

Half pay leave, commuted leave and 'Leave not due'.

- 8.119. (a) The half pay leave admissible to an officer in permanent employee in respect of each completed year of 'service' is 20 days.
- (b) The half pay leave due may be granted to a Government employee on medical certificate or on private affairs.
- (c) Commuted leave not exceeding half the amount of half pay leave due may be granted to a Government employee on medical certificate only subject to the following conditions :-
- (i) Commuted leave during the entire service shall be limited to a maximum of (240) days;
 - (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
 - (iii) Half pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority :

Provided that no commuted leave may be granted under this rule unless the authority competent to sanction leave has reason to believe that the Government employee will return to duty on its expiry, and provided further that no commuted leave may be granted unless it has been applied for at least 30 days at a time. This restriction of maximum quantum of leave to be taken at a time does not apply in the case of Vacation Department whose employees are not entitled to earned leave.

Provided further that after availing of maternity leave for a period not exceeding three months sanctioned under sub rule (a) of rule 8.127 or sub-rule (1) of rule 8.137-A, a female Government employee who can not get her leave extended by furnishing a medical certificate but applies for commuted leave in continuation of the maternity leave, may be allowed such leave up to a maximum of sixty days without the production of a medical certificate. But in case she gets her maternity leave extended for any period beyond the aforesaid period of three months by furnishing a medical certificate, she would not be eligible to get the benefit of combination of commuted leave with maternity leave without the production of a medical certificate.

Note 1. - The option once exercised will be final and debars a Government employee from claiming re-conversion, as a matter of right, though the authority, which granted leave, can (if so disposed) allow it.

Note 2. - When commuted leave is granted to a Government employee under this rule and he intends to retire subsequently, the commuted leave should be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this affect should, therefore, be taken from the Government employee who avails himself of commuted leave but the question whether the Government employees concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on merits of each case, i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reason of ill-health, incapacitating him for further service or in the event of his death no refund should be taken.

- (b) Save in the case of leave preparatory to retirement 'leave not due' may be granted to a Government employee in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all, may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the Government employee may earn subsequently.

Note 1. - Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is reasonable prospect of the Government employee returning to duty on the expiry of the leave and should be limited to the half pay leave he is likely to earn thereafter.

- Note 2. - As the basis of half pay, leave has been changed, it will be necessary to make retrospective calculations in respect of such leave for the entire continuous service of an officer. The half pay leave to be carried forward under these orders will, therefore, be the total half pay leave earned in respect of completed years of service on the 1st September, 1949, reduced by the amount of leave on private affairs, and leave on medical certificate availed of prior to that date. If this calculation results in a minus balance, it should be adjusted against the half pay leave that will be earned subsequently, such minus balance being treated as leave not due for purposes of the 180 days, limit indicated in clause (d) above. These orders also do not authorise the retrospective calculation of leave-salary in respect of the leave availed or before 1st September, 1949.
- Note 3. - The half pay leave to be carried forward on the 1st September, 1949, will be the amount of leave which accrued on that date in respect of completed years of previous service less the leave taken on medical certificate and private affairs. Such leave in respect of any fraction of a year's service left over on the 1st September, 1949, will accrue on completion of another year of service which will include the fraction left over the 1st September, 1949. To illustrate in the case of a person (of clause I, II or III service) who entered service on the 1st February, 1948, and has taken no leave on medical certificate or private affairs, the credit to the half pay leave account on the 1st September, 1949, will be 20 days and the person will get a further credit of 20 days on the 1st February, 1960.
- Note 4. - As for half pay leave in respect of a completed year of service during which service was rendered partly in a Class III post and partly in a Class IV post, this leave will be calculated on a pro-rata basis separately in respect of class III service or class IV service and then added up. The fraction, if any, present in the total half pay leave for the particular year will be ignored if it is less than half, or reckoned as one day if it is half or more.
- Note – 5 Omitted.
- Note 6. - The half pay leave earned by a Government employee in respect of a completed year of service can be availed of by him during the course of a spell of leave or during an extension thereof within which the date of anniversary of service falls.
- Note 7. - Where a Government employee who has been granted 'Leave not due' under this clause applies for permission to retire, voluntarily, the 'leave not due' shall, if the permission is granted be cancelled and his retirement shall have effect from the date on which such leave commenced. An undertaking to this effect should, therefore, be taken from Government employee as who avail of 'Leave not due'. But the question whether a Government employee should be called upon to refund the amount of leave salary should be decided on the merits of each case e.g. if the retirement is voluntary refund should be enforced : if it is unavoidable by reason of ill health incapacitating him for further service or in the event of his death no refund should be insisted upon.
- Note 8. - When "leave not due" is granted to a Government employee under this clause and he applied for permission to retire voluntarily or resigns of his own volition at any time after returning to duty, the question of refund of leave salary in respect of the leave not due already availed of before return to duty shall, to the extent it has not been subsequently wiped off, be treated in the same way as laid down in note 7 above.
- Note 9. - Where a Government employee who having availed himself of the 'leave not due' returns to duty and is retired from service under sub-rule (1) of rule 3 of the Punjab Civil Services (Premature Retirement, Rules, 1975 and has not been able to earn half pay leave to the extent of the 'leave not due' granted to him before such retirement, he shall not be called upon to refund the amount of leave salary in respect of that 'leave not due'.

8.120. Omitted.