two copies of the statement of his case before such a Board.

663. There shall be a Standing Medical Board for each Revenue Division and for Bombay City, meeting respectively at Ahmedabad, Poona and Bombay.

664. (i) A Government servant serving outside the limits of Greater Bombay shall normally be required to appear before the Medical Board constituted under Rule 663 for the Revenue Division in which he is serving, but, when, the head of his department or office is satisfied that it will be more convenient, either to Government or the Government servant, that the latter should appear before the Board constituted for another Division or for Bombay, he may request the Commissioner of that Division or the Collector of Bombay respectively to convene a Board at the same time sending a copy of his request to the Commissioner of the Division in which the Government servant is serving.

(ii) A Government servant serving in Bombay, or within the limits of the Greater Bombay, shall be required to appear before the Board constituted for Greater Bombay.

665. The Board referred to in Rule 663 shall consist of three qualified medical men, of whom one shall be the Civil Surgeon at the divisional headquarters station or the Presidency Surgeon, as the case may be, who shall also be Chairman.

666. On receipt of intimation from the Head of a Department or office that a Government servant requires to be examined by the Medical Board, the Commissioner of the Division or the Collector of Bombay, as the case may be, shall arrange through the Civil or Presidency Surgeon for the assembly of the Medical Board.

667. The remuneration payable to a medical officer in military employ or a private practitioner shall be Rs. 15 for each meeting of a Medical Board whether its business is concluded in one or more days.

668. Before the required leave or extension of leave can be granted, the Government servant must obtain from the Board constituted under Rule 63 a certificate to the following effect :—

“ We do hereby certify that, according to the best of our professional judgment after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of _____ months from (date) _____ to (date) _____

from the date of relief

absolutely necessary for his recovery. ”

Note.—In cases in which the leave recommended is for more than three months or leave for three months or less is extended beyond three months the Medical Board shall state, at the time of granting this certificate whether the Government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

669. Before deciding whether to grant or refuse the certificate, the Board constituted under Rule 663 may in a doubtful case detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect :—

“ C. D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D. under professional observation for _____ days. ”

670. (1) If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer-in-charge of a civil station to be such as to make it inexpedient for him to present himself at any place in which a Board can be assembled, the authority competent to grant the leave may accept in lieu of the certificate prescribed in Rule 668 either—

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

(b) if the authority considers it unnecessary to require the production of two medical opinions a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district.

(2) Notwithstanding anything contained in sub-rule (1) the authority competent to sanction leave may, when the leave recommended by the authorised Medical Attendant or the Medical Superintendent of the hospital in which

the applicant is undergoing treatment is for a period not exceeding one month, dispense with the procedure laid down in Rules 662 and 668 and grant leave on the recommendation of such medical officer provided that such medical officer certifies that in his opinion it is unnecessary for the applicant to appear before a Medical Board.

671. In cases in which heads of offices are satisfied that the grant of leave to a gazetted Government servant on account of illness is necessary, a certificate from the Civil Surgeon of the district or the Presidency Surgeon or the District Medical Officer in the following form will suffice :—

Civil Surgeon, District,
 “ I, A. B., Presidency Surgeon after careful personal examination
District Medical Officer

of the case hereby certify that
 is in a bad state of health and I solemnly and sincerely declare that according
 to the best of my Judgment the leave of absence for a period of

months from (date) to (date)

from the date of relief

is essentially necessary for the recovery of his health and recommend that he may
 be granted months' leave.”

Note 1.—In Greater Bombay, certificates from the Police Surgeon, Bombay, and the Superintendents of St. George's, J. J. and G. T. Hospitals, and those signed by the Honorary Medical Staff of these institutions and countersigned by the Superintendents may be accepted for purposes of this rule. The Presidency Surgeon is empowered to countersign medical certificates from other registered medical practitioners in Greater Bombay or require the applicant to present himself before him for medical examination before countersignature.

Note 2.—Certificates signed by the Medical Officer-in-Charge, Cama and Albless Hospitals, Bombay, may be accepted for purposes of this rule so far as female Government servants of gazetted rank in Greater Bombay are concerned.

Note 3.—Certificate signed by the Assistant to the Civil Surgeon, Poona, provided he is an Officer of Class I of the Bombay Medical Service, may be accepted for the purposes of this rule.

672. Gazetted Government servants serving in places outside district headquarters may be granted leave on medical certificate on the strength of a certificate of a registered medical practitioner countersigned by the Civil Surgeon or the District Medical Officer, who may visit the patient if for any reason he considers this course advisable. This rule will only apply when the Government servant requiring leave is too ill, or unable for other reasons regarded as sufficient by his immediate superior, to come to headquarters to undergo examination by the Civil Surgeon or the District Medical Officer.

673. The grant of a certificate under Rules 668, 670, 671, 672 or 674 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

674. (a) Every application for leave on medical certificate made by a non-gazetted Government servant in superior service shall be accompanied by a medical certificate given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.

(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Presidency or Civil Surgeon or District Medical Officer to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given. It should forward the original medical certificate produced by the applicant to the medical officer by whom he is to be re-examined.

Note 1.—Non-gazetted female Government servants in Greater Bombay may be examined for the purposes of clause (b) by the Medical Officer-in-charge, Cama and Alibless Hospitals, Bombay.

Note 2. [Deleted.]

(c) It will be the duty of the Presidency or Civil Surgeon or District Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

Note 1.—Certificates granted by registered medical practitioners should ordinarily be accepted by heads of offices, provided the certificates are in Bombay Civil Services Rules, Form 11 or 12 as laid down in Appendix XLV, unless for special reasons a second medical opinion is considered desirable. Certificates from unregistered medical men should not be accepted without countersignature.

Note 2.—It shall be the duty of every Government servant who consults a medical practitioner with a view to obtaining leave or an extension of leave on medical certificate to disclose to that practitioner the fact of his having consulted any other practitioner for the same purpose and the result of such consultation. Omission on the part of any Government servant to do this or any false statement made by him to a medical practitioner in this respect will entail serious departmental notice.

Note 3.—If a Government servant desires to prove for any official purposes that he has been under the professional treatment of any medical practitioner, he shall obtain from such practitioner an admission and discharge certificate, *vide* B. C. S. R., Form 12, showing the commencement and termination of treatment. The admission certificate should be forwarded immediately on admission.

Note 4.—Any medical certificate from a registered practitioner will be liable, if put in for official purpose, to be rejected unless the registered practitioner has lodged with the Registrar of the Medical Council or of the Board of Indian Systems of Medicines, Bombay, as specimen of the signature which he usually uses for such certificates.

675. No certificate should be submitted for countersignature without the cognisance of the head of the office in which the applicant is serving.

676. [Deleted.]

677. In support of an application for leave, or for an extension of leave, on medical certificate from a Government servant in class IV service the authority competent to grant the leave may accept such certificate as it may deem sufficient.

678. [Deleted.]

679. Before leave in India is sanctioned to a non-gazetted Government servant, the authority sanctioning the leave should either consult the leave account prescribed in Rule 731, or his service book, as the case may be, and satisfy himself that the leave is admissible, or obtain a certificate to that effect

from the officer entrusted with the attestation of the entries in the leave account or the service book. When the application is for leave out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Audit Officer before sanctioning the leave.

680. In the case of a Government servant on foreign service leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contribution has certified the amount of leave and the leave-salary admissible.

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

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

682. When a Medical Board in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty leave should not necessarily be refused to such Government servant. It may be granted, if due, by a competent authority on the following conditions :—

- (a) If the Medical Board is unable to say with certainty that the Government servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a Medical Board.
- (b) If the Medical Board declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him if he is on leave when examined by the Board, or, if he is not on leave, from the date of the Board's report.
- (c) A Government servant declared by a Board to be completely and permanently incapacitated may in special cases be granted leave, or an extension of leave, not exceeding six months, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's break down in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

Note 1.—For the purposes of this rule the term " Medical Board " or " Board " includes the other medical authorities specified in Rule 202 and the notes below it.

Note 2.—In the case of a Government servant who is granted leave under clause (a) of this rule and who subsequently returns to duty, the leave should be treated as leave on medical certificate for purposes of the proviso to Rule 736 (b) (ii).

683. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

683-A. Leave shall not be granted to a Government servant who is compulsorily retired from Government Service as a penalty.

684. If, in a case not covered by Rule 683, Government decides before a Government servant, whom it has the power to remove from service, departs from India on leave that he shall not be permitted to return to duty in India he must be informed to that effect before he leaves.

685. If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary; or if for any reason it is considered inexpedient that a Government servant on leave should return to India, the High Commissioner should be informed of the circumstances at least three months before the end of the Government servant's leave to enable him to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty.

686. When any Government servant is granted leave on medical certificate the authority granting the leave should specify the fact in its order to enable the Audit Officer to make the necessary entry in the leave-salary certificate.

687. The abolition of the post of a Government servant, absent on leave out of India, should be immediately communicated to the High Commissioner for India.

688. When leave on medical certificate has been granted to a Government servant, or in the case of military officer in civil employ where the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America, or the West Indies, a copy of the Medical Statement of the case will be forwarded by Government to the High Commissioner for India.

689. Every Government servant proceeding on leave out of India should procure from the Audit Officer and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India [see Appendix XLVI]. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

690. A Government servant taking leave out of India must, if so required by the Audit Officer, report his embarkation to that officer in _____
B. C. S. R. Form No. 6
F. R. Form No. 7
in Appendix XLV from the first port at which the vessel touches.

691. The following instructions should be observed in the cases of Government servants proceeding on leave out of India :—

(1) Gazetted officers about to proceed on leave out of India should apply to the Accountant-General for issue of a last pay certificate.

(ii) As soon as non-gazetted Government servant is granted leave out of India, the head of his office should furnish the Accountant-General with the information required for the preparation of leave-salary certificates.

(iii) All departments of the Secretariat should see that orders regarding the grant of leave are issued promptly.

692. Leave-salary is payable in India after the end of each calendar month.

693. A gazetted Government servant on leave in India may draw his leave-salary at any office of payment in India; but he cannot begin to draw it without producing a leave-salary certificate in B.C.S.R. Form No. 2-A/F.R. Form No. 2-B in Appendix XLV from the Audit Officer who audited his pay before he proceeded on leave. If, during leave, he desires to change the office at which he receives the payment of his leave-salary, he should obtain a new certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid.

694. If a gazetted Government servant signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well-known and trustworthy person. If he draws his leave-salary through an authorised agent, the agent, whether he has or has not the power-of-attorney, must either furnish a life certificate as aforesaid or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life certificate. It should be noted that the production of a life certificate is not required when leave-salary is drawn through agents who have executed a general bond of indemnity with Government for drawing the leave-salary, pension, etc., of their constituents. A list of the agents in the State of Bombay who have given such bonds of indemnity is given in Appendix XLVII.

Note 1.—A Government servant or any other individual cannot be constituted an "agent" for the purposes of this rule.

Note 2.—The proper stamp duty upon bonds executed under this rule is that chargeable upon indemnity bonds according to the First Schedule of the Indian Stamp Act II of 1899.

695. The provisions of Rules 693 and 694 apply also to gazetted Government servants who spend their leave out of India but reside in Asia and who have to draw their leave-salary in rupees in India under Rule 761.

Note.—A certificate of residence should be furnished to the Audit Officer by Government servants who draw their leave-salary at the rupee-rate.

696. The leave-salary of a non-gazetted Government servant on leave in India or on leave out of India when he desires to draw his leave-salary in India under Rule 761, can be paid only at the treasury where his pay is drawn and under the signature of the head of his office, who is responsible for any overcharge.

697. (a) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should obtain a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave—

B. C. S. R. Form No. 2

(1) in _____ in Appendix XLV if he intends to draw his leave-salary at the United Kingdom Treasury;

F. R. Form No. 2

B. C. S. R. Form No. 13

(2) in the shape of a leave-salary warrant in _____ in

G. I. S. R. Form No. A-1

Appendix XLV if he is proceeding to a Colony and intends to draw his leave-salary there.

(b) If during any period of leave on average pay a gazetted Government servant wishes, under the provisions of Rule 761, to draw his leave-salary in India a separate leave-salary certificate should be issued in respect of that period under the provisions of Rule 693.

Note 1.—When vacation is taken alone or combined with holidays and spent out of India or when vacation or/and holidays is/are prefixed or affixed to leave out of India and is/are actually spent out of India, the Government servant may, in the absence of any specific restriction laid down either in a statutory rule or by Government, be authorised to draw his pay or leave-salary or both for the whole period at the United Kingdom Treasury or in a Colony, but the exact amounts to be paid on account of each separate period must be stated in the certificate or warrant, as the case may be, issued by the Audit Officer.

Note 2.—All colonial warrants issued to dominions and colonies which do not account direct with India should bear an indication as to whether the claims for reimbursements should be submitted to the Union Government or the High Commissioner for India.

698. When a Government servant is granted leave out of India other than extraordinary leave, the Audit Officer who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in B.C.S.R. Form No. 3 with F.R. Form No. 4

enclosures in B. C. S. R. Form No. 4 in Appendix XLV requiring him to call at his office or give the necessary information.

Note.—If a Government servant sent to Europe as a lunatic is granted leave, a leave salary certificate will be prepared, if necessary, by the Audit Officer who audits his pay on the data available to him and forwarded to the High Commissioner for India at the earliest possible date.

699. If the Government servant calls at the Audit Office he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in Rule 697. In the case of Government servants proceeding to a Colony, the Colonial leave-salary warrant B.C.S.R. Form No. 13 in Appendix G. I. S. R. Form No. 1-A

XLV will be issued in triplicate. The original bearing the Government servant's signature will be forwarded by the Audit Officer to the Colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate will be made over to the Government servant concerned.

Note.—If the Government servant takes a certificate under clause (b) of Rule 697 he will not be paid up to the date of relief but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

700. If the Government servant is unable to call at the Audit Office, the Audit Officer will cause the leave-salary certificate to be sent to the address specified by the Government servant and the pay and allowances to be paid through the officer from whom the Government servant draws his pay and allowances.

Note.—Note under Rule 699 applies here also.

701. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half average pay out of India during which he does not propose to draw leave-salary or when a Government

servant is given a Colonial leave-salary warrant, he should be given a certificate of leave in _____ in Appendix XLV. This certificate should be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America, or the West Indies and applies for extension of leave or for permission to return to duty or for a last-pay certificate before returning to duty.

702. When a Government servant proceeding on leave to Europe is compelled to leave without a leave-salary certificate or a certificate of leave the requisite document will be forwarded to him and a duplicate copy sent to the High Commissioner at the earliest possible date.

703. A gazetted Government servant on return from leave out of India must report his return to Government at the Sachivalaya, when he arrives in Bombay.

704. A Government servant returning from leave is not entitled in the absence of specific orders to that effect to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders. He must, if necessary, also submit to such delay as may be unavoidable in the interest of the public service.

Note.—Controlling Officers should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at headquarters in due time to give over charge.

705. (a) Before returning to duty a Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer who audits his pay. Without such a certificate he cannot obtain payment of any arrears of leave-salary or pay due to him.

(b) If he was on leave in Europe he should surrender the last-pay certificate obtained from the High Commissioner to the Audit Officer who, on the authority of this document, will pay any arrears of leave-salary or pay due to him and will in exchange issue a fresh last-pay certificate addressed to the Treasury or office, at which after his return to duty the Government servant intends to draw his pay and allowances. A Government servant who has drawn his leave-salary on a warrant should surrender his copy of the warrant, which will serve as a last-pay certificate.

706. A Government servant taking leave in the British Isles must report his arrival there to the High Commissioner for India.

707. No Government servant can begin to draw leave-salary from the United Kingdom Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Comptroller and Auditor-General of India may prescribe.

708. Leave-salary is issued from the United Kingdom Treasury monthly in arrears on the first day of each calendar month.

709. Payment will be made, at the option of the Government servant drawing leave-salary, to any of the following persons :—

- (a) To the Government servant himself on his personal application.
- (b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Union Government or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

Note.—A supply of life certificate forms may be obtained from the High Commissioner.

- (c) To a person who presents a payment form, comprising a receipt and a life certificate, both duly completed by the Government servant.

Note.—If the Government servant intimates to the High Commissioner, the agency by which he desires to draw his pay, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

710. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in B. C. S. R., Form No. 13. in Appendix XLV has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned; the duplicate to the High Commissioner, and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original, and the Government servant of the triplicate, of the warrant.

711. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

712. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

713. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to Government and to the High Commissioner.

714. (a) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the United Kingdom Treasury, he can do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave-salary from the United Kingdom Treasury desires to transfer payment to a Colony, he must obtain

a warrant in B. C. S. R., Form No. 13 in Appendix XLV from the High Commissioner who will forward the original of the warrant to the Colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to Government.

715. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

716. An application for extension of leave by a Government servant on leave in Europe, North Africa, America, or the West Indies, must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that Government has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of Government which will be sought by telegraph at the applicant's expense.

Note.—The word "Government" occurring in this rule should be interpreted to mean the authority in India competent to sanction the extension of leave applied for.

717. If a Government servant on leave in any of the localities named in Rule 716 desires on medical grounds an extension for a longer period than fourteen days, he must satisfy the Medical Board at the High Commissioner's Office of the necessity for extension. In order to do so he must, as a general rule, appear at the High Commissioner's Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the British Isles and signed by foreigners must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

718. If a Government servant on leave in any of the localities named in Rule 716 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the High Commissioner's Office, by the procedure described in Rule 717, that he has recovered his health.

719. An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in Rule 716 must be made to the authority which granted the leave.

720. If an application made under Rule 719 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

"We hereby certify that we have carefully examined C. D. of
the who is suffering from and we declare upon our
honour that, according to the best of our judgment and belief, he is at present

unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on _____, shall be extended _____ months

by _____ weeks

Date _____

Place _____

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it is signed by foreigners, it must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

Note.—Goa being a foreign possession, the medical certificate granted therein, by medical practitioners not registered in India, require attestation of the Consular or other authority under Rule 720. If, however, the medical certificates are granted by medical practitioners originally registered in India, but subsequently domiciled in Goa, such attestation need not be insisted upon.

721. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in B.C.S.R., Form No. 14 in Appendix XLV. G.I.S.R., Form No. II

722. A Government servant who is required by or under Rule 640 to produce a medical certificate of fitness before returning to duty must obtain permission to return to duty before so returning.

723. If the Government servant desiring to return is on leave in any of the localities named in Rule 716, his application must be made to the High Commissioner and he must satisfy the Medical Board at the High Commissioner's Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in Rule 717. When the Medical Board has been satisfied the High Commissioner will grant permission to return.

724. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in Rule 716, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

725. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in B. C. S. R., Form No. 14 in Appendix XLV. G. I. S. R., Form No. II

726. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in B. C. S. R. Form No. 14 in Appendix XLV. A Government servant who has G. I. S. R. Form No. II

drawn his leave-salary on a warrant must, on return to India, deliver to the Audit Officer his copy of the warrant which will serve as a last-pay certificate.

SECTION III—SPECIAL AND ORDINARY LEAVE RULES

727. (1) Except as otherwise provided in these rules, all Government servants (whose conditions of service the Government of Bombay are competent to prescribe), other than those who have exercised the option given by Rule 613 of the second edition of the Bombay Civil Services Rules Manual, who are not hereinafter declared to be subject to the Special Leave Rules, shall be subject to the Ordinary Leave Rules.

(2) The following Government servants shall be subject to the Special Leave Rules, *viz* :—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the Special Leave Rules who, prior to such appointment, has, for the purpose of his appointment to any office under Government or of the conferment upon him by Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile ;

(b) Any Government servant having at the time of his appointment his domicile in Asia, who, prior to the 24th July 1923, had been admitted to the benefits of the European Services Leave Rules under the Civil Service Regulations, or who, between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations ; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European Services Leave Rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the Special Leave Rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rules is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

Note.—A Government servant who becomes eligible for the Special Leave Rules whilst on leave under the Ordinary Leave Rules may, from the date he becomes so eligible, change the balance of his leave to leave under the Special Leave Rules.

728. For the purpose of clause 2 of Rule 727 the domicile of a person shall be determined in accordance with the provisions set out in Appendix XLVIII :

Provided that a person, who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months, shall be deemed to have his domicile in Asia, unless in the case of a person, to whom the proviso in sub-rule 2 (a) of Rule 727 does not apply, it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia at that date.

729. No Government servant who, after his appointment to a service or post, acquires a new domicile, shall thereby lose his right to, or become entitled to admission to the benefits of the Special Leave Rules.

730. If any doubt arises as to the domicile of any Government servant at the time of his appointment, the decision of Government thereon shall be final.

SECTION IV—GRANT OF LEAVE

731. A leave account shall be maintained for each Government servant subject to the special and ordinary leave rules in terms of leave on average pay.

732. (a) In the leave account of a Government servant who entered Government service before 1st June 1929 and who, immediately prior to the date on which he becomes subject to these rules, was subject to the rules contained in the second edition of the Bombay Civil Services Rules Manual, there shall be credited the periods entered to his credit in the leave account maintained for him under those rules and in addition—

(i) if he be under the Special Leave Rules, $\frac{5}{22}$ nds of the period spent on duty from the date on which these rules come into force.

(ii) if he be under the Ordinary Leave Rules, $\frac{2}{11}$ ths of the period spent on duty from the date on which these rules come into force.

(b) In the leave account of a Government servant who entered Government service on or after 1st June 1929, and who before coming under these rules was subject to the leave rules in the second edition of the Bombay Civil Services Rules Manual, there shall be credited the periods entered to his credit in the leave account maintained for him under those rules and in addition—

(i) if he be under the Special Leave Rules, $\frac{5}{22}$ nds of the period spent on duty from the date on which these rules come into force;

(ii) if he be under the Ordinary Leave Rules, $\frac{3}{22}$ nds of the period spent on duty from the date on which these rules come into force.

(c) A Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as under the rules for the time being in force is permitted to count for pension :

Provided that in the case of a Government servant who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by $\frac{1}{11}$ th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

Note 1.—When a Government servant is placed on deputation in Europe or America while on leave out of India the deputation shall, unless he elects to consume leave during deputation under Rule 606 of Chapter XIII, be regarded as an interruption of the leave already granted.

Note 2.—For leave calculator showing the amount of leave earned under the Special and Ordinary Leave Rules, see Appendix XLIX.

733. The amount of leave debited against a Government servant's leave account maintained under these rules is—

(a) the actual period of leave on average pay excluding special disability leave on average pay under Rule 748 (7); and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or of special disability leave on average pay under Rule 748 (7) (b).

Note 1.—In cases covered by Rule 732 (c), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as follows:—

(i) No privilege leave taken by a Military Officer under the Army Leave Rules, before coming under Civil Rules, is to be debited under (a) above.

(ii) Furlough leave on medical certificate and special leave with allowances are to be debited under (b) above.

Note 2.—Leave on average pay taken under Rule 768 should not be debited against the leave account under clause (a) of this rule.

734. When a Government servant, who has previously been subject to the Ordinary Leave Rules, is admitted to the benefits of the Special Leave Rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 736 (a) (1) (i).

735. The amount of leave due to a Government servant subject to the Special or Ordinary Leave Rules is the balance of leave at his credit in the leave account.

736. Leave may be granted to a Government servant under the Special and Ordinary Leave Rules at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) The maximum amount of leave which may be granted expressed in terms of leave on average pay is—

(1) in the case of a Government servant who entered Government service before 1st June 1929—

the privilege leave which it was permissible to grant to him under the rules, to which he was previously subject on the date on which he became subject to the Fundamental Rules or to the leave rules contained in the second edition of the Bombay Civil Service Rules Manual, or to these rules, as the case may be, *plus* one-eleventh of the period spent on duty from the date of coming under the Fundamental Rules or the leave rules contained in the second edition of Bombay Civil Services Rules Manual, or these rules, as the case may be, *plus*—

(i) in the case of Government servants under the Special Leave Rules, three years, or

(ii) in the case of Government servants under the Ordinary Leave Rules, two and a half years;

(2) in the case of a Government servant, who entered Government service on or after 1st June 1929 and who became subject to the leave rules contained in the second edition of the Bombay Civil Services Rules Manual, or becomes subject to these rules, one-eleventh of the period spent on duty, *plus*—

(i) if he comes under the Special Leave Rules, three years; and

(ii) if he comes under the Ordinary Leave Rules, one and a half year:

Provided that special disability leave on half average pay or on average pay under Rule 748 (7) (a) or under the corresponding rule in the second edition of the Bombay Civil Services Rules Manual, or in the Fundamental Rules, shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 748 (7) (b) or under the corresponding rule in the second edition of the Bombay Civil Services Rules Manual, or in the Fundamental Rules, account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay, including any furlough on average salary taken under the rules previously in force but excluding special disability leave on average pay under Rule 748 (7) (a) or under the corresponding rule in the second edition of the Bombay Civil Services Rules Manual, or in the Fundamental Rules, which may be granted is—

(i) to a Government servant under the Special Leave Rules, eight months at one time, and in all,

(1) if he entered Government service prior to 1st June 1929—

the privilege leave which it was permissible to grant to him, under the rules applicable to him prior to that date, on the date on which he became subject to the Fundamental Rules or to the leave rules contained in the second edition of Bombay Civil Services Rules Manual, or to these rules, as the case may be, *plus* one-eleventh of the period spent on duty since he came under the Fundamental Rules or the leave rules contained in the second edition of Bombay Civil Services Rules Manual, or to these rules, as the case may be, *plus* one year—

(2) if he entered Government service on or after 1st June 1929—
one-eleventh of the period spent on duty, *plus* one year ;

(ii) to a Government servant under the Ordinary Leave Rules—

(1) if he entered Government service prior to 1st June 1929—four months at one time and in all the privilege leave which it was permissible to grant to him, under the rules applicable to him prior to that date, on the date on which he became subject to the Fundamental Rules or to the leave rules contained in the second edition of Bombay Civil Services Rules Manual, or to these rules, as the case may be, *plus* one-eleventh of the period spent on duty since he came under the Fundamental Rules or the leave rules contained in the second edition of Bombay Civil Services Rules Manual, or these rules, as the case may be ;

(2) if he entered Government service, on or after 1st June 1929—
four months at one time and in all one-eleventh of the period spent on duty :

Provided—

(a) that, in the case of a Government servant coming under the Ordinary Leave Rules who was already in Government service when he became subject to the leave rules contained in the second edition of Bombay Civil Services Rules Manual, and either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden, the maxima prescribed in sub-clause (i) of this clause shall apply :

Provided further,—

(b) that in the case of a Government servant coming under the Ordinary Leave Rules who on entry into Government service became subject to the leave rules contained in the second edition of the Bombay Civil Services Rules Manual, or to these rules and takes leave on medical certificate other than leave preparatory to retirement or elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden, the maximum amount of leave on average pay admissible at the time and in all shall be respectively eight months and one-eleventh of the period spent on duty *plus* six months.

Note 1.—In the case of a Government servant who was entitled, under orders previously in force to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased on the first occasion, when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeded four months provided that this concession was not already availed of before coming under these rules.

Note 2.—If under the operation of the provisos to clause (b) of this rule the maximum amount of leave on average pay admissible at a time is increased, further leaves on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden—but such leave on average pay which may be taken on medical certificate or outside India, Pakistan, Ceylon, Nepal, Burma or Aden, up to a maximum of 12 months or 6 months, as the case may be, in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

N. B.—The term "maximum amount of leave on average pay admissible at a time" refers to the amount of leave at the credit of a Government servant in column 6 of his leave account or four months, whichever is less. In the case of a Government servant of a vacation department subject to the ordinary leave rules the term "maximum amount of leave on average pay admissible at all time" will be either the amount of leave at his credit in column 6 of the leave account *plus* the period of vacation or four months, whichever is less.

Note 3.—(1) In addition to leave on average pay for four months under Rule 748 (7) (a) which is not debitable to the leave account, the maximum amount of leave on average pay that can be taken, whether under Rule 748 (7) (b) or under Rule 736 (b) or both, can be only eight months. This follows from a consideration of the wording in Rule 748 (b) under which a Government servant is allowed to draw leave salary equal to average pay for a period not exceeding the period which would otherwise be admissible to him as leave on average pay. Under Rule 736 (b) this period is limited to eight months under clause (i) or four months under clause (ii) which may be extended by another four months in certain circumstances [*vide* provisos to clause (ii)]. In case leave on average pay for eight months if due under Rule 736 (b) is all taken under Rule 748 (7) (b), no further leave on average pay can be taken under the provisions of the former Rule. The total leave on average pay that can be granted to a Government servant, therefore, is only twelve months, *viz.*, four months under Rule 748 (7) (a) and eight months under Rule 748 (7) (b) or under Rule 736 (b) or both.

(2) Under Rule 748 (4) special disability leave can be combined with leave of any other kind. There is no objection to the interpolation of ordinary leave between periods of special disability leave provided that the limits laid down in Rule 736 (b) are not exceeded in respect of leave on average pay other than special disability leave taken under Rule 748 (7) (a).

Note 4.—Leave on average pay to the extent admissible under Rule 736 (b) may be granted in continuation of maternity leave if the condition laid down in Rule 773, *viz.*, that the request for the grant of the leave should be supported by a medical certificate, is fulfilled.

Note 5.—When a Government servant who is subject to the ordinary leave rules is granted leave on average pay on medical certificate under proviso (a) or (b) to sub-clause (ii) of clause (b) of this rule, an undertaking in writing should be taken from him to the effect that he will refund (by deduction from his pension, if necessary) the difference, if any, between average pay and half average pay for the period of leave on average pay granted in excess of the period admissible otherwise than on medical certificate, if he retires from Government service at the end of the leave or an extension of it. This undertaking should be included in the application for leave.

Instruction.—The question whether the Government servant concerned should be called upon to refund the amount drawn in excess as leave salary should be decided by the authority sanctioning the leave on the merits of the case, i.e., if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon a Government servant by reason of ill health incapacitating him for further service, the recovery of the leave salary overdrawn may be foregone. In all such cases the leave already granted on medical certificate should be commuted into leave admissible otherwise than on medical certificate.

(c) Save in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions :—

(i) on medical certificate, without limit of amount ; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

Note 1.—In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

Note 2.—(i) Leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty and earn it.

(ii) Except as provided in Note 1 above, the leave when granted should in all cases (subject to Government servant's wishes) be allowed to stand, including cases in which the Government servant fails to earn it by subsequent duty.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Note 1.—(i) In the case of a Government servant who has exercised the option of remaining under the Pension Rules in the Civil Service Regulations any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay in excess of four months, or any longer period, to which Government servants may be entitled under the operations of Note 1 under clause (b) of this rule, shall count as privilege leave whether in the calculation of pensions, proportionate pensions, or additional pensions.

(ii) Any other period of leave during which leave salary is drawn shall count as leave with allowance.

(iii) Leave on average pay alternating with deputation out of India should not be split up into different periods but treated as one continuous spell of leave and not more than four months in all should count for pension in the case of Government servant remaining subject to the pension rules contained in the Civil Service Regulations.

Note 2.—In the case of a Government servant on leave on 1st January 1922, who has exercised the option of remaining subject to the Pension Rules contained in the Civil Service Regulations and who in the exercise of the option given in paragraph 5 of Government of India, Finance Department letter No. 1079-C. S. R., dated 26th October 1921, cancelled the unexpired portion of his leave and took the balance of leave under the Fundamental Rules, the period of leave which shall count as privilege leave in the calculation of pensions, proportionate pensions or additional pensions shall be that which is credited as privilege leave in the leave account made up to 1st January 1922.

Note 3.—If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay, either on the production of medical certificate or on a Government servant proceeding out of India, Pakistan, Ceylon, Nepal, Burma or Aden, the period of leave on average pay that may then be granted should be limited to the period actually covered by the medical certificate or spent elsewhere than in India, Pakistan, Ceylon, Nepal, Burma or Aden. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for the purposes of pension in the case of a Government servant remaining subject to the pension rules contained in the Civil Service Regulations.

Note 4.—The limit of 28 months of continuous absence prescribed in clause (d) of this rule includes the period of vacation, if any, with which leave is combined.

Note 5.—The expression "continuous absence from duty on leave" occurring in clause (d) of this rule does not include absence on extraordinary leave.

Note 6.—When a Government servant belonging to a vacation department is allowed to affix vacation to leave taken under the ordinary rules the period of leave on average pay plus vacation which may be taken at any one time is limited to four months. If, however, the period of leave on average pay and the vacation are covered by a medical certificate or spent outside India Pakistan, Ceylon, Nepal, Burma or Aden leave on average pay may be taken in combination with vacation up to a total period of eight months.

Note 7.—The period spent by a Government servant on training in the Indian Army Reserve of Officers while he is on leave should be regarded as an interruption of leave already granted. The leave of such an officer may be extended by the period of training but the period of training should not entitle him to a fresh grant of leave.

737. A vacation department is, subject to the exceptions and to the extent stated in Rule 738, a department or part of a department to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

738. The following classes of Government servants serve in vacation departments when the conditions of Rule 737 are fulfilled:—

(a) Officers and Class IV Government servants of the Educational Department including the staff in schools and colleges, both arts and professional, except Administrative and inspecting officers and their establishments and the educational staff of the Habitual Offenders Settlement schools.

Note 1.—All clerks serving in Government educational institutions, Secretary of the School of Architecture and the hamals and ramoshis attached to the Sir. J. J. School of Art, Bombay, should be considered as belonging to a non-vacation department. They will thus have to attend duty regularly and will not be eligible for the privilege of prefixing and affixing vacations to leave.

Note 2.—The whole staff of the Agricultural College, Poona (including clerks and peons), should be considered as belonging to a non-vacation department.

Note 3.—The post of the Registrar at the Government Law College, Bombay, should be treated as belonging to a non-vacation department.

Note 4.—The agricultural teacher-supervisors and the field assistants in the Government agricultural high schools should be treated as belonging to a non-vacation department.

Note 5.—The class IV posts of farm servants and agricultural farm watchmen in Government agricultural high schools and primary training colleges should be treated as belonging to a non-vacation department.

Note 6.—The posts of Librarians in Government Colleges should be treated as belonging to a non-vacation department.

Note 7.—The Superintendents and staff of the Agricultural Schools under the Agricultural and Forest Department should be considered as belonging to a non-vacation department.

(b) Full-time teaching staff working at Government Medical Colleges [except (i) officer holding the post of Principal of the College, (ii) Professor of Pathology, (iii) Lecturer in Pathology, (iv) Lecturer in Bacteriology, (v) most senior junior Lecturer in Pathology and (vi) most senior junior lecturer in Bacteriology at B. J. Medical Colleges at Poona and Ahmedabad]; full-time teaching staff of the Medical College, Baroda [except (i) Professor of Pathology, (ii) Lecturer in Pathology, (iii) Lecturer in Bacteriology,

(iv) most senior junior Lecturer in Pathology and (v) most senior junior Lecturer in Bacteriology], and full-time teaching staff of the Grant Medical College, Bombay [except (i) Professor of Pathology, Grant Medical College and Pathologist, J. J. Group of Hospitals, Bombay, (ii) Lecturer in Pathology, (iii) Lecturer in Bacteriology and (iv) one junior Lecturer in Pathology].

Note.—The following full-time teaching staff appointed at Sir C. E. M. Dental College and Hospital, Bombay, on or after 6th November 1950, should be treated as belonging to the non-vacation department :—

- (1) Professor of Dentistry and Dental Surgeon ;
- (2) Lecturer in Dentistry ;
- (3) Full-time Demonstrator in Dentistry.

The staff appointed before 6th November 1950 will be governed by the provisions of Rule 745 of the Bombay Civil Services Rules.

(c) All judicial officers subject to sections I to V of this Chapter and their office establishments including class IV Government servants *except* District and Sessions Judges, Assistant Judges holding appellate powers, Joint and Additional Sessions Judges and Principal Judge of the City Civil and Sessions Court, Bombay.

Note 1.—The Judges and staff of the Labour courts should be treated as belonging to a non-vacation department.

Note 2.—The posts of adjudicators (Industrial Tribunals) should be treated as belonging to a non-vacation department.

Note 3.—The Civil Judge-cum-Magistrates and all the Judicial Magistrates, First Class, except those on loan from Revenue Department, should be treated as belonging to the vacation department with effect from 1st July 1953.

Note 4.—The posts of Chief Presidency Magistrate, Additional Chief Presidency Magistrate and Presidency Magistrates should be treated as belonging to a non-vacation department.

(d) Those members of the staff attached to the Police Training School at Nasik who are allowed regular vacations.

Note.—The Assistant Superintendents of Police, Deputy Superintendents of Police and Language Master at Police Training School, Nasik, do not serve in a vacation department. But the Inspectors and Sub-Inspectors undergoing training at the School serve in a vacation department.

(e) [Deleted].

(f) The technical staff (i.e., the staff other than clerks and Class IV servants), of the following institutions :—

- (1) Government Tanning Institute, Bandra.
- (2) Government Leather Working School, Bandra.
- (3) School of Industry, Ratnagiri.

(g) The Lecturer in Physics, Chemistry and Biology and the Lecturer in Anatomy and Physiology at the Rambilas Anandilal Podar Medical College (Ayurvedic), Bombay, should be treated as belonging to a vacation department. The Lecturer in Rasa Shastra and Nighantoo and the Lecturer in Pathology and Bacteriology and Common Diseases in Allopathic Medicine at the said college should be treated as belonging to a non-vacation department.

(h) The Principal, Assistant Professors and Lecturers on the teaching staff of the Bombay Veterinary College.

Note.—All other posts at the Bombay Veterinary College, *viz.*, Professor of Bacteriology, Professor of Parasitology in the Bombay Veterinary Services, Class I, Hospital Surgeon, clerks, compounder, laboratory assistants and boys and all Class IV servants should be treated as belonging to non-vacation department.

(i) The technical staff (including the store-keeper at the King Edward VII Technical School, Dhulia) of the following institutions with effect from the dates mentioned against them :—

No.	Name of the Institution	Date of treating as belonging to vacation department
(1)	School of Industry, Satara	15th June 1946.
(2)	King Edward VII Technical School, Dhulia	16th June 1947.
(3)	Municipal Technical School, Sholapur.. .. .	1st June 1947.

Note.—The clerks and Class IV servants of the institutions mentioned above should be treated as belonging to a non-vacation department.

(j) The staff attached to Government fisheries schools (except Class IV staff).

(k) The Principal and all other teaching posts in the Institute for Labour Welfare Workers, Bombay.

739. A Government servant holding two appointments, of which one is in a vacation department and one is not, will not be deemed to serve in a vacation department.

740. [Cancelled].

741. A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required by the general or special order of the head of the department to remain on duty at headquarters during such vacation or portion of a vacation, provided that, if he has been compelled by such order to remain on duty at headquarters for not less than two-thirds of the vacation, he shall be considered to have availed himself of no portion of the vacation.

742. A Government servant serving in a vacation department, who leaves his place of duty during vacation, is liable to be recalled thereto at his own expense, except when such Government servant had been granted leave with permission to prefix or affix vacation to his leave.

743. It is the duty of the Government servant concerned to furnish a certificate to the Audit Officer, along with a copy of the order of the head of his department, that he has not availed himself of a vacation or portion thereof unless he comes under one or other of the general classes specified below.

Note.—The following Government servants are required by general order of Government to perform duties throughout the vacations, *viz.* :—

(i) Judicial Officers under training ;

(ii) Head clerk, Sheristedar, or Nazir of a District Court.

744. In the case of a Government servant who is precluded from enjoying a part of the vacation by reason of his transfer, the time *actually* spent in travelling from one station to another and not the full joining time admissible under the rules should be added to the period by which he has been prevented from enjoying a vacation by reason of his transfer.

745. When a Government servant is transferred from a vacation department to a non-vacation department, his period of service in the former will for the purpose of Rule 747 (a), be considered to have terminated with effect from the close of the last vacation enjoyed by him. When a Government servant is transferred from a non-vacation department to a vacation department his period of service in the latter will be held to have commenced from the date of his joining the vacation department.

Note.—In the case of a Government servant transferred to a non-vacation department during the period of vacation the words "last vacation enjoyed by him" occurring in the first sentence of this rule should be interpreted as referring to the last vacation fully or partly enjoyed by him.

746. A Government servant serving in a department to which regular vacations are allowed, who holds only an acting appointment is not entitled to any pay for the period of vacation, if he resigns the appointment without any previous intimation from the day his office reopens for business after the vacation. Similarly, a Government servant serving in a department to which regular vacations are allowed, who joins his appointments from extraordinary leave only a day or two previous to the beginning of the vacation, is not entitled to pay for the period of vacation if he goes again on extraordinary leave without returning to duty on the re-opening of his office after vacation. A teacher in a Government secondary school or an assistant lecturer in a Government college officiating in, or holding a temporary post created against a post substantively vacant may be granted pay for the period of a vacation provided his services are dispensed with just before the commencement of the vacation and he has already put in service, of not less than eight months during the academic year concerned.

747. (a) Vacation counts as duty, but in the case of Government servants subject to the special and ordinary leave rules the periods of total leave in Rules 732, 736 (a) and 736 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(b) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 732 and 736 (a), as reduced by clause (a) of this rule, may be increased by one month for every two years of duty in a vacation department.

(c) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Note 1.—The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation, as required to be made under clause (a) of this rule, is intended to be made in respect of leave earned and vacation taken from 1st January 1922.

Thus, in the case of Government servants of vacation departments in the service of Government when these rules come into force, the leave credited to their leave account under Rule 732 will be—

(i) privilege leave at their credit on 1st January 1922 (i.e., privilege leave earned under Article 272 or 275, Civil Service Regulations); plus

(ii) 1/8th (or 1/12th) of the period spent on duty or vacation (or privilege leave) up to 31st December 1921; plus

(iii) 5/22nds (or 2/11ths) of the period spent on duty or vacation from 1st January 1922.

From this a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922. Similarly, the total leave admissible under Rules 736 (a) and 736 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922.

Note 2.—The amount credited to the leave account under clause (b) above, as well as that added to the maximum under Rule 736 (a) should be the actual amount of additional leave taken under this rule and not the total amount theoretically permissible, viz., one month for every two years of duty.

Explanation.—For the purpose of Note 2 to Rule 736, a Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion.

Note 3.—As under clause (c) above, a Government servant of a vacation department can combine vacation with leave on average pay subject only to the condition that the vacation so combined should be treated as leave for the purpose of determining the maximum period of leave on average pay which can be had in one spell, the limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column 6 of the leave account plus the period of vacation or 4 months, whichever is less.

Note 4.—The term “each year of duty” should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty in a vacation department. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further complication, he has not enjoyed the whole of the vacation, which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the period of the two vacation should be regarded as combined into one.

In the case of a Government servant, who, at the time of going on leave, has not completed a full year of duty and has not for that reason enjoyed any portion of a vacation but who enjoys the next vacation in continuation of the leave, a deduction of 1/12th may be made for the period for which 1/11th is credited. If subsequently it is found that the vacation has been enjoyed, the deduction already made can be suitably corrected.

Note 5.—In the case of a Government servant in a vacation department who has worked in “n” institutions in one year of duty, the period to be deducted from the leave account under clause (a) of this rule is a fraction of a month

$$\text{equal to } \frac{P_1 + P_2 \dots + P_n}{V_1 + V_2 \dots + V_n} \text{ where}$$

V_1, V_2, \dots, V_n are the periods of vacation falling within the periods of duty (including vacation) performed in the 1st, 2nd, ..., the institutions, respectively, and

P_1, P_2, \dots, P_n are the parts of V_1, V_2, \dots, V_n , respectively, enjoyed by the officer.

[$V_1, P_2, V_2, P_2, \dots, V_n, P_n$ are to be expressed in the same unit, i.e., a day or a month.]

For the period of duty which is not a complete year, the period to be deducted from the leave

$$\text{account is a fraction of a month equal } \frac{D}{12} \frac{P_1 + P_2 \dots + P_n}{V_1 + V_2 \dots + V_n} \text{ where}$$

D is the period of duty expressed in terms of a month.

The Government servant will be considered to have availed himself of no portion of the vacation under Rule 741, if $P_1 + P_2 + \dots + P_n$ is not greater than $\frac{1}{2}(V_1 + V_2 + \dots + V_n)$.

Note 6.—A Government servant may be granted the additional leave which is credited under clause (b) of this rule even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Rule 736 (e).

Note 7.—The credit of one month allowed under clause (b) of this rule is for every completed two years of duty and no fractional credit for a period of less than two years is permissible.

Note 8.—When a Civil Judge or Civil Judge-cum-Magistrate or Judicial Magistrate is transferred during vacation from one court to another in which the vacation begins on a different date, he should be given credit in his leave account for a proportion of a month equal to the proportion to which the number of days by which the vacation actually enjoyed falls short of 42 days bears to 42 days. No credit should be given if the number of days actually enjoyed is 42 or more even though the Civil Judge or the Civil Judge-cum-Magistrate or the Judicial Magistrate may have been prevented from enjoying a part of the vacation.

748. (1) Subject to the conditions, hereinafter specified, Government may grant special disability leave to a Government servant 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 manifested 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 Government may, if satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended, except on the certificate of a medical board, and shall in no case exceed 24 months.

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

(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 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 733 (b), be debited against the leave account.

(7) Leave salary during such leave shall be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay :

Provided that the maxima specified in the table in Rule 759 shall, notwithstanding anything contained in that rule, apply to the whole period of such leave and the minima specified in the table in Rule 760 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions laid down in that rule and in the note thereunder.

(8) In the case of a person, to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4 (I) (d) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force : but, in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Note 1.—See Note 3 below Rule 736 (b).

Note 2.—[Deleted.]

749. Government may extend the application of the provisions of Rule 748 to a Government servant 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 further conditions—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty ; and

(ii) 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 or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave ; and

(iii) that the period of absence recommended by the medical board may be covered in part by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

Note.—Special disability leave will be admissible under this rule only where illness or injury is sustained as a result of a risk which is beyond the ordinary risk attaching to the civil post which a Government servant holds.

750. (1) A Government servant, who has been granted special disability leave under Rule 748 and whose domicile is elsewhere than in Asia, may be granted by Government free passage by sea for himself, his wife and children, to the British Isles, or to any port in Europe or in a British Colony, Dominion, or Possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case a return passage shall not be granted save with the special sanction of Government. Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the British Isles.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as Government in each case may determine.

(3) Government may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 749 and whose domicile is elsewhere than in Asia, provided that it may at its discretion grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule—

(i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause (2) (a) of Rule 727 and of Rules 728, 729 and 730.

(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant who, if a female, is unmarried, or, if a male, is under the age of 16.

751. Leave may be granted to Government servants on such terms as may be prescribed by general or special orders of Government to enable them for undertaking higher studies or specialised training in professional and technical subjects having a direct and close connection with their sphere of duties. Such leave is not debited against the leave account, and will count as duty in calculating service for pension.

Note.—For the general orders regulating the grant of leave to Government servant for undertaking higher studies or specialised training in professional and technical subjects having a direct and close connection with their sphere of duties, see Appendix I.

751-A. [*Deleted.*]

752. (a) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

Note 1.—"Leave not due" applied for by a Government servant with or without medical certificate is "leave admissible under rule" and in cases where "leave not due" can be granted, the grant of extraordinary leave under this rule will be irregular unless the latter kind of leave is specifically applied for in writing.

Note 2.—The power of commuting retrospectively periods of absence without leave into extraordinary leave under clause (b) of this rule is absolute and not subject to the conditions mentioned in clause (a) of this rule. In other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

Note 3.—During the period of extraordinary leave, a Government servant whose pension has been held in abeyance will be allowed to draw only an amount equivalent to the pension which was held in abeyance. Where the pension is drawn separately it will continue to be so drawn during the period of extraordinary leave also.

753. (a) Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted,

in either case the ground for refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

Instruction.—In order to attract the provisions of this rule Government servants who desire to proceed on leave preparatory to retirement should apply for the same at least one month before the date from which the leave is to commence.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows:—

(i) the balance after deducting the amounts of leave, if any, taken during the period of extension from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement *plus*

(ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension—

(1) formally applied for and been refused, or

(2) ascertained in writing from the sanctioning authority, would not be granted if applied for,

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

Note 1.—See Note 2 below Rule 9 (41) (1).

Note 2.—A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of this rule and a debit balance, if any, on the date he attained that age should be considered as wiped off.

Note 3.—A deduction under Rule 747 (a) on account of vacation enjoyed should also be made in the case of officers whose leave is regulated under clause (b) of this rule.

Note 4.—The period of six months mentioned in this rule includes any period of vacation with which leave is combined.

Explanation.—A Government servant does not discharge his duties during vacation for the purpose of this rule.

Note 5.—The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which with the exception only of the net amount of leave refused, lapses under clause (a) of B. C. S. R. 753 on the date of compulsory retirement. The grant of any leave between the date from which the refusal of leave took effect and the date of superannuation should, therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (a) after superannuation in such a case is, therefore, the amount of leave originally refused *minus* the amount of the "post-refusal" leave enjoyed; and this difference is subject to a maximum of 6 months. This principle applies equally to leave available under clause (b), including that earned in respect of duty during a period of refused leave.

Note 6.—This rule simply limits the amount of leave that may be granted to Government servants who have reached or about to reach the date on which they are required to retire. The kind of leave and the leave salary are determined not by this rule but by the general rules in the Bombay Civil Services Rules, *viz.*, Rules 736 and 757.

Note 7.—For the purposes of this rule, compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave unenjoyed.

Note 8.—While the amount of the leave refused under Bombay Civil Services Rule 753 (a) is fixed, the quality of that leave (i.e., on average or half average pay), whether it is taken before or after the date of compulsory retirement or after the date of final cessation of duties, may be varied within the normal leave rules to the advantage of the Government servant concerned in accordance with the leave *earned* and standing to his credit on the date on which he proceeds on leave prior to the date of compulsory retirement whenever he takes a portion of his refused leave before that date and ultimately on the date of his compulsory retirement, and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under Bombay Civil Services Rule 753 (a) original or so modified, may, if the Government servant so desires, be converted within the quantum admissible into a portion on average and the balance on half average pay. No such conversion however, is admissible in respect of the leave on average pay (not in terms of average pay) earned under clause (b) of this Rule.

Note 9.—The benefit of Rule 753 is admissible only in respect of leave preparatory to retirement refused in the interest of public service.

Note 10.—See Note 5 below Bombay Civil Services Rule 638.

Note 11.—If a Government servant on foreign service applies for leave preparatory to retirement, the foreign employer is not the competent authority to sanction or refuse the leave.

Note 12.—The authority competent to sanction leave under Rule 623 or 625 is also competent to sanction leave admissible under this Rule after the date of compulsory retirement.

754. [Cancelled.]

755. [Cancelled.]

756. [Cancelled.]

SECTION V—LEAVE SALARY

757. Subject to the provisions of Rules 736, 758, 759, 760 and 761, a Government servant on leave shall, during leave, draw leave salary as follows:—

(a) if the leave is due, leave salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and

(b) if the leave is not due, leave salary equal to half average pay:

Provided that when a non-gazetted Government servant takes leave, and

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay, for the purposes of this rule, may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay is greater than his average pay calculated under Rule 9 (6). But if this pay is less than his average pay then he should be allowed to draw the latter.

Note 1.—If a Government servant goes on leave directly from an officiating appointment his status and pay for the purpose of the above rule should be determined with reference to the officiating appointment.

Note 2.—The election given by this rule is the election between the three different forms of leave salary mentioned therein: the rule is not intended to give any choice as to the period during which the average pay or half average pay can be drawn if the Government servant elects the third form. In that case, leave on average pay should be taken first and should be succeeded by the period of half average pay. A Government servant should not be permitted to manipulate arrangements of leave to his own advantage.

Note 3.—The words “as he may elect” in this rule imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. Government may commute if retrospectively into leave of a different kind, but a Government servant does not possess any right to insist that it should be so commuted.

Note 4.—During re-employment after retirement from pensionable service, a Government servant's pension is either held in abeyance or is allowed to be drawn separately, a suitable reduction being made in the re-employed pay wherever necessary. A Government servant whose pension is drawn separately during re-employment and who proceeds on earned leave or half pay leave or commuted leave, will be entitled to leave salary based on the net re-employed pay (i.e., exclusive of the pension and/or pension equivalent of gratuity) and will continue to draw the pension separately in addition. A Government servant whose pension has been held in abeyance will draw the leave salary based on the net re-employed pay (i.e., pay *minus* the amount of the uncommuted pension and/or pension equivalent of gratuity) and in addition an amount equivalent to the pension which was held in abeyance. In either case the leave salary (exclusive of the pension or the amount equivalent to pension which was held in abeyance, and/or pension equivalent of gratuity) admissible during half pay leave or commuted leave will be subject to the monthly maxima of Rs. 750 and Rs. 1,500, respectively.

The leave salary in respect of earned leave, half pay leave and commuted leave of Government servants, who were governed by the Contributory Provident Fund System prior to retirement, will be based on their net re-employed pay. They will not draw any leave salary during the period of extraordinary leave.

758. After continuous absence from duty on leave for a period of 28 months a Government servant will draw leave salary equal to quarter average pay, subject to the maxima and minima prescribed in Rules 759 and 760.

Note.—The expression “Continuous absence from duty on leave” in this rule does not include absence on extraordinary leave but includes vacation, if any, with which the leave is combined.

759. Except during the first four months of any period of leave on average pay, leave salary is subject to the monthly maxima shown in the following table:—

	Average		Half average		Quarter average	
	Outside Asia	In Asia	Outside Asia	In Asia	Outside Asia	In Asia
	£	Rs.	£	Rs.	£	Rs.
Government servants subject to the Special Leave Rules.	200	2,000	100	1,000	60	600
Government servants subject to the Ordinary Leave Rules.	150	1,500	75	750	60	600

Note 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

Note 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation; provided that, in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department, Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

This note is not meant to give any additional advantage but is intended to be a restrictive exception to the main rule. A Government servant is not entitled to the concession mentioned in this Note in addition to the concession granted in the main rule itself but only to the drawing of full average pay for a period equivalent to one month for each year since the last leave taken during which vacation has not been enjoyed.

For the purpose of this Note, when vacation is combined with leave, the first four months of leave on average pay which is exempt from the application of the maximum of average pay should be calculated after taking into account the full period of the vacation so combined even when the vacation does not fall within the first four months of any period of combined leave and vacation. In other words, the concession of drawing full average pay during leave combined with vacation should be restricted to such period of leave on average pay earned by detention on duty during vacation since last return from leave as is equal to the residual period, if any, which remains after deducting the period of vacation from the period of four months. If, however, the Government servant so elects, he may, in the alternative, be allowed to have the full amount of leave on average pay at his credit earned by detention on duty during vacation since his last return from leave, subject to the limit of four months, and to combine with it as much of vacation (on full pay) as would make up the total of four months, the rest of the vacation being sanctioned as leave on average pay or half average pay, as the case may be.

Note 3. [Deleted.]

760. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table :—

	Half average		Quarter average	
	Outside Asia	In Asia	Outside Asia	In Asia
	£	Rs.	£	Rs.
Government servants subject to the Special Leave Rules.	33	333	16½	166
Government servants subject to the Ordinary Leave Rules.	25	250	12½	125

Note 1.—The minima specified above apply only when leave is taken or extended out of India elsewhere than in Pakistan, Ceylon, Nepal, Burma or Aden.

Note 2.—The words "average pay" used in this rule should be interpreted in terms of Rule 9(6) and not to be taken as the pay which the non-gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay.

761. (1) The portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling; and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave-salary the payment shall be made by the High Commissioner for India in London.

(2) Subject to the provisions of sub-rule (1), leave-salary shall be drawn in rupees in India but leave-salary in respect of leave spent out of Asia may, at the option of the Government servant, be drawn in sterling:

Provided that—

(a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave-salary due in respect of an initial period of such leave spent in Asia may, if the Government servant proceeded out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling.

(b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.

(c) In the case of an attachment order having been issued by a Court in India in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave-salary which is attached shall be remitted to the Court in rupees by the accounts authority in India. The balance of such leave-salary, if payable in sterling, may then be drawn after reducing the maximum and minimum rates of leave-salary prescribed in Rules 759 and 760 by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed under sub-rule (5) of this Rule.

Note.—For the purposes of this Rule Cyprus shall be regarded as outside Asia.

(3) [Deleted.]

(4) Leave-salary drawn in sterling shall be drawn in London, or, at the Government servant's option, in any British Dominion or Colony which the Union Government may by order prescribe for the purpose, provided that the Government servant spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary. But, if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, Government may authorise the undrawn amount to be paid in India at such rate of exchange as the Union Government may by order prescribe.

Notes.—Payment of leave-salary in a Colony shall be subject to such restrictions in the matter of Foreign Exchange as the Union Government may from time to time impose.

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Union Government may have by order prescribed in the case of leave-salary of Government servants of All-India Services. The Union Government has prescribed that the rate at which leave-salary of Government servants of All-India Services shall be converted shall, until further orders, be 1s. 6d. to the rupee.

(6) Any leave-salary drawn outside India is subject to deduction of Indian income-tax and super-tax at the rate which would have been applicable if that leave-salary had been drawn in India.

Note 1.—The intention is that vacation should be treated as equivalent of leave on average pay for the purpose of proviso (a) in clause (2) of this rule.

Note 2.—Under proviso (b) in clause (2) of this rule read with Rule 764 a Government servant who spends not more than one month of his leave in Asia, prior to embarkation to spend the balance elsewhere, is entitled to draw salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in Rule 760.

Note 3.—For the purposes of the application of this rule, the period of voyage to or from India is treated as leave out of Asia during which leave-salary is payable in sterling. These orders apply to all direct (i.e., unbroken) voyages between India and a port outside Asia irrespective of the route followed and the time spent in Asia on the voyage, including stoppages incidental thereto (e.g., for the purpose of transshipment). Leave-salary does not, however, become payable in sterling when the voyage is broken in Asia at the volition of the Government servant or when he spends a portion of his leave in Asia before proceeding to another continent or resuming his duties in India.

Illustration.—Mr. E., Lecturer in a College, prefixed vacation from the 16th December 1934 to 28th February 1935 to leave on average pay ex-India from the 1st March 1935 to 31st May 1935. He sailed from Bombay on the 22nd December 1934. A question arose whether payment of the vacation pay for the period from the 16th December 1934 to 21st December 1934 actually spent in India could have been made in sterling in London or in a Colony.

According to Note 1 above, vacation is treated as leave on average pay for the purposes of proviso (a) in clause (2) of Rule 761. As the rule stands, therefore, since the officer went out of India within four months from the commencement of the vacation he can exercise the option of drawing his pay for vacation in sterling for the period spent in India. Note 1 to Rule 697 which states that when vacation is combined or not combined with leave and *actually spent out of India*, the Government servant may be authorised to draw his pay for vacation at the United Kingdom Treasury or in a Colony, is not, therefore, applicable to the case under reference in which the vacation is *spent in India*.

Note 4.—When a Government servant is placed on deputation in interruption of leave out of India, the leave before and after the deputation should be treated as "initial period", for the purpose of proviso (a) to clause (2) of this rule and the Government servant should be allowed to draw, if he so desires, leave-salary in India for the portion of leave immediately following the deputation. As deputation is duty for all purposes, it should not be taken into account in calculating the maximum period of four months prescribed in this rule.

Note 5.—For the purpose of clause (4) of this rule it has been decided that if leave-salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn through the late arrival of a steamer, it may be held to be non-drawn through no fault of the Government servant concerned and the drawal in India permitted, in such cases as a matter of course.

Note 6.—Government servants will be able to draw their leave-salary through Government channels in respect of leave spent abroad or to remit their leave-salary from India through ordinary banking channels in accordance with the following conditions :—

(i) Leave-salary may be drawn in sterling in the United Kingdom through the High Commissioner for India, London, on presentation of necessary leave-salary certificate provided the leave is spent in a country outside Asia. The Government servant may, however, at his option, draw the leave-salary in dominions or colonies specified in Rule 763, provided he spends his leave there. Payment in such cases would be made by the Paying Officers indicated in the rule referred to above on the authority of the leave-salary warrant to be issued by the Accountant-General concerned.

(ii) As regards other countries, there are no arrangements whereby leave-salary can be drawn in those countries and the Government servant must make his own arrangements to draw his leave-salary in rupees in India and to remit such portion of it to foreign countries as is permissible under the Foreign Exchange Regulations for pleasure travel abroad provided that the leave is spent outside Asia, the Government servant may, at his option, draw the leave-salary in sterling in London through the High Commissioner for India, in the United Kingdom as permitted under the Bombay Civil Services Rules, and make his own arrangements for the remittance to the country where the leave is being spent, but in such cases also the amount which he would be entitled to remit would be restricted to what is permissible for pleasure travel under Foreign Exchange Regulations.

The facilities allowed by the Reserve Bank of India for pleasure travel under the Foreign Exchange Regulations are indicated below :—

(a) No foreign exchange is allowed for pleasure travel to—

(i) the countries in the Western Hemisphere comprising North and South America and the adjacent Islands excluding Brazil, Chile, Uruguay, Peru, Paraguay and the possession of the European Colonial powers but not excluding Canada and New Foundland.

(ii) the Phillipine Islands.

(b) For Japan not more than £150 per person is allowed once in two years. The amount will be deducted from the limit of £600 [mentioned in (c) below] if the officer also visits other countries besides Japan.

(c) For other countries excluding Tangier and those mentioned in (d) below a sum of £ 600 per person is allowed during a period of two years.

(d) For Iran, Iraq, Persian Gulf Ports, Saudi Arabia, Ceylon, Burma, Malaya, and the Dutch East Indies a sum of Rs 2,000 per person is allowed once in two years [this is an addition to the £600 limit as mentioned in (c) above].

N.B.—The scale of amount permissible for pleasure travel stated above is liable to change from time to time and a reference may be made to a bank authorised to deal in foreign exchange for the latest regulations.

762. [Cancelled.]

763. Leave-salary may be drawn in sterling in the following British Dominions and colonies :—

Dominion, Colony or Protectorate, etc.	Designation of paying officer
Bahamas	Receiver-General, Nassau.
Barbados (and all other West Indian Island except Jamaica).	Colonial Treasurer, Barbados.
Bermuda	Command Paymaster, Army Pay Office, Bermuda.
British Guiana	Colonial Secretary, Georgetown.
British Honduras	Treasurer, Belize.
Egypt*	Command Paymaster, Army Pay Office, Cairo.
Falkland Islands	Treasurer, Stanley.

*So long as British Pay Office exists in Egypt.

Dominion, colony or protectorate, etc.	Designation of paying officer
Fiji	Colonial Treasurer, Suva.
Gibraltar	Command Paymaster, Army Pay Office, Gibraltar.
Gold Coast	Treasurer, Accra.
Jamaica	Command Paymaster, Army Pay Office, Jamaica.
Kenya	The Office of the Commissioner for the Government of India in British East Africa, Nairobi.
Malta	Command Paymaster, Army Pay Office, Malta.
Mauritius	Command Paymaster, Army Pay Office, Mauritius, or Colonial Secretary, Port Louis.
New South Wales	Deputy Commissioner of Pensions, Department of Social Service, Sydney.
New Zealand	Commissioner of Pensions, Wellington.
Nigeria	Treasurer, Lagos.
Northern Rhodesia	The Treasurer, Livingstone.
Nyasaland	Treasurer, Nyasaland Protectorate, Zomba.
Queensland	Deputy Commissioner of Pensions, Department of Social Service, Brisbane.
St. Helena	Colonial Treasurer, St. Helena
Seychelles Islands	Treasurer, Seychelles Islands.
Sierra Leone	Command Paymaster, Army Pay Office, Sierra Leone.
Somaliland	Treasurer, Somaliland Protectorate, Berbera.
South Australia	Deputy Commissioner of Pensions, Department of Social Service, Adelaide.
South Rhodesia	Treasurer, Salisbury.
Tanganyika	The Office of the Commissioner for the Government of India in British East Africa, Nairobi.
Tasmania	Deputy Commissioner of Pensions, Department of Social Service, Hobart.
Uganda	Treasurer, Entebbe.
Union of South Africa	Secretary for Finance, the Treasury, Pretoria.
Victoria	Deputy Commissioner of Pensions, Department of Social Service, Melbourne.

Dominion, Colony or Protectorate, etc.	Designation of paying officer
Western Australia	Deputy Commissioner of Pensions, Department of Social Service, Perth.

Notes.—A Government servant residing in Carida or Newfoundland takes payment from the United Kingdom Treasury remittance being effected, under arrangements made by the High Commissioner for India, through the Bank of Montreal.

764. The rupee and sterling maxima and minima prescribed in Rules 759 and 760 shall be applied to leave-salaries paid respectively in rupees and in sterling.

765. A compensatory allowance should ordinarily be drawn only by a Government servant on duty, but a Government servant on leave may continue to draw compensatory allowance, other than compensatory local allowance admissible under Appendix XV, or a portion thereof, in addition to leave-salary during the first four months of his leave only under the general or special orders of Government.

Note 1.—See Note 3 below Rule 338.

Note 2.—Compensatory allowance during the first four months of leave should not be paid at the United Kingdom Treasury.

SECTION VI—SPECIAL CONCESSIONS

765-A. Except as provided by Rule 617, a Government servant transferred to a service or post to which the rules in sections I to V of this Chapter apply, from a service or post to which they do not apply, remains under the leave rules to which he was subject prior to his transfer: provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in sections I to V of this Chapter, subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to Government and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

Note 1.—The principle of this rule should be deemed to be inherent in the Revised Leave Rules, 1935, and should accordingly be applied by analogy to persons who entered Government service on or after the 4th August 1931 and are transferred on or after the 5th July 1938, to a service or post to which the Revised Leave Rules, 1935, apply from a service or post to which they do not apply.

Note 2.—The case of a Government servant transferred permanently to a service or post to which the rules in sections I to V of this Chapter apply, from a service or post to which the leave rules in Civil Service Regulations apply does not fall under this rule, but under Rules 732 and 733 direct, and that the question of exercising the option provided by this rule does not, therefore, arise in such a case.

Note 3.—Any debit balance in the leave account of a Government servant on the date on which he elects to be governed by the Bombay Civil Services Rules as a result of his having been granted leave not due under the rules obtaining before the option was exercised, should not be wiped out.

Note 4.—Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad allocated to the State of Bombay who opt for the leave rules in the Bombay Civil Services Rules should be allowed, to carry forward whatever leave was to their credit under the former rules on the date on which they exercise their option. The amount of leave that could be carried forward in such cases, should be subject to the maximum admissible under the Revised Leave Rules as contained in Appendix XLIV-A of Bombay Civil Services Rules, Volume II.

766. The following provisions apply to such holders of the posts specified below as were in the service of Government, whether in a permanent or other capacity, on 3rd August 1931 and have had no break in their service after that date—

- (1) The Chief Judge of the Court of Small Causes, Bombay,

(2) The Administrator-General and Official Trustee, Bombay.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts as prescribed in the Government of India (High Court Judges) Order, 1937, subject, however, to the following modifications, namely:—

(a) their leave-salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay; and

(b) the holders of posts which have not been declared by Government to belong to a vacation department, and to whom paragraph 27 of the Government of India (High Court Judges) Order, 1937, applies are entitled, in lieu of the leave credited to the furlough account of a High Court Judge, under the rules applicable to him immediately before 1st April 1937, because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to 2/11th of the period of active service performed.

767. [Cancelled.]

768. Government may grant to military officers in civil employ who remain subject to military leave rules and to non-commissioned officers in civil employ:—

(i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this rule, plus 1/11th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this rule:

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this rule:

Provided further that, in the case of an officer who became subject to this rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this rule count:

Provided further that in the case of an officer serving in a vacation department the provisions of Rule 747 shall apply *mutatis mutandis* to the calculation and grant of leave under clause (i) above:

Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any privilege leave taken under military leave rules during that period being treated as leave on average pay taken under this rule.

(ii) Any leave, other than privilege leave, admissible under military rules, either alone or in combination with leave on average pay.

Note.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased, on the first occasion when leave is taken under Civil Leave Rules, by the number of months by which the amount of privilege leave due exceeds four months.

(iii) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(iv) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted :

Provided that, except in the case of an officer holding substantively a tenure post, no leave under clause (ii) of this rule may be granted to an officer unless Government is prepared to re-employ him immediately upon the termination of the leave :

Provided also that, in the case of an officer holding substantively a tenure post, leave under clause (i) may be granted so as to extend beyond the expiry of such term, if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

769. Except in so far as they are inconsistent with the terms of this contract the leave admissible to a Government servant of non-Asiatic domicile engaged on contract and specially recruited overseas for service in India shall be regulated in accordance with the rules set forth in Appendix LI to this Manual.

Note.—For the purpose of this rule the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause (2) (a) of Rule 727, and of Rules 728, 729 and 730.

769-A. In the leave account of a member of the staff of the Official Assignee, Bombay, who has been continuously in service from a date prior to 4th August 1931 and who has been transferred to Government service from 27th October 1933, there shall be credited, up to a maximum of four months, leave on leave-salary equal to average pay at 1/11th of the period spent on duty prior to 27th October 1933 less periods of leave on average pay [other than additional leave on average pay of the kind referred to in the second proviso to clause (b) of rule 736] already taken. With effect from 27th October 1933 such a member shall become subject to the leave rules in Chapter XV of these rules applicable to Government servants who entered continuous service on or after 1st June 1929.

SECTION VII—MATERNITY AND HOSPITAL LEAVE, MEDICAL LEAVE TO SEAMEN, AND LEAVE EARNED BY TEMPORARY SERVICE, ETC.

Note 1.—For the orders of Government regarding the grant of leave to Government servants in non-continuous and part-time service, *vide* Appendix LI-A.

Note 2.—For the Revised Leave Rules for Permanent and Temporary Salaried Press Employees and the Establishment of Photozinc Press, Poona, and for the Leave Rules for Piece and Task Workers in the Government Central Press, *vide* Appendix XLIV-B.

Note 3.—The rules in this section do not apply to members of work-charged establishment. Their leave is governed by executive orders issued from time to time and incorporated in the Bombay Public Works Department Manual.

770. [Cancelled.]

771. A competent authority may grant to a female Government servant in permanent employ maternity leave on average pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier. Such leave is not debited to the leave account.

Instruction.—Maternity leave up to the maximum of three months may be granted provisionally on receipt of an application, which should invariably be supported by a medical opinion as to the probable date of confinement, and a written undertaking should be obtained from the Government servant to report the date of confinement supported by a medical certificate, if deemed necessary, as soon as it occurs. On receipt of the report, the maternity leave as admissible should be finally sanctioned. Maternity leave may be combined with leave of any other kind, but any other leave in

continuation of maternity leave may be granted only on medical certificate. In cases of class IV servants, in which insistence on a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient, *vide* Rule 677.

Note.—Leave under this rule is admissible in a case of miscarriage and abortion.

771-A. The authority competent to sanction leave may grant to a female Government servant not in permanent employ maternity leave for a period which may extend up to the end of the three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier, subject to the conditions below :—

(1) The concession of maternity leave will be admissible only to those temporary female Government servants who have put in at least one year of continuous service.

(2) The leave-salary admissible during the period of maternity leave should be regulated as follows :—

(a) In the case of those who have put in two or more years' continuous service, the leave-salary admissible will be as laid down in rule 14 (1) of the Revised Leave Rules, 1935 ; and

(b) In the case of those who have put in continuous service for a period exceeding one year but less than two years, the leave-salary admissible will be as laid down in rule 14 (2) of the Revised Leave Rules, 1935. Such leave is not debited to the leave account.

Note.—See instruction and Note below Rule 771.

772. [*Cancelled.*]

773. Maternity leave may be combined with leave of any other kind but any leave applied for in continuation of the former may be granted only if the request be supported by a medical certificate.

Note.—See Note 4 below rule 736 (B).

774. The authority competent to grant leave may, on production of a certificate from a Government medical officer or a Railway medical officer, grant hospital leave on account of ill-health to Government servants of Class III and Class IV specified below whose duties expose them to special risk of accident or illness. Such leave is not debited to the leave account :—

A. While under medical treatment for illness or injury, except in cases where avoidable illness or injury appears to have been caused by the carelessness or fault of the individual concerned.

(a) Police officers, including trainees, of a rank not higher than that of head-constable.

(b) Government servants of the Prohibition and Excise Department other than clerical establishment.

(c) Forest subordinates, other than clerks in receipt of pay not exceeding Rs. 40.

B. While under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of official duties.

(a) Jail Guards (excepting Senior and Junior Subedars) and Supervisory Staff of the Borstal School (excepting the Chief Supervisor), male or female, 4 attendants of mental hospitals and matrons of the Jail Department on pay not exceeding Rs. 40.

- (b) Government servants employed in Government Presses, whether on fixed pay or at piece rates, except the following :—
- (1) Salaried industrial employees (permanent and temporary) in Government Presses below the grade of Assistant Manager, who are not classed as Class IV and who entered Government service on or after 4th August 1931.
 - (2) All piece and task workers in the Government Central Press, Bombay, whether superior or class IV, permanent or temporary.
- (c) Government servants of Class III and Class IV employed in Government Laboratories.
- (d) Government servants of Class III and Class IV employed on the working of Government machinery.
- (e) Peons (including process-servers of that class) and guards in permanent employ.
- (f) Syces of Government stallions.
- (g) The following hospital servants—Ward attendants (including dispensary servants and dressers), cooks, sweepers, bhists and dhobis.
- (h) Employees of the Bombay Minor Ports Funds on pay not exceeding Rs. 25 per mensem.

775. Hospital leave may be granted on leave salary equal to either average or half average pay, as the authority granting it may consider necessary.

776. The amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay.

Instruction.—There is no objection to grant hospital leave during the first three years of service of the Government servant provided the prescribed limit of three months is not exceeded.

Note.—The period of "three years" referred to in this rule should at any time be calculated backward from the end of the actual period of the hospital leave proposed to be granted, whether on average or half average pay.

777. Hospital leave may be combined with any other leave which may be admissible provided that the total period of leave after such combination shall not exceed 28 months.

778. [Cancelled.]

779. A Government servant serving as an officer, warrant officer, or petty officer, on a Government vessel may, while undergoing medical treatment for sickness or injury either on his vessel or in hospital, be granted by a competent authority leave on leave-salary equal to average pay for a period not exceeding six weeks; provided that such leave shall not be granted if a responsible medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury. Such leave is not debited to the leave account.

780. A Seaman disabled in the exercise of his duty may be allowed leave on leave-salary equal to average pay for a maximum period not exceeding three months, if the following conditions are fulfilled:—

- (a) a Government medical officer must certify the disability; and
- (b) the disability must not be due to the seaman's own carelessness or inexperience.

Such leave is not debited to the leave account.

781. Except in so far as they are inconsistent with the terms of his contract, the leave admissible to a Government servant—

- (a) of Asiatic domicile engaged on contract whether in India or abroad;
- (b) of non-Asiatic domicile engaged on contract but not specially recruited overseas for service in India;

shall be regulated in accordance with the rules in Appendix LII.

782. Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a temporary post, provided that the grant of the leave involves no expense to Government. On this condition such a Government servant may be granted (a) leave on leave-salary equal to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time; (b) on medical certificate on leave-salary equal to half average pay up to one-twenty-second of the period spent on duty expressed in terms of leave on average pay, subject to a maximum of three months at any one time; (c) extraordinary leave for three months or not exceeding twelve months on any one occasion subject to the condition mentioned in Rule 13 of the Revised Leave Rules, 1935.

Note 1.—The condition that the grant of leave is not to involve additional expense to Government shall not apply to the following cases:—

(a) The temporary establishment or establishments working under the following officers in the Bombay Suburban District:—

- (i) The Collector, Bombay Suburban District.
- (ii) The District Inspector of Land Records.
- (iii) [Deleted.]

(b) The Government liquor shopkeepers in the Akrani area.

(c) Temporary establishment under the Director, Development Department Chawls, employed in connection with the management of the Industrial Housing Scheme.

(d) Members of the establishments entertained in connection with the research schemes of the Indian Central Cotton Committee, the Indian Council of Agricultural Research, the Indian Central Sugarcane Committee, the Indian Central Oil-seeds Committee, the Indian Central Coconut Committee, the Indian Central Arcanut Committee and the Indian Central Tobacco Committee.

(e) Temporary Engineers of Asiatic domicile in respect of the leave which is earned by them up to 28th February 1933 but not extended, subject to a limit of four months only, when taken.

(f) The Resident Medical Officer, Cama and Albless Hospitals, Bombay.

(g) Temporary Bombay Medical Service Officers, Class II, subject to the condition that the extra cost involved in each case does not exceed Rs. 50 *per mensem*.

(h) The Lorry driver in the Printing and Stationery Department.

(i) The temporary staff on the *pot hissa* and city survey establishments.

Note 2.—When a Government servant, holding a temporary post in an officiating or substantive capacity without a lien on a permanent post, is granted leave on the termination of the temporary post, an extension of the temporary post to cover the period of leave is necessary if the grant of leave is subject to the condition "no expense to Government"; but no such extension is necessary in the absence of this condition.

Note 3.—The words "no expense to Government" occurring in this rule should be interpreted to mean that the leave-salary (limited to average or half average pay, as the case may be) drawn by the Government servant shall not exceed (i) if no substitute is appointed in his place, the normal duty pay which he would have drawn had he not proceeded on leave, and (ii) if a substitute is appointed the difference between such normal duty pay and the net extra cost involved in arranging for the work of the absentee.

Note 4.—In the case of Government servants serving in vacation departments, the leave on average pay earned under this rule at the rate of 1/11th of the period of duty should be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

Note 5.—When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum limit of four months prescribed in clause (a) of the rule above.

782-A. The service of a pensioner re-employed after having retired on superannuation or retiring pension should be regarded as temporary and leave may be granted to him in accordance with the provisions of the rules governing the grant of leave to Government servant in temporary service.

783. If a Government servant to whom Rule 782 applies is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under Rules 781 and 782. Leave taken under Rules 781 and 782 is not an interruption of duty for the purpose of this rule.

784. Temporary and officiating service, rendered under the Union Government or any State Government, will, if followed by confirmation under the Government of Bombay without interruption of duty, be taken into account for the purpose of the leave account maintained under Rule 732 (b), provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation, and provided that the other Government treats in a similar manner temporary and officiating service rendered under the Government of Bombay.

785. Government servants employed temporarily in district and divisional offices, who are paid from the rate levied under Government Management of Private State Act X of 1892, are eligible for leave under the ordinary rules contained in sections I to V of this Chapter and not as Government servants of the class to which the above rules apply, as their service is to all intents and purposes permanent and continuous and only technically temporary in the sense that it does not qualify for pension.

786. Civil Judges, Senior and Junior Divisions, are allowed to count as service qualifying for leave and the periods whether continuous or not, during which they hold officiating appointments prior to confirmation but officiating service does not count for leave on average pay unless eleven months' uninterrupted service has been rendered.

787. [*Cancelled*].

788. [*Cancelled*].

789. A military hospital assistant temporarily lent to the civil department may be granted leave on average pay up to one-eleventh of the period spent on duty, in the civil department. If leave of longer duration is required, the hospital assistant must revert to the Military Department.

790 to 801-A. [*Cancelled*].

802. [*Deleted*].

803. Heads of departments may grant to a female Government servant remunerated by piece rates or daily wages maternity leave on leave-salary based on the average monthly emoluments earned during the preceding complete twelve months for a period, which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier. To qualify for this concession the female Government servant must have put in continuous service for at least 33 months (inclusive of any period of authorised leave) previous to the date of requiring such leave, and must furnish a guarantee with at least one security that she will return to duty for a period of at least six months after the expiry of the leave, if her services are required.

804. A Government servant who is remunerated partly by fixed pay and partly by honoraria may be granted such leave as the authority who appoints him may think fit to grant, provided that that authority is able to make satisfactory arrangements for the performance of the absentee's duties and that no extra expense is caused to Government. In such cases the Government servant may be permitted to draw leave allowances equal to the pay or part of the pay of his post, but the whole of the honoraria shall be paid to the person who officiates in the post.

804-A. [*Deleted*].

805. Boring mechanics, mukadams and trained coolies, employed in the Agricultural Department for boring work, may be granted—

(a) leave up to one-eleventh of the period spent on duty, subject to a maximum of two months at a time, on monthly leave allowance equal to one-twelfth of average earnings for the last complete twelve months; and

(b) leave on medical certificate on half the above allowance for a further one-eleventh of the period spent on duty, provided that not less than five years' duty has been done by them.

806. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :—

(a) If appointed under contract in England with a view to permanent service in India, or if appointed in England to posts created temporarily with the prospect, more or less definite, of becoming permanent—

(i) to such leave as is prescribed in their contracts, or when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts, or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay; and

(b) if appointed otherwise, to such leave as is admissible under general or special orders issued by Government in this behalf, subject to the proviso that more favourable terms shall not be granted than would be admissible if the service were substantive and permanent.

807. Leave on medical certificate under clause (a) (i) of Rule 806 shall not be granted for a period extending beyond the term of an officer's contract unless or until it has been decided to retain him in permanent employment.

808. The leave granted to a Government servant under Rule 806 (a) (ii) (2) may be combined with vacation which should be excluded in calculating the limit of three months; and full pay, if admissible, may be drawn during the period of vacation.

809. Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

Note.—The probationers in the Registration Department for Sub-Registrars' posts are not eligible for any leave except casual leave but the period of probation will count as duty if the probationers are subsequently confirmed.

809-A. In the case of candidates in the Bombay Service of Engineers, Class II, any leave required during the period of training should be without allowances.

810. Leave of the following kinds may be granted to an apprentice other than a candidate in the Bombay Service of Engineers, Class II :—

(a) On medical certificate, leave on leave-salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship.

(b) Extraordinary leave under Rule 752.

Note.—See Note 3 below Rule 9 (16) (a).

CHAPTER XVI—PASSAGES AND OVERSEAS PAY

811. [Cancelled.]

812. [Cancelled.]

813. [Cancelled.]

813-A. [Cancelled.]

814. [Cancelled.]

815. [Cancelled.]

816. [Cancelled.]

817. [Cancelled.]

818. [Cancelled.]

819. [Cancelled.]

820. [Cancelled.]

821. [Cancelled.]

822. If, according to the terms of contract, a Government servant paid from the Consolidated Fund of the State is entitled to a return passage, Government may also sanction where they think the circumstances specially warrant it, a return passage for any officer on the termination of his contract, whose services are retained in the public interest beyond the original period of his engagement and may also sanction an extension of an original concession in regard to free passages home for a Government servant's family.

823. [Cancelled.]

824. [Cancelled.]

825 and 826. [Cancelled.]

826-A. Booking of sea passages on Government account (either for non-officials or for Government servants) should as far as possible be effected direct with the Companies, or through their official agents.

Note.—A list of agents, recognised by Government with whom passages may be booked, is given in Appendix LIV.

827. [Cancelled.]

828. [Cancelled.]

829. [Cancelled.]

830. If any Government servant is granted overseas pay in sterling, payment will be made by the High Commissioner for India in London. Every Government servant who is entitled to draw his overseas pay in sterling should intimate at once on appointment to the Audit Officer, who audits his pay for transmission to the High Commissioner for India the name and address of the banker or agent authorised to receive payments on his behalf. Any changes in his name and address should be intimated similarly.

CHAPTER XVII—OCCUPATION OF GOVERNMENT
BUNGALOWS.

SECTION I

831. The rules in this section apply to the occupation of Government bungalows by Government servants serving under this Government and under the Government of India excepting those serving in Commercial Departments (G. M., F. D., No. C.B.R. 1456/101074-8-6, dated the 11th December 1956).

Note.—The allotment of residences belonging to the Union Government, to officers of Central Departments serving under the administrative control of this Government will be governed by the relevant rules of this section.

Note 2 →

832. Residences for Government servants may be built, or purchased, by Government—

(i) when it is recognised duty or established custom of Government to do so,

(ii) when it is necessary, on public grounds, for the Government servant to reside in, or close to, locality in which his duties are performed,

(iii) when it is necessary to provide residences in parts of the country where no civil station or cantonment exists, and where, therefore, a lengthened term of residence would render camp accommodation unsuitable, e.g., buildings along lines of roads or canals, for the housing of Government servants, employed on their construction or maintenance, and

(iv) when it is shown to the satisfaction of Government that suitable house accommodation is not available in the vicinity for Government servants, whose appointments are permanent in respect of locality, or is available only under circumstances which would be likely to place such Government servants in an undesirable position in relation to house proprietors.

833. When such a course is more convenient or economical, provision may be made for the accommodation of Government servants by leasing-buildings, with the sanction of Government, instead of by constructing or purchasing them.

834. The incumbent of a post, for whom a residence has been made available, shall be considered to be in occupation of the residence during the period of his incumbency of the post, unless the allotment is changed or suspended under these rules.

Note.—The Director of Agriculture has been empowered to allot quarters in charge of and maintained by the Agricultural Department to Government servants in the State and Class III Services of the same Department.

835. A Government servant shall not be considered to be in occupation of a residence, only by reason of the fact that he shares it with a Government servant, who is in occupation thereof.

836. A Government servant shall be considered to be in occupation of his residence when absent on tour or at a hill station where he is permitted, but not required, by Government to reside.

837. A Government servant shall not be considered to be in occupation of a residence when he proceeds on leave, unless Government otherwise direct.

Note 1.—Vacation, not combined with leave of any kind, should be treated as a period of duty for the purposes of this rule. During the period of such vacation therefore, a Government servant should be considered to be in occupation of the residence, and rent should be recovered from him under the rules in this Section.

Note 2.—Vacation, if combined with leave, should be treated as leave for the purposes of this rule.

Note 3.

838. In the case of residences assigned to particular posts, the date of the taking over, and the handing over, of the charge concerned should be taken as the date of occupation and vacation of the residence, respectively. If the transfer takes place beforenoon, the new incumbent would pay rent from, and including, that day; if afternoon, from, and including, the next day.

In the case of all other residences, the date of occupation should be based on the report of the Executive Engineer concerned. If the report mentions the time of occupation as "beforenoon", the new occupant will be charged rent for that day. If it mentions the time of occupation as "afternoon", then the new occupant should be charged rent from the next day. Similarly, if the residence is vacated beforenoon rent for that day should not be charged. If it is vacated in the afternoon rent for that day should be recovered from the tenant vacating the residence.

In the case of residences in Bombay or Poona, the Executive Engineer concerned shall send the letter of intimation to the tenant to whom a residence has been allotted; by registered post with acknowledgment due or otherwise. The Executive Engineer shall in such letter state whether the residence is available for occupation with immediate effect or specify the date from which it will be so available. On receipt of such intimation, the tenant shall, within seven days of the date of receipt of such intimation, report to the Executive Engineer as to whether he accepts the allotment or not. If he fails to do so, the allotment should be treated as cancelled and the Executive Engineer should submit proposals for reallocation of that residence to another person. If, however, the tenant accepts the allotment, recovery of rent should be made from the tenant from the date of occupation of the residence by him or from the eight days from the date on which the residence was available for occupation by him, whichever is earlier. If the allottee fails to report as aforesaid or to occupy the residence within seven days from the date on which it was available for his occupation, he shall be liable to pay rent for the residence for the period commencing from the eighth day from the date on which the residence was available for his occupation until the date of occupation by another person.

Note—Where a residence is available for occupation with immediate effect, the date from which the residence shall be deemed as available for occupation shall be the date of receipt by the allottee of the intimation from the Executive Engineer.

839. Government servants supplied with Government residences may, in special cases, be permitted by Government to surrender them for a continuous period of not less than six months. A Government servant may, during absence on leave or on duty elsewhere, be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in the residence, when both the conditions specified below are fulfilled:—

(a) the temporary incumbent does not require the residence and is exempted from payment of rent thereof; and

(b) arrangements cannot be made to lease the house during the absence of the permanent incumbent.

Taxes for specific services such as water, halalkhore, etc., should be recovered from the Government servant during the period his furniture and other belongings are stored at the residence.

Note.—An officer who is transferred from one station to another or moves with Government may be allowed to store his kit in a Government residence, free of rent for a period not exceeding one month in any case, provided that the residence is already vacant or the one he vacates is not required by his successor in the meantime. Taxes for specific services such as water, halalkhore, etc., should however be recovered from the officer for this period.

839-A. If the Government Servant to whom a residence is allotted dies, is dismissed from service or retires from service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement, on which the residence is actually vacated, whichever is earlier. + *addition*

Note.—In a case covered by this rule while the original allotment subsists, rent should be charged at the same concessionary rate as was being paid by the Government servant before his death, dismissal or retirement, as the case may be. Similarly, the concession of rent-free quarters, if it was granted in any case, should continue during the period of grace. + *addition*

840. When a building is occupied partly as residence, and partly as an office for which no separate rent is paid, the rent leviable for the portion occupied as a residence shall be separately calculated.

841. (1) A competent authority may suspend the allotment of a residence to a post—

(a) which is temporarily held by a Government servant, under Rule 609, in addition to another post, if the Government servant does not actually occupy the residence ;

(b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence ;

(c) to which a Government servant has been transferred from another post in the same station, if the Government servant is in occupation of a residence allotted to such other post and it is not considered necessary that he should change his residence ;

(d) and (e) [*Deleted*].

(f) in which a Government servant is officiating for a period not exceeding four months if the Government servant is prevented from actually occupying the residence by circumstances which in the opinion of the competent authority justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1), save by order of Government.

(3) An order of suspension under this rule shall terminate on the next change of incumbents, or when the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may let the residence to any Government servant or if it is not required by any Government servant, to any suitable person :

Provided that the period of letting to such a Government servant or person shall terminate not later than the date upon which the period of suspension terminates.

842. A Government servant in occupation of a residence may sub-let it subject to the following conditions, namely :—

(a) the lessee shall be approved by Government in the case of residences at Bombay and Poona and by the Superintending Engineer in other places ;

(b) the sub-tenancy shall not be recognised by Government ;

(c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair, wear and tear ;

(d) the sub-tenancy shall terminate not later than the date on which the lessor ceases to hold the post to which the residence has been allotted ;

(e) the rent payable by the lessee shall not, except with the previous sanction of Government, exceed the rent payable to Government by the lessor ; and

(f) the rent payable to Government by the lessor shall be the rent payable by him if he had not sub-let the residence, or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher.

Note.—No sub-letting should be allowed without prior approval of Government.

843. Government servants, holding posts to which residences have been assigned, may exchange residences with the permission of the authority, which made the assignment. Such exchange shall not be recognised by Government. Each Government servant shall remain responsible for the rent of the residence assigned to the post held by him.

Whenever a bungalow, assigned as the official residence attached to a particular post, falls vacant, and is likely to remain so for a long time continuously, it should be allotted, temporarily, by the Head of the Department concerned to another officer of the same or of any other Department, in consultation with the Executive Engineer concerned.

Rent of Government Residences

844. For the purposes of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of subsidiary services, *viz.*, sanitary, water-supply and electric installations and fittings, but exclude the cost or value of the site (including the expenditure on its preparation) ; and shall be either—

(a) the cost of acquiring or constructing the residence and any capital expenditure, incurred after acquisition or construction ; or, when this is not known,

(b) the present value of the residence which shall be determined in accordance with Rule 844-A.

Note.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to the accommodation, or involve replacement of the existing, type of work by work of a more expensive character. Where such cost is added to the capital cost or to the present value, the interest thereon should be calculated at the rate applicable, according to the schedule to sub-clause (b) (i) of Rule 846, on the date on which the accounts of the estimates for the additions or alterations are closed.