

CHAPTER I—EXTENT OF APPLICATION

1. These rules may be called the Subsidiary Rules. They apply to all government servants who are subject to the rules in Part I or Part II of this volume and are under the administrative control of the Governor. In the case of Secretary of State's officers, the application of these rules is subject to the provisions of section 247 of the Act.

NOTE—The rules in Chapters XI-A and XVII do not apply to Secretary of State's officers under the administrative control of the Governor.

CHAPTER I-A—DEFINITIONS

NOTES (1)—The definitions of the terms contained in Chapter II of Part I and Part II of this volume are generally applicable to the rules contained in this Part except where the contrary is stated or is evident from the context.

(2) Unless it is expressly stated otherwise, a reference in these rules to any of the rules in the Fundamental Rules includes a reference to the corresponding rule in the Uttar Pradesh Fundamental Rules.

1-A. Unless there is something repugnant in the subject or context, the terms defined in this chapter are used in the sense here explained:

(1) Apprentice means a person deputed for training in a profession, trade or business, with a view to employment in government service, who draws pay or subsistence grant at monthly rates from the Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(2) Holiday means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(b) in relation to any particular office, a day on which such office is ordered, by notification of the Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification, and in the case of judicial officers, holidays notified by the High Court of Judicature at Allahabad and the Chief Court of Oudh.

The term does not include local holidays which may be granted at the discretion of heads of offices, provided that there are no arrears of work, nor such merely permissive or discretionary holidays as the last Saturday of each month.

(See also the note at the beginning of Chapter VII of these rules)

* (3) For purposes of the rules regarding drawal of compensatory allowances during leave in Chapter XII—

(a) (i) Leave means total leave of all kinds referred to in F.R. 81 B and S.R. 157 A, other than

* As amended vide G.O. No. G—1—1816/× —229—1966 dated 15-11-1979 and has effect from 15-11-79.

leave preparatory to retirement, taken for a period not exceeding 120 days; or the first 120 days of the leave if the actual duration of the leave exceeds that period.

(ii) When earned leave is combined with leave on medical certificate, or when leave on medical certificate only is availed of the drawal of allowance under S.R. 150 shall be admissible for the first 4 months only, even if the actual duration of such leave exceeds that period.

(b) Temporary transfer means a transfer to duty in another station which is expressed to be for a period not exceeding four months.

NOTE—When vacation or holidays are combined with leave, the entire period of vacation or holidays and leave should be taken as one spell of leave.

(4) Probationer means a government servant employed on probation in or against a substantive vacancy in the cadre of a department.

CERTAIN CIRCUMSTANCES

Rules made by the Governor under Fundamental Rule 9(6) (b)

2. A government servant is on duty during a duly authorized course of instruction or training.

Exception 1—Time spent in training by a government servant deputed to Dehra Dun for training at the Forest Research Institute and College shall not count as duty for the purpose of leave as there are regular vacations during that period.

Exception 2—The time spent on training and transit by medical officers and technicians in X-ray training at the Agra Medical College and by pathologists and medical officers in Blood Grouping and Blood Transfusion technique training at Lucknow, shall not count as duty under the above rule if they fail in the test at the end of the training. In such cases, the time spent by these government servants at

the Agra Medical College or at Lucknow, as the case may be, and in transit should be converted into whatever kind of leave that may be admissible to them.

NOTE—(1) Royal Engineer Officers in civil employ are required under military rules to be attached to a unit for a month and to undergo a course of training at the Senior Officers' School, Belgaum, for a further period of three months. These periods will be treated as time spent on a course of training for the purpose of this rule.

(2) The time spent on training by civilian government servants who join the Army in India Reserve of Officers will count as duty under this rule.

(3) The period or periods spent by a government servant in Air Raid Precautions and Civic Guard training or Air Raid Precaution and Civic Guard duty during normal working hours with the permission of the Head of his office should be treated as duty for the purpose of this rule.

3. A student, stipendiary or otherwise, who is entitled to be appointed to the service of the Government on passing through a course of training at a university, college or school is on duty during the interval between the satisfactory completion of his course and his assumption of duties.

4. (1) A government servant permitted to appear at an optional examination prescribed by Government in any of the oriental languages is on duty during the time spent in preparation for, and attendance at, the examination, subject to the following conditions:

(a) Except as provided in clause (b), a reasonable time, including the day or days of examination, shall only be allowed for the journey to and from the place of examination.

(b) In the case of a candidate for the High proficiency and Degree of Honour examinations in the Modern India languages recognized in these provinces, the period allowed for preparation shall be at the discretion of the Government but will not exceed three months in all. If the examination is by the Higher Standard or High Proficiency and Degree of Honour in the languages of Sanskrit, Arabic or Persian, the candidate will similarly be allowed a period not exceeding three months for preparation, but must undertake to spend the period allowed in study under professional tuition at a place approved beforehand by the Government. In the case, however, of the Degree of Honour examination in these three languages, the period may be extended, if the candidate leaves India for study, up to six months if he proceeds to Persia for Persian, or to Arabia, Mesopotamia, Egypt and Syria for Arabic, or to any place approved beforehand by the Government for Sanskrit.

(2) The periods allowed for preparation under proviso (b) to sub-rule (1) above are not admissible more than once, nor can they be combined with each other. The periods permissible in each case also cover the day or days of the examination and the time spent in proceeding to and from the place of examination, and cannot be taken in installments, provided that the period allowed for preparation need not be continuous with the period covered by the examination.

5. (i) Engineer officers not appointed from any civil engineering college in India who are required under the rules of the department to pass obligatory examinations in the modern Indian languages are on duty for the period not exceeding three months during which they may be permitted by the Government to prepare themselves for such examinations. The privilege will be allowed only at a time when the government servant may conveniently be spared. The period allowed may be taken in installments by government servants preparing themselves for one or more examinations, but the period of three months is the maximum aggregate amount allowable. A government servant, who has already passed an examination in a language by the Lower Standard, is not entitled to the privilege of preparing himself for the examination in the same language by the Higher Standard.

(ii) The period allowed by clause (i) covers the day or days of examination and the time spent in proceeding to and returning from the place of examination. It must be spent in India and shall in no case extend beyond the date of the examination plus a reasonable period for the journey from the place of examination not exceeding the joining time admissible under rule 174 exclusive of the six days allowed under that rule for preparation.

6. Members of the Indian and the Uttar Pradesh Forest Services who are required under rules to pass departmental examinations are on duty for the period during which they may be permitted by the Government to prepare for the examination. The concession will not be allowed on more than two occasions. Permission will be granted only at a time when the government servant may conveniently be spared, and the period which may only be spent in India shall not exceed three months on each occasion; provided that permission shall not be given on the second occasion in the case of a government servant who has not passed by the Lower Standard in the principal languages and qualified in Land Revenue, Forest Law, Procedure and Accounts.

7. A government servant required to attend an obligatory departmental examination other than the examinations referred to in rules 5 and 6 above is on duty during a reasonable period occupied in the journey to and from the place of examination and the day or days of the examination. No time is admissible for preparation or for recreation after the examination.

8. A government servant permitted to present himself at an examination other than the examinations referred to in rules 5 and 6 above, which must be passed before

he is eligible for higher appointment in the branch of the service, is on duty during the number of days actually necessary to enable him to attend at the examination. This concession is not allowed more than twice for each standard of examination.

9. On the occasion of his first arrival in India a person appointed in England to Government service who does not receive orders to take charge of a specified post before he reports himself at the seat of the Government is on duty during the interval between the date of such report and the date on which he takes charge of his duties; provided that the interval between the receipt of orders and his assumption of his duties shall not exceed the amount of joining time which would be admissible to a government servant entitled to joining time under Fundamental Rule 103 (a).

[See also Fundamental Rule 9(6)(b)(iv) in Part I of this volume].

CHAPTER III—CERTIFICATE OF FITNESS FOR THE GOVERNMENT SERVICE

(Rules made by the Governor under Fundamental Rule 10)

10. Unless any other form of medical certificate is prescribed in the rules, regulations or instructions regulating recruitment to a particular service or post, a medical certificate of fitness for government service shall be in the following form:

I do hereby certify that I have examined———, a candidate for employment in the———department, and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity except——— I do not consider this is a disqualification for employment in the———department.

The candidate's age according to his/her own statement is———years and by appearance ——years.

NOTE—When a candidate for appointment in a non-gazetted post is sent for medical examination the examining medical officer or board should in his or its presence obtain on the medical certificate the signature of the candidate. These signatures should afterwards be verified by the head of the office with those in the service book. In the case of an illiterate person it will be sufficient to obtain his thumb and finger-impressions on the certificate. In the case of a person for whom a service book is not maintained, the head of the office should verify the signature on the medical certificate with the signature of the candidate obtained in his presence.

11. A medical certificate of fitness shall not be required in the following cases:

- (1) from a person appointed by the President of India;
- (2) from passed civil engineer students of the Thomason Civil Engineering College, Roorkee who have been examined and passed as fit by a medical board at Roorkee at the end of their third year in that college;
- (3) from a government servant promoted from inferior to superior service;
- (4) from persons appointed on the results of competitive examinations for which medical examination by a medical board is prescribed if they are appointed within six months of the date on which they were examined by the medical board;
- (5) from persons who have been examined and passed as fit by a Medical Board before selection for training in the Superior Forest Service Course at the Indian Forest College, Dehra Dun;
- (6) from persons who have been examined and passed as fit by a Civil Surgeon before selection for training in the Forest Rangers' Course at the Indian Forest Rangers' College, Dehra Dun.
- (7) from engineer officers in the Public Works Department who have been examined and passed fit by the Medical Board, Lucknow, on their first appointment to a gazetted post, whether permanent or temporary, unless at the time of confirmation it may be found necessary for any special reasons to require an officer to undergo a second medical examination.
- (8) from handicapped persons who have been examined and passed as fit by Special Medical Boards constituted by the State Government for physically handicapped persons for entry into Government service.

Order of the Governor regarding Subsidiary Rule 11

Once a person is asked to produce a medical certificate of fitness for entry into government service and has actually been examined and declared unfit, it is not open to the appointing authority to use its discretion to ignore the certificate that has been produced.

12. The certificate shall, except in the case of women candidates or of posts on pay not exceeding Rs. 50 per mensem, be signed by the civil surgeon of the district in which the candidate is resident or in which he is to be employed, provided that a civil surgeon shall not examine a candidate or grant him a certificate except on the written request of the appointing authority.

13. Before the civil surgeon is requested to examine a candidate, the appointing authority shall, as far as possible, satisfy himself that the candidate has not previously been rejected as unfit for permanent employment by any medical authority in England or India and if the candidate has been so rejected the appointing authority shall bring the fact prominently to the notice of the civil surgeon and shall state the cause of the rejection, if known or ascertainable, in the letter to the civil surgeon.

14. In the case of a candidate for appointment to a post of which the pay does not exceed Rs. 50 per mensem, the appointing authority may, at his discretion, accept a certificate in the prescribed form from any medical practitioner who has registered his name under the U. P. Medical Act, III of 1917 or from a Vaidya or Hakim registered with the Board of Indian Medicine, Uttar Pradesh, under the Uttar Pradesh Indian Medicine Act, 1939 (Act X of 1939) or from a homoeopathic medical practitioner registered with the Board of Homoeopathic Medicine, Uttar Pradesh, under the U.P. Homoeopathic Medical Act, 1951 (U. P. Act no. VIII of 1952); provided that where a candidate has previously been rejected as unfit for permanent employment, the appointing authority shall require an examination by the civil surgeon and shall, as in the preceding rule, take steps to make the civil surgeon acquainted with the facts, as far as known or as certainable, regarding the candidate's previous rejection.

NOTE—Executive engineers in the Public Works Department, Buildings and Roads Branch, exercise the powers of the appointing authority under this rule in respect of government servants under their control.

15. If in any case a candidate is not satisfied with the decision of the civil surgeon, he may appeal to the Divisional Medical Invaliding Board through the head of the office or department concerned, and the latter may, at his discretion accept and forward the appeal or refuse to do so, provided that he shall refuse to forward the appeal in any case in which a member of the Divisional Board has already expressed or recorded an opinion unfavourable to the employment of the candidate. When an appeal is allowed the candidate must appear, at his own expense, at the next meeting of the Board.

15-A. There will be no right of appeal from a medical board special or standing; but if Government are satisfied, on the evidence produced, of the possibility of an error of judgment in the decision of the first medical board, it will be open to Government to allow an appeal to a second medical board.

16. When a government servant in whom a defect has been noticed by the examining surgeon, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the civil

surgeon or other medical authority has at the written request of the head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the government servant.

17. No woman candidate for permanent employment in the service of the Government shall be required to undergo a medical examination by a male medical officer. In such a case the appointing authority may, at his discretion, accept a certificate in the prescribed form from any registered medical woman and preferably from a registered Medical woman in government employ.

NOTE—In the case of woman teachers in the girls' model schools, the appointing authority is authorised to accept a certificate from the circle-inspectress of schools concerned to the effect that the candidate is physically and mentally fit for service under the government. If the inspectress has any doubt as to the physical fitness of a candidate, the production of a certificate in the prescribed form from a registered medical woman, and preferably from a registered woman in government employ, should be insisted upon.

CHAPTER-III-A—COMPENSATORY ALLOWANCES

Rules made by the Governor under Fundamental Rule 44

PART I

17-A. The rules in this part apply to the ministerial government servants (including Assistant Secretaries to Government) and inferior government servants of the Civil, Finance and Public Works Department Secretariats, who move with the Government to Naini Tal.

NOTE—Under the order of the Governor under section 305 of the government of India Act of 1935 and the provisions of the government of India (Governors Privileges and Allowances) order, 1936, the rules contained in Part I of this Chapter apply also to the ministerial and inferior establishment of the offices of the Secretary and military Secretary to the governor who may be required to move with the governor to Naini Tal. Any amendment of the rules in this part shall require the approval for the governor, before it can be made applicable to the establishments mentioned above.

A—Ministerial Establishment

17-B. (1) A house-rent allowance for a seasonal stay at Naini Tal shall be made at the following rates:

Married Officials

One month's pay subject to a maximum of Rs. 400 and a minimum of Rs. 125.

Bachelors

Half month's pay subject to a maximum of Rs. 200 and a minimum of Rs. 75.

(2) For the purpose of these rules and subject to the provisions of rule 17-C a government servant will be regarded as married if he has drawn travelling allowance for his family for the journey to Naini Tal, under the special travelling allowance rules applicable to the ministerial establishments mentioned in rule 17-A:

Provided that a government servant, who at the time of proceeding to the hills, is a bachelor, but subsequently gets married, will be eligible for house rent at married rates for the period of his wife's stay with him at Naini Tal.

(3) The amount of allowance in each case shall be paid in one lump sum in the month of May ordinarily and shall be based on the rate of pay—substantive, temporary or officiating—drawn on April 1, of the year in which the allowance is granted subject to the proviso that, in respect of temporary or officiating appointments the arrangements as existing on April 1, are of not less than three months' duration at Naini Tal. When an arrangement as existing on April 1, is of less than three months' duration, the allowance shall be calculated on substantive pay.

In the case of a government servant who is taken to Naini Tal subsequent to the date on which the Secretariate opens there, the allowance shall be based on the rate of pay drawn by him on the date of joining at Naini Tal, provided that the arrangement which necessitates his posting to Naini Tal lasts for not less than three months.

NOTE—A married female government servant is not entitled to house rent allowance at the married rates unless her husband is entirely dependent on her.

17-C. The allowance is admissible to government servants who hold, or are on probation in substantive appointments and also to those who hold temporary or officiating appointments, provided that the temporary or officiating appointment lasts at Naini Tal for more than three months and the government servant is not actually recruited at that station.

17-D. The full rate of allowance for each season shall only be granted when the stay of the individual concerned extends to three months or more. Where the period of stay is less, the amount of the allowance, subject to the limits laid down

in rule 17-B, shall be referred for the orders of the Government in the Finance Department. This condition applies to cases where the full seasonal allowance is drawn, though at the time of drawal the period of stay has not extended to 3 months or more, but is likely to do so. If in any such case the period subsequently falls short of the minimum specified, the question of the amount to be recovered, in suitable instalments by deduction from pay, from the government servant concerned shall be referred to the Government in the Finance Department for orders.

The married rate is not admissible unless a government servant's family has resided in Naini Tal for (a) as long as the government servant himself, or (b) a period of three months, whichever is less.

Exception—Where the family actually proceeds to Naini Tal and the children return to school in the plains, the minimum period under (b) shall be six weeks.

17-E. Notwithstanding anything in rules 17-B to 17-D, government servants who occupy government quarters shall not be eligible for the allowance. They shall be charged rent at the concessional rates laid down in the rules for the occupation of the Secretariate quarters at Naini Tal.

B—Inferior Establishment

17-F. Inferior government servants of the Secretariate who move with the Government to Naini Tal as also inferior government servants of the offices of the Secretary and Military Secretary to the Governor who move with the Governor to that station will receive a monthly allowance according to the scale given in Subsidiary Rule 17-G-3(b). The allowance may be drawn for a period during which the office is open at Naini Tal and for four days prior to the date of opening and for four days subsequent to the closing at Naini Tal. The allowance is not permissible during any leave other than earned leave and the following principles shall be observed in granting the allowance during earned leave:

(a) The head of the office will decide in each case who shall draw the allowance, the only requirement being that no extra expense will be caused to Government.

(b) The absentee will draw the full allowance when no local allowance is given to acting government servants in the chain of arrangements consequent on his going on leave.

(c) The absentee will draw nothing if the whole of his allowance is absorbed in the local allowances granted to acting government servants in the chain of arrangements consequent on his going on leave.

(d) The absentee will draw the difference between his allowance and the amount of it absorbed in the grant of local allowances to acting government servants in the chain of arrangements consequent on his going on leave.

PART—II

Establishments of Heads of Departments, other officers and of the Central Press at Allahabad and the Branch Press at Lucknow.

17-G (1) The establishment of the Central Press at Allahabad and the Branch Press at Lucknow which moves with the Government to Naini Tal, and establishments permitted to accompany certain heads of departments and other officers to Naini Tal at the expense of the Government, will be granted the following allowances during their stay at that station:

A—Ministerial Establishments

(2) The establishments of heads of departments and others mentioned in the following statement will be given a house rent allowance at the rates mentioned in rule 17-B for their stay at Naini Tal, subject to the condition that the rates of married officials will only be given to a government servant who actually takes his family with him to Naini Tal. The allowance will be paid in moieties, the second moiety being paid only if the head of the department or other authority mentioned in column 2 certifies that the government servant had to meet the full season's house rent and was unable to sub-let his quarters:

Statement

Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
1	Member of the Board of Revenue.	Three months in all, any time between April 15 and October 15.	One clerk each.
2	Inspector General of Police.	May 1 to June 30, and 30 days between September 1 and October 15.	One clerk.
3	Assistant to Deputy Inspector General of Police, Criminal Investigation Department,	May 15 to July 14 and 30 days between September 1 and October 15.	Ditto.

	Investigation Branch.		
Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
4	Inspector General of Prisons.	May 1 to June 30, and 30 days between September 1 and October, 15.	Ditto.
5	Director of Medical and Health Services.	Ditto.	Ditto.
5A	Director of Education	Ditto.	Ditto.
6	Excise Commissioner	Ditto.	Ditto.
6A	Inspector General of Registration.	Ditto.	Ditto.
7	Superintending Engineers, Public Works Department, Buildings and Roads Branch.	Ditto.	One clerk each.
8	Chief Engineer, Local Self-Government Engineering Department.	May 1 to June 30, and 30 days between September 1 and October 15.	One clerk.
9	Director of Agriculture.	Ditto.	Ditto.
10	Registrar, Co-operative Societies and Director of Industries.	Ditto.	Ditto.
11	Superintending Engineers, Public Works Department, Irrigation Branch.	Three and a half months between May 15 and October 15.	One clerk each.
12	Director of Animal Husbandry.	May 1 to June 30, and 30 days between September 1, and October 15.	One clerk.

NOTES—(1) The house rent allowance given under this rule will be in respect of the entire period of stay in the hills, and no separate allowance is admissible in respect of a second visit during September-October.

(2) The Electric Inspector to Government is permitted to recess in the hills from 1st May to 30th June in each year and to take one clerk and peon with him. The clerk and the peon will be entitled to travelling and daily allowances as mentioned in rule 4 in Part III of Appendix VI of the Financial Hand book, Volume III.

3. (a) The establishments of the following heads of departments and other officers who are required to stay at Naini Tal for the full season or the greater part of the season will receive a monthly allowance according to the scale prescribed in clause (b) of this rule:

Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
1	Legal Remembrancer to Government.	Full period of the stay of Secretariate	One clerk.
2	Chief Engineer, Public Works Department, Buildings and Roads Branch.	Ditto...	Ditto.
2A	Chief Engineers, Public Works Department Irrigation Branch.	Ditto...	One clerk each.
3	Secretary, Board of Revenue	Full period of the stay of Secretariate	Three clerks.
4	Deputy Legal Remembrancer to Government.	Ditto...	One clerk.
5	Deputy Inspector General of Police, Criminal Investigation Department.	Ditto...	Ditto.
6	Assistant to the Deputy Inspector General of Police, Criminal Investigation Department, Special	Ditto	One Deputy Superintendent of Police, one Inspector of Police and two

	Branch.		clerks.
7	Assistant to Inspector General of Police.	Ditto	Two clerks.
Number	Designation	Period of stay permitted in the hills	Staff
1	2	3	4
8	Superintendent, Printing and Stationery and Deputy Superintendent in-charge of Branch Press, Lucknow.	Ditto	Such staff as may be sent by the Superintendent, Printing and Stationery, from the Central Press at Allahabad and by the Deputy Superintendent In-charge of the Branch Press Lucknow.

(aa) The office establishment, including inferior staff of the Chief Conservator of Forests which moves to Lucknow during the winter season will receive a monthly allowance according to the scale prescribed in clause (b) of the rule for the period of its stay in Lucknow. The provision of notes 1 and 3 below that clause will apply mutatis mutandis to this establishment also in respect of its stay in Lucknow.

(b) The monthly allowance admissible to the clerks shown in the table in clause (a) above, will be according to the following scales:

Pay	Unmarried	Married
	Rs.	Rs.
Not less than Rs. 360 per mensem	110	120
Not less than Rs. 240 per mensem but less than Rs. 360 per mensem	90	110
Not less than Rs. 200 per mensem but less than Rs. 240 per mensem	75	95
Not less than Rs. 140 per mensem but less than	55	75

Rs. 200 per mensem		
Not less than Rs. 75 per mensem but less than Rs. 140 per mensem	40	55
Not less than Rs. 40 per mensem but less than Rs. 75 per mensem	30	40
Pay	Unmarried	Married
	Rs.	Rs.
Not less than Rs. 35 per mensem but less than Rs. 40 per mensem	20	25
Not less than Rs. 28 per mensem but less than Rs. 35 per mensem	14	17
Not less than Rs. 22 per mensem but less than Rs. 28 per mensem	10	10
Not less than Rs. 12 per mensem but less than Rs. 22 per mensem	6	6
Less than Rs. 12 per mensem	5	5

NOTE—(1) The married rate is not admissible unless a government servant's family has resided in Naini Tal for (a) as long as the government servant himself, or (b) a period of three months, whichever is less.

Exception—When the family actually proceeds to Naini Tal and the children return to school in the plains, the minimum period under (b) shall be six weeks.

NOTE—(2) In the case of an inspector of the Criminal Investigation Department supplied with rent-free quarters at Naini Tal the allowance admissible in accordance with the above scale will be reduced by Rs. 25 per mensem.

NOTE—(3) The provisions of Subsidiary Rule 17-F will also apply to the establishments of heads of departments and other officers enumerated in sub-rule 3(a) above.

NOTE—(4) The Deputy Superintendent of Police accompanying the Assistant to the Deputy Inspector General of Police, Criminal Investigation Department, Special Branch, to Naini Tal is allowed house rent allowance at the rates mentioned in rule 17-B which may be paid in accordance with and subject to the conditions laid down in the rules for ministerial establishments in Part I.

(c) The establishment of an office of the Legislature when it moves to Naini Tal in connection with the Sessions of the Legislature will receive, if their period of stay at that place exceeds six weeks, a monthly allowance according to the scale prescribed in sub-clause (b) of this clause subject to the maxima laid down in rule 17-B.

(d) The sub-assistant surgeon attached to the Military Secretary to the Governor who may be required to move with the Governor to Naini Tal is entitled to a monthly allowance according to the scale prescribed in sub-clause (b) of this clause during the period of his stay at that station.

B—Inferior Establishments

4. An inferior government servant will receive a monthly allowance according to the scale given in clause 3(b) above in respect of his stay at Naini Tal except that no allowance will be admissible to an inferior government servant accompanying a head of department or other officer mentioned in column 2 of the statement in clause 2 above for a second visit in September-October.

NOTE—The principles laid down in Subsidiary Rule 17-F will also apply to an inferior government servant referred to above who is granted earned leave during his stay at Naini Tal.

CHAPTER IV—FIXATION AND RECOVERY OF RENT OF RESIDENCES

Rules made by the Governor under Fundamental Rule 45

18. When a building owned or leased by the Government or a portion thereof has been made available by the Government for use as a residence by a government servant under their administrative control, such building or part of a building may be allotted to a post specified in the order of allotment for use as a residence by the incumbent of the post.

18-A. (1) The incumbent, whether permanent or temporary, of a post to which a residence has been allotted under rule 18 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) 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 another government servant who is in occupation thereof.

(3) A government servant shall not be considered to be in occupation of a residence when he proceeds on leave unless the Government otherwise direct. But if he is permitted to prefix gazetted holidays to his leave or affix gazetted holiday to leave or joining time, he shall be considered to be in occupation of the residence for the period of the said holidays.

(4) When a post is vacant, no one is liable for the rent of the residence allotted to it. In such cases it is not necessary to suspend the allotment of the residence to the post, but the officer who is in immediate administrative control of the post must communicate to the Accountant General the fact that the post is vacant and the period for which it will remain vacant.

* (5) (a) The incumbent of a post to which a residence is allotted shall vacate the residence occupied by him on his transfer before the expiry of the period of joining time (exclusive of journey time permissible to him). He may be permitted to occupy the residence in his occupation beyond the period of joining time as indicated above on payment of rent as follows:—

(i) normal rent under F. R. 45-A-IV (b) for one month from the date of transfer;

(ii) the standard rent of the residence for the next two months;

(iii) double the standard rent for the following two months; and

(iv) triple the standard rent for any subsequent period.

(b) In case, however, permission for continued occupation beyond joining time as referred to in sub-paragraph (a) above, is not obtained or is not granted, the occupation will be unauthorised and the incumbent will be liable to action in accordance with the law on the subject.

*As amended vide O. M. No. G—1—1243—X—534 (119)/69 dated 11-1-1973 and became effective from 11-1-1973.

(c) (i) In the event of death or retirement from service the incumbent and/or his family, as the case may be, may remain in occupation of the residence after the date of death or retirement, for a period of one month at normal rent and thereafter for a period not exceeding three months at the standard rent of the residence.

(ii) In the event of resignation, dismissal or removal from service, the incumbent and/ or his family, as the case may be, may remain in occupation of the residence for a period of one month at normal rent from the date of resignation, dismissal or removal from service.

(iii) Where the concession of rent-free quarter was enjoyed by the incumbent before the event of death, dismissal, removal or retirement from service, the same shall be admissible to him and/or his family, as the case may be, for a period of one month from the date of death, dismissal, removal or retirement from service:

Provided that if the residence is occupied even beyond the period stipulated in clauses (i), (ii) and (iii) of sub-para (c) above the incumbent shall be required to pay triple the standard rent of the residence for any such period.

NOTE—Normal rent means the standard rent of the residence or ten per cent of the monthly emoluments of the incumbent whichever is less, and municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax.

18-B. When an officer is transferred from a station and there is no other officer on the spot to relieve him and charge is temporarily made over to a subordinate government servant, no rent should be charged from the subordinate government servant for the period the official residence remains actually vacant up to a maximum period of one month.

18-C. (1) The Government may suspend the allotment of a residence to a post:

(a) which is temporarily held by a government servant under Fundamental Rule 49 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 to another post in the same station, if the government servant is in occupation of a residence owned or leased by the Government and the Government do not consider it necessary that he should change his residence;

(d) the incumbent of which habitually lives in the orthodox Indian style, if the residence has been built in the European style;

(e) the incumbent of which habitually lives in the European style, if the residence has been built in the orthodox Indian style; or

(f) in which a government servant is officiating for a period not exceeding two months, if the government servant is prevented from actually occupying the residence by circumstances, which, in the opinion of the Government, justify the suspension of the allotment; in exceptional cases where the officiating period exceeds two months but does not exceed six months, the allotment may be suspended with the consent of the Government in the Finance Department;

(g) when the residence is rendered uninhabitable by reason of extensive repairs being in progress or from any other cause.

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

(3) When the allotment of a residence to a post has been suspended under sub-rule (1), the residence may be allotted to any other government servant or, if it is not required by any other government servant, to any suitable person:

Provided that the allotment to such government servant or person shall terminate not later than the date on which the period of suspension terminates.

18-D. A government servant in occupation of a residence may sub-let it, subject to the following conditions, namely:

(a) The lessee shall be a person approved by the head of the department in whose charge the residence is;

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

(c) the lessor shall remain personally responsible for the rent and 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 the Government in special circumstances, exceed the rent payable to the 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 sublet the residence or the rent payable by the lessee if the residence had been allotted to him direct by the Government, whichever is higher.

Order of the Governor regarding Subsidiary Rule 18D(f)

In the case of sub-letting of a government residence when the lessor, is not entitled to rent-free quarters or house-rent allowance in lieu but the lessee is so entitled, the rent payable by the lessor should 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 Government otherwise than free of rent, whichever is higher.

When a government residence is sub-let and the lessor and the lessee are, or the lessor is, entitled to rent-free quarters or house rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent:

(i) When both the lessor and the lessee are entitled to rent-free quarters or house-rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances; and

(ii) When the lessor is entitled to rent-free quarters or house-rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house-rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

18-E. Government servants holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognized by the Government. Each government servant shall remain responsible for the rent of the residence allotted to the post held by him.

18-F. The head of the department, in whose charge the residence is, may permit a government servant during temporary absence from his station on leave or duty to store his furniture and other belongings at his own risk, free of rent, in the residence occupied by him prior to such a absence when both the conditions specified below are fulfilled:

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

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

18-G. 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 the Government to reside.

18-H. When a government servant is supplied with residences in more than one station —

- (1) each residence will be held to be in occupation by him until such time as another such residence is occupied;
- (2) absence from the residence in occupation on tour will not absolve him from payment of rent there for during the period of such absence;
- (3) if, during his tour, he goes to the station in which another residence has been provided for him and occupies that residence, he shall be charged for the period of such occupation the higher of the two rates payable by him for the occupation of either of the two residences;
- (4) rent shall be charged at the prescribed rates for the occupation of each residence if more than one residence is in occupation simultaneously otherwise than in circumstances in (3) above.

18-I. A government servant to whom a residence is allotted for a part only of the year shall, if the residence is occupied beyond that period, be deemed to be in occupation for such additional period and shall be liable for rent for the additional period at the prescribed rate.

18-J. Expenditure incurred in providing quarters for armed police guards in the residence of a Commissioner, District Magistrate, Joint Magistrate or Superintendent of Police shall be excluded from the capital cost of the residence for the purpose of calculating the standard rent.

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (i)

19. When the actual cost of acquisition or construction of a residence is not known, the present value of the residence, exclusive of the site on which it stands, shall be estimated by the executive engineer, and fixed by the Government.

The present value shall be determined as follows:

The plinth area of the building will be ascertained and the present day cost of constructing a building of similar size and specification then estimated at plinth area rates. From the figures so arrived at will be deducted—

- (a) a percentage, estimated by the executive engineer from inspection, representing depreciation or obsolescence of the materials in the building;
- (b) a lump sum representing such damage which may exist but which does not affect the life of the building; and

(c) if necessary, a further lump sum deduction representing the value of those features which exist and which have been included in the plinth area valuation but which represent no value to a tenant (e.g. exceptionally thick walls, mosaic mural decoration, tahkhanas and the like).

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (ii)

19-A. Where the amount paid for a property is known but the amount actually paid on account of the site is not known, the cost of the site at the time of its acquisition shall be determined by the head of the department by comparing it with similar land, the value of which at the time of the acquisition of the site in question can be ascertained from the record of the district or other government offices. If the cost of the site cannot be so determined, it may be taken to be that proportion of the book-value of the house which the present market value of the site, as assessed by the district officer, bears to the present market value of the whole premises.

19-B. Expenditure on the following objects shall be considered to be expenditure upon the preparation of a site, viz.:

(a) Levelling;

(b) Clearance;

(c) Culverts.

NOTE—Fencing and approach roads and other roads and paths within the confines of the site shall be considered as part of the expenditure on or value of the residence as distinct from that of the site.

19-C. If the actual cost of the works mentioned in rule 19-E cannot be ascertained from any records, then it may be assumed to be the same as their present market value as assessed by the executive engineer of the division; provided that if any work was constructed prior to January 1, 1918 only two-thirds of its present value as assessed by the executive engineer shall be taken as equal to the expenditure on the work.

19-D.

Rules made by the Governor under Fundamental Rule 45 A-II, proviso (vi)

19. E. For the purpose of assessing the cost or value of sanitary, water supply and electric installations and fittings, all materials and articles required or used from that point from which the installation is peculiar to the residence concerned, and all movable fans and lights supplied in the residence at the expense of the Government, shall be deemed to be fittings. This includes, in the case of electric installations, glass shades, but not bulbs, silk shades or other perishable articles.

NOTES—(1) In the case of more than one residence being connected with one branch from the public drain, mains or supply line, the cost of the connecting drain, main or supply line from the public drain, mains or supply line shall be apportioned between the residences served in proportion to the capital cost of the several installations in each residence.

(2) In assessing the cost of sanitary, water-supply and electric installations the cost of labour shall be included.

(3) The distribution of the capital cost of water-supply, sanitary and electrical installations between the residential and non-residential portions of a building should be made on the basis of the actual cost of the relative fittings installed in each of the residential and non-residential portions of the building, anything common being divided in proportion to the capital cost of the installation in those portions. The provision of this note applies to buildings fitted with such installations after January 1, 1934.

(4) Electric heaters or water heaters which are fixed to walls, floors, or ceilings of Government buildings should be classified as fittings for the purpose of this rule, while "portable" heaters or water heaters which obtain their electric energy by means of a movable plug in a socket in the wiring system should be classified as furniture.

19-F. The Government have prescribed the following maximum scale for electrical fittings to be fixed in residences provided by the Government other than Government Houses and residences of Ministers:

Average pay of the post (excluding overseas pay)		Ceiling fans	Table fans	Lights (pendants or brackets)	Table lamps	Wiring point (fans and lights)	Plug wiring points (fans and lights)	Electric bells	Power plugs
1		2	3	4	5	6	7	8	9
1.	Less than Rs. 250, per mensem.	2	1	7	1	9	3	Nil	1
2	Rs. 250 per mensem and above but less than Rs. 500 per mensem.	4	1	16	1	20	6	1	1

	1	2	3	4	5	6	7	8	9
3	Rs. 500 per mensem and above but less than Rs. 1,200 per mensem.	5	2	22	2	27	7	2	2
4	Rs. 1,200 per mensem and above but less than Rs. 1,500 per mensem.	5	2	26	2	31	8	2	3
5	Rs. 1500 per mensem and above.	6	3	30	2	36	10	4	3

19 G. The following is the maximum scale for water and sanitary fittings to be fixed in government residences other than Government Houses and residences of Ministers:

Bath tub	1	In each bathroom with necessary connection to mains and sewers.
Wash hand basin	1	
Water closet	1	
Hot water boiler	1	For the whole house.

One sink each in the kitchen and pantry.

One electric pumping set, provided there is no general water supply system in the area in which the residence is situated and it is necessary to instal such a set for the supply of water.

Rules made by the Governor under Fundamental Rule 45 A-III

20. (1) Leases by the Government of buildings from private persons or bodies should ordinarily provide that the lessor will execute all structural repairs before the building is occupied and will carry out such additions, alterations and repairs as are necessary to render the building habitable and suitable for the purpose for which it is required. In the event of any addition or alteration to the building being made subsequent to the signing of the lease at the request of the occupant and at the expense of the Government, the consent of the owner must first be obtained in

writing, unless the work is considered by the Government to be essential for sanitary reasons, and the rent payable by the occupant will be increased under the following rules:

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to the Government the original cost of that work, less an allowance for deterioration, which should be fixed before the work is done, the occupant will be required to pay the following additional charges:

(a) A percentage of the capital cost equal to such rate of interest as may from time to time be fixed by the President of India in respect of officers under his rule-making power or by the Governor in respect of government servants under his rule-making power, as the case may be, for the purposes of Fundamental Rule 45-A-III(b) (i);

(b) the percentage or amount fixed for deterioration;

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by the Government); or

(ii) If the landlord refuses to accept any liability for the additional work, the rent payable by the occupant will be increased by a sum sufficient to cover during the period of the lease—

(a) the capital sum expended including interest at such rate as may from time to time be fixed by the President of India in respect of officers under his rule-making power or by the Governor in respect of government servants under his rule-making power, as the case may be, for the purposes of Fundamental Rule 45 A-III(b)(i) L;

(b) the annual estimated charges for maintenance and repairs of the additional work.

NOTE—The amount to be recovered monthly from the tenant should be fixed when the work is completed and should be distributed equally throughout the remaining period of the lease.

In case (i) interest will be calculated on half of the amount of the less half the amount which will be recovered on account of deterioration.

In case (ii) interest will be calculated on half the amount of the outlay.

(2) Capital expenditure under clause (ii) of the above rule should only be incurred when absolutely necessary, and the previous approval of the Government in the Finance Department should be obtained in cases where the capital expenditure under sub-clause (i) or (ii) of the above rule will raise the rent of the leased

building to an amount in excess of 10 per cent of the monthly emoluments of the class of the government servant who usually occupy the building.

20-A. In the case of residences owned or leased by the Government the addition to be made for meeting ordinary and special charges of maintenance and repairs and municipal and other taxes in the nature of house or property tax payable by the Government shall be as follows:

(a) For ordinary maintenance and repairs and municipal and other taxes in the nature of house or property tax payable by the Government the rent shall be one-twelfth of the amount estimated as the annual cost of the ordinary repairs, together with a proportional share of the expenditure on repairs that may be required quadrennially or at other intervals, plus one-twelfth of the amount of all municipal and other taxes in the nature of house or property tax payable in a year by the Government. Municipal and other taxes not in the nature of house or property tax which by agreement or local rule or custom are levied on the occupant and not on the owner shall be payable by the occupant in addition to the rent payable under these rules. Such taxes will not be taken into account in the estimate of the executive engineer. Where any such tax is payable by the Government it shall be recovered from the occupant along with the rent at a monthly rate of one twelfth of the amount payable in a year by the Government provided that the recovery of the tax, like that of rent, will be made from him only for the period during which he is or is deemed to be in occupation of the residence.

(b) For special maintenance and repairs the monthly rent shall be determined on an estimate of the life of each class of work in the building.

(c) For service installations (water-supply, sanitary, heating and electrical installations the rent shall be increased by 4 1/2 per cent and 5 per cent of the capital cost, as distributed below, and shall be one-twelfth per mensem of the total amount thus arrived at—

1) Water-supply and sanitary installations—

		Per cent
Annual repairs		1
Special repairs		3½
	Total	4½

(2) Heating and electrical installations—

		Per cent
Annual repairs		1½
Special repairs		3½
	Total	5

NOTE—(1) In calculating the above rents, the cost of service line, if any, will be ignored.

NOTE—(2) When special repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such repairs shall be shown separately in the capital and revenue accounts as revenue charges during the year and should not be taken into accounts as a basis for the revision of the rent or for recovery under clause (b) above,

20-B. In the case of residences comprising separate complete sets of quarters for occupation by different tenants, the standard rent for each set must be calculated separately under Fundamental Rule 45-A and the expenditure and accounts of each set must be booked and kept separately.

20-C. The rent calculated under rules will remain in force for a period of five years and will not be varied on account of minor additions and alterations, provided that the expenditure on such additions and alterations does not exceed in any one year one percent of the capital cost of the residence or Rs. 500, whichever is less. But whenever any additions and alternations, which add to the accommodation or involve replacement of the existing type of work by work of a more expensive character and the expenditure on which exceeds this limit, are made, the cost of such additions and alterations including the cost of any minor additions and alterations of the same nature, which have been previously ignored under this rule, shall be added to the capital cost and the rent increased accordingly irrespective of the fact whether the period of five years has expired or not.

The same principles will be observed when instead of an increase in the capital cost of a residence there is a decrease in it due to the writing off of a portion of it not exceeding in any one year one percent of the capital cost or Rs. 500, whichever is less.

21. * * * *

Rules made by the Governor under Fundamental Rule 45 A-VI

22. Provision of extra amenities in connexion with official residences, such as furniture, tennis courts, gardens, cow-sheds, fowl-houses, refrigerator, etc. shall be subject to the following conditions:

(a) that such amenities are not greater or more expensive than is reasonable having regard to the official position of the occupant, the social duties it entails, and other relevant circumstances;

(b) that such amenities shall not, except in special circumstances, be provided for government servants who are entitled to free quarters.

NOTE—(1) The following are the only charges which may be incurred in connexion with the provision and maintenance of tennis courts when these are provided in Government residences:—

(i) Construction of the court and of retaining walls, where necessary.

(ii) Surfacing of the court with bajri, grass, cement, etc.

(iii) Provision and erection of posts and wire netting for the purpose of enclosing the court and of permanently fixed post and apparatus for suspending lawn tennis nets.

(iv) Provision and erection of fixtures and appurtenances for hanging screens.

(v) Maintenance of the foregoing items.

The cost providing and renewing tennis nets, the marking of courts, and the provision of screens shall not be admitted as a charge against the Government.

22-A. Rent for tennis courts, gardens, cow-sheds, etc. constructed and maintained by the Government shall be—

(a) interest at the same rate as is applied for purposes of Fundamental Rule 45-A-III on the capital value of the amenity provided at the cost of the Government;

(b) the amount estimated by the Deputy Director of Gardens, Uttar Pradesh, as necessary for the annual upkeep of the tennis court, garden, etc. including all charges such as of malis, coolies, manure, seeds and bullocks for drawing water or other charges for water;

(c) the annual cost of repairs to any structural features.

NOTE—(1) The value of the site shall be excluded in calculating the rent of extra amenities under this rule.

NOTE—(2) When the capital cost of any gardens or lawns cannot be ascertained the case should be reported to the Government for orders on merits.

NOTE—(3) In calculating the monthly rent of gardens, the average receipts obtained from the sale of grass and unserviceable garden tools, etc. (but not from sale of dead trees) should be deducted from the annual cost of maintenance of the garden concerned.

22-AA. Rent for an electric pumping set which does not fall under Subsidiary Rule 19-G and which has been installed in a residence at Government expense at the request of its occupant shall be recovered monthly at one-twelfth of the amount annually required for the payment of interest at the rate prescribed under rule 22 F plus annual repairs at 1½ per cent and special repairs and depreciations at 8½ per cent on the capital cost of the set.

Once a pumping set has been installed in a residence at the request of an occupant, every government servant occupying the residence shall be liable to pay rent for the pumping set irrespective of whether he requires or uses it or not. He will also bear the cost of the electric current consumed in operating it.

22-B. The Government may in special circumstances by order remit or reduce the additional rent for services other than water supply, sanitary or electric installations and fittings such as furniture, tennis courts, gardens, cow-sheds, fowl-houses, etc. maintained at the cost of the Government.

22-C. Rent on furniture supplied during 1921 and up to 19th June, 1922, will be charged at 8 per cent per annum on the capital value and any supplies made after that date will be charged at 12 per cent on the capital value involved. The details of 8 and 12 per cent respectively are given below:

Details of 8 per cent		Details of 12 per cent
Interest	3½ per cent	6 per cent
Repairs	1½ "	3 "
Renewals	3 "	3 "
	8 "	12 "

22-D. The rent to be recovered on account of refrigerators supplied by the Government shall be calculated as follows:

Interest on the cost of the refrigerator

6 per cent per annum.

Depreciation charges	8.5 per cent per annum.
Maintenance charges	Rs. 25 per annum.

Example— The monthly rent to be recovered on a refrigerator costing Rs. 1,000 will be—

	Rs.
Interest at 6 per cent per annum	60
Depreciation charges at 8.5 per cent per annum.	85
Maintenance charges	25
Total	170

or Rs. 170 divided by 12 – Rs. 14 per mensem.

NOTE—The occupant of a residence in which a refrigerator is installed is liable for the rent thereon even if he does not utilize it. In addition he will of course bear the cost of the electric current consumed in operating it.

22 E. * * * *

22-F. Except as otherwise provided in these rules the interest on the capital cost of special services falling under Fundamental Rule 45A-VI shall be charged at the same rate as is applied for purposes of Fundamental Rule 45A-III.

22-G. Administrative departments of the Government and heads of departments have been authorized to sanction additional rents and charges for extra amenities according to the above rules.

23. * * * [See the note below rule 45-A-II of the Uttar Pradesh Fundamental Rules in Part II of this volume].

CHAPTER V—ACCEPTANCE OF HONORARIA AND FEES

Rules made by the Governor under Fundamental Rule 47

24. Subject to the conditions prescribed in rules 25 to 34, a head of a department may sanction the grant of an honorarium to a government servant under his administrative control or the acceptance by such a government of a fee. No government servant may accept an honorarium or a fee without such sanction, or without the orders of the Government.

NOTE—(1) The employment by a Public Service Commission, or by the Board of High School and Intermediate Education, Uttar Pradesh, or by the Registrar, Departmental Examinations, Uttar Pradesh, or by the Board of Homoeopathic Medicine, Uttar Pradesh, or by the Registrar of the various other examinations in the Education Department, or by the State Board of Technical Education, Uttar Pradesh, or by the Central Secretariate Training School (Examination Wing) as setters, moderators, examiners, tabulators and checkers of any government servants serving under the Government of Uttar Pradesh will also automatically imply the Government's sanction to their undertaking the work and accepting honoraria at the prescribed rates. The maximum prescribed limit for officers (gazetted and non-gazetted government servants) to receive honoraria and fees it employed by a Public Service Commission, or by the Board of High School and Intermediate Education, Uttar Pradesh, or by the Registrar, Departmental Examinations, Uttar Pradesh, or by the Board of Homoeopathic Medicine, Uttar Pradesh, or by the Registrars of the various other examinations in the Education Department, or by the State Board of Technical Education, Uttar Pradesh, or by the Central Secretariate Training School (Examination Wing) or by any other examining body as setters, moderators, examiners, tabulators, checkers, etc. for the various examinations conducted by them in a single year from the various sources enumerated above will be Rs. 3,500 and that the honoraria and fees from one source or examining body to a person in a single year shall not exceed Rs. 1,500.

Order of the Governor regarding rule 24

The Regional Deputy Directors of Education, Uttar Pradesh, Regional Inspectresses of Girls Schools, Uttar Pradesh, and the Principal, Government Central Pedagogical Institute, Uttar Pradesh, Allahabad are authorized to permit Government servants in their respective Regions and subordinate to them to accept such examinerships and to receive therefore honoraria or fee, as the case may be, subject to the condition that the monetary limit in the case of a Government servant from one single source within a year shall not exceed Rs. 250 and a total of Rs. 500 from all sources taken together.

NOTE—(2) The grant of permission to a government servant invited by All India Radio to broadcast a talk, etc. from any of its stations will also automatically imply sanction to his accepting honorarium not exceeding the prescribed rates, if he wishes to do so, unless the authority competent to grant such permission directs otherwise.

24-A. Commissioners of Divisions are empowered to sanction the acceptance by tahsil clerks of recurring fees or allowances not exceeding Rs. 15 per mensem in each individual case from District Boards for doing the clerical work of the latter at tahsils in addition to their official duties.

24-B. Government servants of the Public Works Department and also of the Local Self Government Engineering Department should be permitted to undertake private work only when it is of a public or semi-public nature, e.g., the design or erection of a large bank building or of a public hall, library or school or a water-supply or drainage scheme. They will not be permitted to undertake work which is of a purely private nature and which can be performed by private contractors or firms. These conditions will, however, not apply in the case of those government servants who have been definitely permitted by the terms of their agreement to undertake any private work.

25. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

26. When the service rendered falls within the scope of the ordinary duties of the government servant performing it, the test of special merit prescribed in Fundamental Rule 46 must be very strictly applied.

27. An honorarium shall not be given under these rules for superintending an examination which is compulsory for certain government servants or any other examination the conduct of which comes within the ordinary duties of the government servant or servants conducting them. But an honorarium may be granted to a government servant superintending an examination of candidates for admission to the public service or any other examination the conduct of which is declared by the Government or a head of department authorized to hold such examination not to come within the ordinary duties of the government servant or servants conducting them. If fees are levied from the candidates appearing at an examination and the amount of such fees is sufficient to cover the honoraria of the examiners, a head of department authorized to hold the examination may sanction the grant of honoraria, irrespective of the limit prescribed in rule 31.

28. Sanction must not be given to the acceptance of an honorarium or fee unless the work for which it is offered has been undertaken with the knowledge and sanction of head of the department, who must certify that its performance will involve no detriment to the official duties of the government servant performing it.

29. When a fee is paid for work done by a government servant during time which would otherwise be spent in the performance of official duties, the sanctioning authority may, for special reasons, which should be recorded, direct that the whole or any part of it be paid to the government servant. The procedure for the accounting of fees received by government servants for work done for private bodies or for another Government, is laid down in paragraphs 361A and 361B of the Financial Handbook, Volume V, Part I.

29–A. When a government servant is permitted to receive a fee in circumstances which necessitate his devoting his whole time to the work of the foreign employer to the exclusion of his regular duties the part of the fee to be credited to the Government shall not be less than the pay of the government servant plus contribution for pension and leave for the period of his absence from duty. If a government servant is required to devote his whole time to foreign service for a period exceeding ten days, he should be placed on foreign service in accordance with the rules for such employment.

30. When a government servant of an educational service is permitted to receive fees for private tuition, the financial limit of the power of sanction accorded by rule 31 shall be considered to apply to the total amount of fees to be accepted by such government servant during any particular scholastic term or vacation.

31.* For any individual piece of work a head of a department may sanction in the case of government servants subordinate to him (1) the grant of non-recurring honoraria not exceeding Rs. 375 in all, (2) the acceptance of a non-recurring fee or fees not exceeding Rs. 750 in all, or (3) the acceptance of recurring fee or fees not exceeding Rs. 30 per mensem in all.

Exception 1—The Director of Education, Uttar Pradesh, may sanction the acceptance of remuneration for the sale of the copyrights of books and also the acceptance of fee for private tuition up to the limit of Rs. 1,000.

Exception 2—The Transport Commissioner, Uttar Pradesh, may sanction, in the case of a government servant subordinate to him, the grant of non-recurring honoraria not exceeding Rs. 5,000 in all for one Mela, subject to the conditions laid down in Note 2 below this rule.

NOTE (1) The limits specified in items (2) and (3) above refer to the total amount of fee or fees inclusive of the share creditable to the Government, if any, and the power in item (3) above shall be exercised only in respect of non-gazetted servants.

NOTE (2) So far as the grant of honoraria is concerned, the exercise of the power mentioned in the rule by a head of a department is subject to the condition that necessary provision to meet the cost of honoraria exists in the budget and is not increased by reappropriation from other heads over which he may have control.

Any proposal for the grant of honoraria which involves the supplementing of the budget provision should be submitted to the Government even though it may otherwise be within the powers of sanction of a head of a department.

NOTE (3) The Director of Medical and Health Services, Uttar Pradesh, has been empowered to sanction honoraria (at the rate of fifty paise per certificate) to certifying surgeons or persons authorized under section 12 of the Indian Factories Act, 1934 (Act XXV of 1934), subject to the following conditions:

(i) The honorarium will be paid quarterly on the basis of the number of certificates issued in each of the three preceding months;

(ii) no honorarium will be paid in respect of any month in which the number of certificates issued is less than twenty.

32. A government servant appointed as an examiner by the authorities of any university or by another Government may be permitted to accept the entire fee or honorarium sanctioned by the university or other government. But in cases where the examination work involves the absence of the government servant from his headquarters or detriment to his regular duties, the period of absence should be treated as casual leave, if it is below fourteen days, and regular leave, if it exceeds that period. The Government will, in no case, be responsible for the travelling allowance of the government servant for any journeys performed by him in connexion with such work.

*(This amendment shall be deemed to have come into force with effect from July 24, 1974).

33. No government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

34. A government servant called upon by a court of law to act as a commissioner to give evidence on technical matters may be permitted to comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and to accept such fees as are fixed by the court.

NOTE—The apportionment of fees received by the government servant between him and the Government will be regulated by Subsidiary Rules 29 and 29-A.

CHAPTER V-A—ACCEPTANCE OF FEES BY MEDICAL OFFICERS OF THE PROVINCIAL AND SUBORDINATE MEDICAL SERVICES FOR SERVICES OTHER THAN PROFESSIONAL ATTENDANCE

Rules made by the Governor under the Uttar Pradesh Fundamental Rule 46A

34-A. (1) The permission to undertake private medical work (other than professional attendance) on the fees permitted by the following rules is subject to the general condition that no medical officer shall undertake any work on behalf of a private person or body or public body without the knowledge and sanction, whether general or special, of the local head of his department, or if he is himself the local head, of the head of his department, and sanction shall be subject to the condition that the work does not interfere with the official duties of the medical officer concerned.

(1-A) Except where otherwise provided in these rules, professors and readers at the Agra Medical College, Ganesh Shanker Vidyarthi Memorial Medical College, Kanpur and Moti Lal Nehru Medical College, Allahabad may for purposes of these rules, rank as Civil Surgeons and lecturers as Provincial Medical Service officers not being civil surgeons. This applies only to those professors, readers and lecturers who are allowed to engage in private practice.

(2) In cases where the fee is under the rules divisible between the medical officer and the Government, the total amount should, except in the case of a medical board otherwise provided for in rule 10 or of Provincial Medical Boards for which the Government have prescribed special procedure, first be credited to the Government, the share of the medical officer being afterwards drawn on a refund bill in form 19 of the Financial Handbook, Volume V. In all such cases a complete record of the work done and of the fees received should be kept by the medical officer.

(3) The rates of fees given in the following rules are the maxima which a medical officer will be free to reduce or remit, if he is entitled to appropriate them himself. In cases where the fee is divisible between the medical officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realized instead of the schedule fee.

(4) No fee shall be admissible to a medical officer for conducting post-mortem medico-legal or other similar medical examinations, when such examinations form part of his ordinary official duty.

(5) A staff surgeon in receipt of an allowance for the medical charge of the civil population as a collateral duty is not entitled to any remuneration for conducting a post-mortem or medico-legal examination when such work is done in the ordinary course of his duty as civil surgeon.

(6) Medical officers holding appointments as civil surgeons are entitled to a fee of Rs. 32 for conducting post-mortem examinations done otherwise than in course of ordinary duty. Medical officers of the Provincial Medical Service other than civil surgeons and of the Provincial Subordinate Medical Service will under similar conditions be entitled to a fee of Rs. 16 per examination.

(6-A) A medical officer holding civil medical charge of a district is entitled to a fee of Rs. 16 for conducting a medico-legal examination, and a medical officer of the Provincial Medical Service or Provincial Subordinate Medical Service not in civil medical charge of a district is entitled to a fee of Rs. 8 for such work when this does not form part of his ordinary official duty.

(7) No fee is admissible to a medical officer for giving evidence in criminal cases either for the prosecution or for the defence when he is summoned to give evidence on behalf of the Government. Similarly, fees cannot be claimed by a medical officer when he is requested by the police to report on the age of an accused person or as to whether injuries inflicted are simple or grievous.

In all other cases, when evidence is given for a private person or a public body, medical officers should settle their fees before they go into court. Once they have been summoned to give evidence by a competent court, the additional fee, if any, will be settled at the discretion of the court:

Provided that no government medical officer is permitted without first obtaining the permission of the Director of Medical and Health Services to give evidence for the defence in a case in which the Government is the complainant.

(8) A civil surgeon is entitled to a fee of Rs. 4 for each candidate examined by him under the Postal Life Insurance Rules.

(9) A civil surgeon is entitled to a fee of Rs. 8 for each applicant, examined by him, who applies for commutation of a sum such that the total amount of pension to be commuted, together with the amount or amounts previously commuted, if any, is Rs. 25 or less of the monthly pension.

The medical examination of an applicant for commutation of pension who has been granted an invalid pension, or who has applied for commutation of a sum which together with the amount or amounts previously commuted, if any, is more than Rs. 25 of the monthly pension, shall be conducted by a medical board.

When the examination is conducted by a medical board, the applicant shall pay a fee of Rs. 4 into a Government treasury and make over the receipt for the fee to the board before examination, together with an additional fee of Rs. 12 in cash to be retained and divided by the members of the board among themselves.

In cases where the Government, in the exercise of the discretion allowed by the rules for commutation of pensions desire a second medical opinion, the applicant for commutation of pension shall not be required to pay any further fee.

(10) A medical officer-in-charge of a civil station is entitled to a fee of Rs. 16 for giving an opinion in an arbitration case under the Workmen's Compensation Act, 1923 (Act VIII of 1923).

(10-A) A medical officer is entitled to a fee of Rs. 4 for furnishing a report on an injured workman.

(11) No fee shall be charged for any certificate recommending a government servant for leave or extension of leave, and no fee may be charged for a consultation as a result of which such a certificate is granted.

NOTE—Except in cases of an urgent nature or of a few days only, a government medical officer should, as far as circumstances permit, avoid granting a medical certificate recommending leave, and more particularly extension of leave, without the cognizance of the head of the office or department to which the applicant belongs, in order that the head of the office may communicate any essential facts about the applicant's case.

(12) Except as provided by rule 13, a candidate who has been accepted for Government employment, subject to his being declared medically fit for Government service, shall be examined and certified free of charge by the civil surgeon of the district in which the candidate is resident or to be employed. He should bring a letter from the recruiting authority to the effect that he has been accepted for Government employment if passed medically fit.

In other cases, e.g., of candidates for Government appointments who have to submit a medical certificate of fitness with their original applications, a civil surgeon will be entitled to a fee of Rs. 8 per candidate. Medical officers of the Provincial Medical Service may charge Rs. 4 and of the provincial Subordinate Medical Service Rs. 2 for each candidate for Government service examined by them and not previously approved or accepted subject to medical fitness or sent by the head of office or department.

(13) A civil surgeon is entitled to a fee of Rs. 5 for each candidate for the post of naib tahsildar examined by him.

(14) A fee of Rs. 4 may be charged by a civil surgeon for examining candidates for admission to the Police Training School, Moradabad, the Agricultural College,

Kanpur, the Forest College, Dehra Dun, the Punjab, Patna and Calcutta Veterinary Colleges, the Medical School. Agra and the Qanungo Training School, Hardoi.

The same fee is chargeable from any candidate for admission to any technical or industrial institution under the Department of Industries who is required by the head of the institution concerned to produce a certificate by a civil surgeon. Such heads of institutions are, however, at liberty, should they see fit to do so, to accept certificates of medical fitness from other medical officers in the employment of Government, in which case the fee chargeable by such medical officers will be Rs. 2.

(15) In the hill patts of the Kumaun Division, Assistant surgeons who are required to examine candidates for appointment as patwaris are entitled to a fee of Rs. 2 per candidate.

(16) Medical officers of the Provincial Subordinate Medical Service attached to district or municipal board dispensaries and paid by those bodies shall examine candidate for training at normal schools without any remuneration.

Candidates for posts under district or municipal boards shall, when required by the boards to be medically examined, be examined by such medical officers free of charge.

(17) A civil surgeon appointed as a certifying surgeon under the Indian Factories Act, 1911 (Act XII of 1911), shall not charge any fee for the examination of children applying for employment in factories or for the re-examination of children in respect of whom notice has been served upon the manager.

(18) The lecturers of the Agra Medical School are entitled to the following remuneration for conducting the grade examinations of sub-assistant surgeons from district and municipal boards and from Rajputana:

(1)	For marking each answer book in medicine, surgery, and medical jurisprudence	Re. 1 per book per subject.
(2)	For conducting oral and practical examinations in medicine and surgery	Rs. 2 per candidate per subject.
(3)	For conducting the viva voce examination in jurisprudence, hygiene, and materia medica	Re. 1 per candidate per subject.

(19) Lecturers of the Agra Medical School are entitled to 75 per cent of the fees charged to licentiates for post-graduate instruction.

(20) Medical officers will be entitled to remuneration on a scale *fixed by the authorities concerned for conducting the various examinations of medical students

of a college or school when required to do, subject to the condition that such examinations do not form part of the official duties of the officer conducting them.

*NOTE—The scale is subject to variation and is fixed by the University or the State Faculty concerned.

The scales of remuneration are at present as follows:

M.D. Examination

		Rs. paise
(a)	For setting each question paper	100.00
		Rs. paise
(b)	For examining each answer-book	2.50
(c)	For examining each thesis	100.00
(d)	For practical examination including viva voce in Science	100.00
(e)	For practical and clinical examination including viva voce in medicine	50.00

First M.B.B.S. Examination

		Rs. paise
(a)	For setting each question paper	75.00
(b)	For examining each answer-book	1.50
(c)	For practical and clinical examination including viva voce per candidate (with a minimum of Rs. 100 for the external examiner)	2.00

Final M.B.B.S. Examination

(a)	For setting each question paper	75.00
(b)	For examining each answer-book	2.00
(c)	For practical and clinical examination including viva voce per candidate—	
	In pathology, medicine, surgery, ophthalmology and midwifery (with a minimum of Rs. 150 for pathology, ophthalmology and midwifery, and	3.00

with a minimum of Rs. 200 for medicine and surgery for the external examiner)

In hygiene and medical jurisprudence (with a minimum of Rs. 75 for the external examiner) 1.50

In pharmacology (with a minimum of Rs. 100 for the external examiner) 2.00

D.P.H. Examination

(a)	For setting each question paper	40.00
(b)	For examining each answer-book	1.50
		Rs. paise
(c)	For practical examination including viva voce per candidate (with a minimum of Rs. 40)	3.00
(d)	For examination in outdoor work, per candidate with a minimum of Rs. 100	2.00

Membership Examination (final)

For setting a paper, looking over written answers and conducting the oral and practical examination, Rs. 150.

Licentiate Examination

		Rs. paise
(i) Primary and Intermediate Examination—		
(a)	External examiner for setting a paper	75.00
(b)	External examiner for marking each answer-book	2.00
(c)	External examiner for oral and practical examination, per candidate	2.00
(ii) Final Examination—		
(a)	External examiner for setting a paper	75.00

(b)	External examiner for marking each answer-book	2.00
(c)	External examiner for oral examination in each subject other than medicine and surgery per candidate with a minimum of Rs. 50	2.00
(d)	External examiner for oral, practical and clinical examination in medicine and surgery per candidate with a minimum of Rs. 75	3.00

(21) Medical officers will be entitled to receive 60 per cent of the fees charged for private bacteriological examinations in Government laboratories, the details of which are given below. The medical officer may divide it with his assistants and subordinates in such manner as he considers equitable:—

		Rs. paise
(1)	Widal's reaction (to any combination of organisms, i.e. typhoid, paratyphoid malta fever, etc.,	10.00
(2)	Widal's reaction (to a single organism)	5.00
		Rs. paise
(3)	Wassermann reaction	32.00
(4)	Examination of blood smears (for malaria, relapsing fever, etc.)	5.00
(5)	Examination of blood smears (for differential leucocytic count)	5.00
(6)	Examination of sputum for tubercle bacilli, etc.	5.00
(7)	Examination of urine—	
(a)	Clinical and qualitative (i.e. chemical and physical)	5.00
(b)	Clinical and quantitative (i.e. estimation of sugar, urea, albumen, acetone, indican, etc.)	10.00
(c)	Bacteriological	10.00
(8)	Pus smears	5.00
(9)	Scrapings from ulcers, sores, films, etc.	5.00
(10)	Treponoma palidum—	
(a)	Dark ground illumination	
(b)	Both methods combined	5.00

(11)	Examination of faeces—	
(a)	Microscopical	5.00
(b)	Bacteriological	10.00
(c)	Microscopical and bacteriological combined	15.00
(12)	Bacteriological examination of diphtheria-swabs or cultures	10.00
(13)	Examination of water—	
(a)	Bacteriological examination alone for each sample	15.00
(b)	Chemical examination alone for each sample	20.00
(c)	Bacteriological and chemical examination combined for each sample	30.00
(d)	Special for locomotive or industrial purposes	50.00

		Rs. Paise
(14)	Inoculation of small animals for diagnostic process, tubercle, etc.	16.00
(15)	Routine examination of an organism	20.00
(16)	Sections of morbid tissues	16.00
(17) Preparation of autogenous vaccines—		
(a)	By use of simple culture of media	16.00
(b)	By use of complicated media	
(c)	By series of tests on complicated media with animal experiments	
(18)	Riddel Walker test	32.00
(19)	Chemical and bacteriological examination of milk	20.00
(20)	Chemical examination of milk for adulteration with water or chemicals only	20.00
(21)	Chemical examination of butter, ghee, oils or drugs	20.00
(22)	Chemical examination of malt liquors, spirit and wine	20.00
(23)	Blood cultures (negative)	15.00

CHAPTER VI—AUTHORITIES BY WHOM LEAVE MAY BE GRANTED

Rules made by the Governor under Fundamental Rule 66

35. Any leave, other than disability leave, admissible under the Fundamental 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 such other competent authority mentioned in Part IV of this volume.

[See note 2 below rule 66 of the U.P. Fundamental Rules]

36. Leave to a gazetted government servant ordinarily requires the sanction of the Government, but may be granted by the competent authority to the extent mentioned in Part IV of this volume. In all cases of leave to a gazetted government servant a report as to the admissibility of the leave must first be obtained from the Accountant General.

[See notes under rule 66 of the Uttar Pradesh Fundamental Rules in Part II of this volume].

37. The powers in rules 35 and 36 above are not to be exercised in cases in which leave granted to a government servant will extend beyond the date on which he must compulsorily retire from service. All such cases require the previous sanction of the Government.

NOTE—The date of compulsory retirement is the date on which the government servant attains the age of superannuation under Fundamental Rule 56—viz. 58 years or 60 years, as the case may be. In the case of leave preparatory to retirement whilst the authority empowered to sanction leave under rules 35 and 36 above can sanction it, that authority should refer the case to Government if it proposes to refuse the leave on public grounds, of the order of the Governor regarding Fundamental Rule 86. Sanction of Government should also be obtained in all cases in which it is proposed to grant leave to government servants who have been allowed an extension of service under Fundamental Rule 56.

CHAPTER VII—COMBINATION OF HOLIDAYS WITH LEAVE AND JOINING TIME

Rules made by the Governor under Fundamental Rule 68

NOTE—(1) The provisions of the rules in this chapter, so far as they are applicable to government servants under the rule making control of the Secretary of State, are the same as in the original Subsidiary Rule (in Chapter VII of the fourth edition, 1936, of the Financial Handbook, Volume II) as they stood on March 31, 1937. The rules in this chapter, in their application to above government servants should now be deemed by virtue of section 276 of the Government of India Act, 1935, as rules made by the Secretary of State under section 247(1)(a) of the said Act and are consequently alterable by that authority alone in their application to such government servants.

NOTE—(2) The conditions under which vacation may be combined with leave are stated in Fundamental Rule 82(d) and the rules in Chapter XI of these rules. Subject to those conditions, vacation for the purpose of the above rules will be treated as a gazetted holiday; if it is necessary to make any arrangement for work during vacation, it should be done without extra expense.

38. 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 holidays, the government servant may with the permission of the competent authority 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;

(b) his early departure does not entail a correspondingly early transfer from another station of a government servant to perform his duties; 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—(1) Proviso (a) to this rule applies also when the transfer or assumption of charge involves handing or taking over of stamp and opium balances at a treasury.

NOTE—(2) It is not permissible to prefix holidays to joining time in any circumstances.

NOTE—(3) Where a government servant has been allowed to combine leave with holidays, or to affix holidays to joining time, a specific order or the authority

competent to sanction leave or transfer permitting such combination is necessary and should be communicated in each case to the Accountant General for audit purposes.

NOTE—(4) The grant of permission to combine leave with holidays and to affix holidays to joining time should be so regulated that both the relieved and relieving government servants do not take advantage of the same holiday or holidays.

39. On condition that the departing government servant remains responsible for the monies in his charge a competent authority may declare that proviso (a) under rule 38 is not applicable to any particular case.

40. Unless the competent authority 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.

41. In deciding whether the absence of a Government servant involves the transfer of a government servant from another station for the purpose of provisos (b) and (c) of rule 38 above, account should be taken only of the substitute who takes the place of the absent government servant, not of all government servants in the chain of arrangements arising from one government servants absence of leave.

42. * * *

42-A. In the case of district and sessions judges and civil and sessions judges, the vacation will be treated as holidays and may be prefixed or suffixed to leave subject to the following conditions:

(1) that no extra expenditure is incurred by the Government for the period of the vacation;

(2) that vacation is not both prefixed and suffixed to leave;

(3) that such vacation will be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave, save that in the case of a government servant subject to the ordinary leave rules, the holidays are combined with leave on average pay for any period not exceeding four months taken by itself;

(4) that such vacation is treated as the equivalent of leave on average pay for the purpose of determining the period during which leave-salary is subject to the monthly maxima prescribed in Fundamental Rule 89;

(5) that such vacation is included in the maximum period of absence from duty prescribed in Fundamental Rule 81 (d).

CHAPTER VIII—MEDICAL CERTIFICATE OF FITNESS TO BE PRODUCED ON RETURN FROM LEAVE

Rules made by the Governor under Fundamental Rule 71

43. (a) A government servant who has taken leave in Asia on medical certificate will be required to produce a certificate of fitness in the following form before he can be permitted to return to duty:

We/I the // do hereby certify that we/I have carefully

examined A. B. C. of the..... department 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 examined the original medical certificate and statement of the case (or copies thereof certified by the officers granting the leave) on which leave was granted and have taken these into consideration in arriving at our/my decision.

NOTE—The above form has been prescribed by the Government of India for services under their rule-making control. The Governor has also prescribed this form for services under his rule-making control.

(b) If the government servant on leave is a gazetted servant, such certificate should be signed by a medical committee. In cases, however, where—

(i) the leave is for not more than three months, or

(ii) the leave is for more than three months or leave for three months or less is extended beyond three months but the medical committee granting the original certificate or certificate for extension state at the time of granting such certificate

that the government servant need not appear before another committee for obtaining the certificate of fitness to return to duty,

the certificate may be signed by a commissioned medical officer or a medical officer-in-charge of a civil station. If the government servant on leave is not a gazetted servant the competent authority may in its discretion accept a certificate signed by a medical practitioner who has registered his name under the United Provinces Medical Act, III of 1917, provided that in the case of a female government servant, gazetted or non-gazetted, a certificate from a registered medical woman shall be accepted.

NOTE—A gazetted government servant required to obtain a certificate of fitness from a medical committee should, when there is no sitting of the committee on the date on which his leave terminates, present himself before the committee at its meeting previous to the date on which his leave expires.

Orders of the Governor regarding Subsidiary Rule 43

A certificate signed by one or two medical officers obtained under Subsidiary Rule 93 is equivalent for all practical purposes to a certificate from a medical committee and such cases should not be excluded from the operation of Subsidiary Rule 43(b).

44. (a) A government servant, who has taken leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:

"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_____

NOTE—The above form has been prescribed by the Government of India for services under their rule-making control. The Governor has also prescribed this form for services under his rule-making control.

(b) If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

45. Any government servant who has been granted leave or an extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may at the discretion of the competent authority be required to produce a similar certificate of fitness before being permitted to return to duty.

NOTE—When a government servant who has been granted leave for reasons of health, proceeds to any of the localities named in Subsidiary Rule 105 (i.e., outside India) the authority which granted the leave shall inform the High Commissioner for India if a certificate of fitness is required under the second sentence of Fundamental Rule 71. In the absence of specific intimation to the effect that such a certificate is required, the High Commissioner may act as if no certificate is necessary.

CHAPTER IX—PROCEDURE RELATING TO LEAVE

Rules made by the Governor under the Fundamental Rule 74(a) (i) to (iii)

SECTION I—46—78 * * *

SECTION II—PROCEDURE RELATING TO LEAVE IN INDIA

79. * * *

LEAVE ACCOUNTS

80. The leave account required by Fundamental Rule 76 in Part I shall be maintained in forms nos. 11 and 11A (prescribed by the Auditor General) in respect of government servants under the special leave rules and ordinary leave rules respectively. The leave account required by rule 76 of the Uttar Pradesh Fundamental Rules shall be maintained in form nos. 11B and 11C.

81. (a) The leave account of a gazetted government servant shall be maintained by, or under the direction of, the Accountant General.

(b) The leave account of a non-gazetted government servant shall be maintained by, or under the direction of, the head of the office in which he is employed. The entries in the leave account shall be signed by the head of the office, or if the head of the office be a non-gazetted government servant, by his immediate superior.

NOTE—(1) (i) When a non-gazetted government servant who is officiating in a gazetted post proceeds on leave, he should be treated as continuing to hold a gazetted status during his leave for all practical purposes (viz. for purposes of issue of notifications, drawal of leave salary and other allowances, grant of leave or extension of leave on medical certificate, etc.) irrespective of whether the leave counts for increment or not, 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.

(ii) Such a government servant will, while on leave, be reckoned against a gazetted or a non-gazetted post, in the borrowing department itself except when leave is granted at the end of a period of appointment in the borrowing department. In the latter case the procedure laid down in Note 2 below should be followed strictly.

(iii) The above principle will apply also to a government servant transferred from one office of the State Government to another or from the Central Government to the State Government and vice versa and holding a lien (active or suspended) on a non-gazetted post in his parent office, when he proceeds on leave while officiating in a gazetted post in the borrowing office. The following procedure should be followed in the cases of such officers:

(a) Leave and any extensions thereof should be granted and notified the borrowing Government or office, and

(b) leave salary will be authorized by the Audit office of the borrowing Government or office as the case may be.

NOTE 2—(1) When a government servant is transferred from one department of the State Government to another the procedure followed by the borrowing department for the grant of leave or extension of leave and disbursement of leave salary should be the same as if they were being granted from duty in the leading department. When, however, the transfer from one department of the State Government to another takes place while the government servant is already on leave or in transit from one department to another department, the following procedure should be followed:

(i) In cases where a period of leave has already been sanctioned by a department of the State Government and the government servant concerned is transferred to another such department where he has to join on the expiry of leave, the issue of formal orders/notification sanctioning leave and the payment of leave salary shall devolve on the department from which he is transferred.

(ii) In cases where extension of leave is applied for in continuation of the leave already granted to him by the department from which he is transferred, the issue of formal orders/notification sanctioning leave and the payment of leave salary shall devolve on—

(a) the department where he is to report for duty, if the transfer or reversion of the government servant to such department is to take effect from the date of expiry of the original spell of leave, or

(b) the department from which he is transferred, if the transfer/reversion is to take effect from the date of expiry of extension of leave applied for.

(iii) In cases where the leave is applied for by a government servant during the period of transit from one department of the State Government to another such department, the leave should be sanctioned by the department where he has to report for duty and that department should also make suitable administrative arrangements incumbent on the sanctioning of leave.

(2) The procedure prescribed in clause (1) above will apply *mutatis mutandis* in cases of grant of leave and the disbursement of leave salary of government servants transferred from one office to another under the same department.

APPLICATION FOR LEAVE

82. Except as provided in rules 84 and 85, an application for leave or for an extension of leave shall be made to the authority competent to grant such leave or extension as specified in rules 35 to 37 or in the notes under rule 66 of the Uttar Pradesh Fundamental Rules.

83. Applications for leave from gazetted government servants whose leave accounts are maintained by, or under the direction of the Accountant General, should be submitted to the competent authority through that officer.

NOTE—When an application is supported by a medical certificate which is not in proper form, the transmission of the application to the Government should not be delayed on that account by the Accountant General. The certificate should be returned to the head of the department concerned, who should obtain a certificate in the proper form (vide rules 89,91 and 95) and forward it direct to the Government.

84. An application for leave by a chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese or to the Presidency Senior, Chaplain of the Church of Scotland in Bengal, as the case may be, who will transmit it with his remarks to the Government for orders in case it is not within his competence to sanction the leave. In cases of urgency, leave on medical certificate may be granted by the Government in anticipation of the concurrence of the Bishop or Presidency Senior Chaplain, who should however be informed without delay.

85. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise he will abstain from countersigning it. In either case he will forward the application for disposal to the authority competent to grant the leave.

NOTE—When leave or extension of leave to a commissioned medical officer in temporary civil employ is sanctioned by the Government, a copy of the order should be communicated to the Director General, Indian Medical Service.

86. 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.

MEDICAL CERTIFICATES

87. 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.

88. Every certificate of a medical committee 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 evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or the rules to which he is subject.

89. *Before a gazetted government servant can be granted leave, or an extension of leave on medical certificate, he/she must obtain a certificate in the following form:

Statement of the case of _____

Name (to be filled in by the applicant in the presence of the Chief Medical Officer or the authorised medical attendant).

Appointment held

Age

Total service

Previous periods of leave of absence on medical certificate.

Habits

Disease

History

I _____ Chief Medical Officer/Authorised
Medical Attendant at _____ or of _____ after careful and

personal examination of the case hereby certify that Shri/Shrimati/Kumari———
——— is in a bad state of health and I solemnly and sincerely
declare that, according to the best of my judgement, a period of absence from duty
is essentially necessary for the recovery of his/her health and recommend that
he/she may be granted leave for——— with effect from———

*In my opinion it is/it is not necessary for the office appear before a medical board.

Chief Medical Officer/Authorised Medical Attendant.

Dated———

*This sentence should either be modified by scoring out the irrelevant words or
altogether scored out according as the period of leave recommended is up to three
months or exceeds that period.

NOTE—(1) This form should be adhered to as closely as possible and should be
filled in after the signature of the government servant applying for leave has been
taken. The certifying officer is not at liberty to certify that the applicant requires a
change from or to a particular locality or that he/she is not fit to proceed to a
particular locality. Such certificate should only be given at the explicit request of
the sanctioning authority to whom it is open to decide when an application on such
grounds has been made to him, whether the government servant should go before a
medical board to decide the question of his/her fitness for service.

NOTE—(2) The medical certificate and history of the case as also the certificate
prescribed in rule 91 or 94(b), as the case may be, should be prepared in duplicate,
one copy of which the government servant proceeding on leave should take with
him/her for presentation to the medical board or officer who examines him/her for
fitness before his/her return to duty.

90. *(a) In case the certificate obtained under rule 89 recommends appearance of
the government servant before a Medical Board or the period of leave
recommended in the certificate obtained under rule 89 is for more than three
months or leave for three months or less is extended beyond three months, the
government servant must, except in cases covered by rule 93, obtain the
permission of the head of his office or, if he/she himself/herself is the head of an
office, of the head of his/her department to appear before a Medical Board. He/she
should then present himself with two copies of the statement of his/her case before
such a Board. The Board will be assembled under the provisions of paragraphs
255-258 in Chapter VI of the Uttar Pradesh Medical Manual.

(b) When the leave recommended by the C.M.O. /Authorised Medical Attendant,
as the case may be, in the certificate obtained under rule 89 is for a period not

exceeding three months, and such medical attendant certifies that in his opinion it is not necessary for the applicant to appear before

*This amended rule may be deemed to have come into force from 1-7-1978.

the Medical Board, the authority competent to grant leave may dispense with the procedure laid down in sub-rule (a) of this rule.

91.* Before the required leave or extension of leave can be granted in cases falling under rule 90 (a), the government servant must obtain from the Board a certificate to the following effect:

"We do hereby certify that according to the best of our professional judgement, after careful personal examination of the case, we consider the health of Shri/Shrimati/Kumari————— to be such as to render leave of absence for a period of ————— absolutely necessary for his/her 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 the certificate whether the government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

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

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

93. If the state of the applicant's health is certified by a commissioned medical officer of government or by a medical officer incharge of a civil station in the form given in rule 94 (a) to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 91, either—

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers incharge of civil stations in whatsoever province 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 district officer of the district or the commissioner

of the division or in the case of a government servant of the Judicial Department by the district and sessions judge.

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 certificate granted under this rule shall state whether the government servant should or need not appear before another medical committee for obtaining the certificate of fitness for return to duty.

94. (a) When action is proposed to be taken under rule 93, the certificate of the certifying officer shall be in the following form:

I hereby certify that the state of health of _____ is such as to make it highly inconvenient for him/her to proceed to _____ for the purpose of appearing before a medical committee.

*This amended rule may be deemed have to come into force from 1-7-1978.

(b) The form of medical certificate prescribed in rules 93(a) and 93(b) shall be the following:

I/We do hereby certify that, according to the best of my/our professional judgement, after careful personal examination of the case,

I/We consider the health of _____ to be such as to render leave of absence for a period of _____ absolutely necessary for his/her recovery.

NOTE—This certificate, if it is signed by one medical officer only should in the case of a government servant in the Judicial Department, invariably be countersigned by the district and sessions judge in the case of a government servant in any other department should invariably be countersigned by the district officer of the district or the commissioner of the division.

95. An application by a non-gazetted government servant in superior service for leave, or for an extension of leave, on medical certificate shall be accompanied by a medical certificate in the following form given by a registered medical practitioner or a government medical officer:

Signature of applicant _____

I, _____ after careful personal examination of the case, hereby certify that _____ whose signature is given above is suffering from _____. The symptoms of the disease now present are _____. In my opinion the cause of the disease is _____. The duration of the disease reckoned to this date is _____ and the outline of the previous history of the disease ascertained from _____ is as follows:

I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his/her health.

NOTE—(1) This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to or from a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the head of the office to whom it is open to decide when an application on such grounds has been made to him, whether the applicant should go before a medical board to decide the question of his fitness for service.

NOTE (2) The medical certificate and history of the case as also the second medical opinion (if any) prescribed in rule 96, should be prepared in duplicate, one copy of which the government servant proceeding on leave should take with him for presentation to the medical officer or committee who examines him for fitness before his return to duty.

96. (a) Where the leave is for a period of one month or less and the incapacity is not due to definite injury, the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the civil surgeon to have the applicant physically examined. Should it decide to do so, it must arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(b) In all cases of illness necessitating leave beyond one month and in all cases of definite injury, the sanctioning authority should, except in cases covered by clause (c) of this rule, obtain a second medical opinion from the authorised medical attendant and should, for this purpose, arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. The sanctioning authority may relax the provisions of this rule, provided it refers each case for such relaxation to the authorised medical attendant and the latter considers it desirable that relaxation should be given either on account of distance or the nature of illness.

(c) If the applicant for leave is a female and a second medical opinion is considered necessary whether the leave exceeds one month or not, the civil surgeon should be requested to obtain this whenever possible from a medical woman in government employment. If this is not possible, he himself should give this second medical opinion in cases where full examination by him is permitted by the applicant. In cases where this is not permitted, the authority competent to sanction leave may obtain a second medical opinion from a private registered female practitioner. Should such a practitioner not be available, he may dispense with a second medical opinion.

(d) In all cases in which a second medical opinion is obtained, it will be the duty of the person giving that opinion to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended. In the case of a male applicant the civil surgeon may require the applicant to appear either before himself or before a medical officer nominated by him. The civil surgeon, or, in case where a second medical opinion is obtained from a private registered female practitioner under clause (c) above the authority competent to sanction leave, will arrange for the medical examination to take place at the applicant's residence if this course is necessary on account of the nature of the applicant's illness.

97. The possession of a certificate under rule 91 or 94 or 95 or 96 does not in itself confer upon the government servant concerned any right to leave. The certificate should be forwarded to the authority competent to sanction leave and the orders of that authority should be awaited.

98. In support of an application for leave, or for an extension of leave, on medical certificate, from a non-gazetted government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

GRANT OF LEAVE

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

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

99-A. (1) When a government servant returns from leave on average pay, a further spell of leave on average pay should not, save in the most exceptional circumstances, be granted within three months of his return to duty if the two periods of leave on average pay combined would exceed the limits imposed by Fundamental Rule 81(b) or Subsidiary Rule 157(a) on the maximum amount of

leave on average pay which may be taken at any one time. It is, however, left to the sanctioning authority to decide whether the circumstances of any particular case are exceptional or not. When any such leave is specially sanctioned, the sanctioning authority should record the reasons, and send a copy to the Accountant General.

(2) When a government servant returns after availing himself of a vacation either taken alone or combined with leave on average pay and applies for leave on average pay within three months of his return to duty, and the period of leave on average pay applied for together with the vacation and leave on average pay, if any, already availed of, exceed the limits laid down in Fundamental Rule 81(b) or in Subsidiary Rule 157 (a), the provisions of clause (1) shall apply.

(3) If a government servant whose leave is governed by Fundamental Rule 81-B, or Subsidiary Rule 157-A, applies for earned leave within three months of return from vacation, either taken alone or combined with earned leave, a further spell of earned leave should not, save in most exceptional circumstances be granted if the total combined period of earned leave applied for and the vacation and earned leave, if any, already availed of exceeds the amount of earned leave admissible at a time under the proviso to sub-rule (1) of Fundamental Rule 81-B or proviso to sub-rule (1) of Subsidiary Rule 157-A.

NOTE—When leave is required for obtaining higher technical qualifications it shall be deemed to be a most exceptional circumstance for the purposes of this rule.

100. When a medical committee in India has reported that there is no reasonable prospect that a particular government servant will ever be fit to return to duty, leave may nonetheless be granted to such government servant, if due, by a competent authority on the following conditions:

(a) If the medical committee 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 committee.

NOTE—In the case of a government servant who is granted leave under this rule and who subsequently returns to duty, the leave should be treated as leave on medical certificate for the purpose of the proviso to Fundamental Rule 81 (b) (ii), in Part I or the proviso to rule 81 (b) of the Uttar Pradesh Fundamental Rules in Part II.

(b) If the medical committee 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 invalidated from the service, either

on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.

(c) A government servant declared by the committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account (where such an account is maintained for the government servant), if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the government servant's breakdown 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.

101. Leave should not be granted to a government servant who is to be dismissed or removed from service for misconduct or general inefficiency if such leave will have the effect of postponing the date of dismissal or removal, or to a government servant whose conduct is at the time forming, or is in the near future about to form the subject of departmental inquiry.

102. If, in a case not covered by rule 101, the Government decide, before a government servant whom they have the power to remove from the service leaves India, that he shall not be permitted to return to duty in India they shall give notice to him before he leaves India, so that any remonstrance which he may wish to make may be considered on the spot.

103. If, when a government servant is going on leave out of India, 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 not possible to say, before his departure from India, whether it will be permanent or temporary, or if for any reason it is considered inexpedient that a government servant who is on leave should return to India, the Government shall report the circumstances fully to the Central Government for transmission to the India Office so that the Secretary of State may take any necessary measures before the government servant would in the ordinary course be permitted to return to duty. The report should reach the Central Government in time to permit of their transmitting it so as to reach the India Office at the latest three months before the end of the government servant's leave.

104. * * * *

105. When leave on medical certificate or ordinary leave on medical grounds has been granted to a government servant, or, in the case of a military officer in civil employ, when 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, Government shall, without delay, forward a copy of

the medical statement of the case to the High Commissioner for India for transmission to the medical board at the India Office.

NOTE—All statements of medical cases for government servants proceeding on leave out of India on medical certificate should contain the fullest possible information for the guidance of the Medical Board at the India Office, London.

106. Leave to a gazetted government servant must not be granted without obtaining a report from the Accountant General upon his title to leave. Such a report from the Accountant General is not required in the case of a non-gazetted government servant.

DEPARTURE ON LEAVE

107. Every government servant proceeding on leave out of India should procure from the Accountant General and take with him a copy of the memorandum of information issued for the guidance of government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

108. A government servant taking leave out of India must report his embarkation to the Accountant General in form no. 9

RETURN FROM LEAVE

109. A gazetted government servant, on return from leave, must report his return to the Government. A chaplain must report his return to the Bishop of his Diocese also.

110. 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.

NOTE—In the absence of a definite order to the contrary, the order sanctioning leave for a period not exceeding four months, should be considered as sufficient authority to enable a government servant to resume his old duties on return from leave. This should not, however, be taken to mean as dispensing with the necessity of furnishing the certificates required under the 'General Notes' relating to the rules in Chapter XII.

SECTION III—PROCEDURE RELATING TO LEAVE ELSEWHERE THAN IN INDIA

Rules made by the Governor under rule 74(b) of the Fundamental Rules

NOTE—The rules contained in this section are the same as the rules made by the Governor General in Council under rule 74(b) of the Fundamental Rules contained in Part I of this volume and they have been extended by the Governor for application to government servants under his administrative control including government servants his rule making power.

REPORT OF ARRIVAL IN THE UNITED KINGDOM

111. A government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

PAYMENT OF LEAVE-SALARY

Payment at the Home Treasury

112. No government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in form no. 2 which has been prescribed by the Auditor General.

113. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

114. Payment will be made, at the option of the government servant drawing leave-salary, by any of the following methods:

(a) To the government servant himself on his personal application.

(b) To his banker or other agent, duly authorized, under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State 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 the presenter of 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 his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

Payment in a colony

115. No government servant can begin to draw leave-salary from a colonial treasury until a warrant in form no. 3 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.

116. 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.

117. 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.

118. 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 the Government and to the High Commissioner.

Transfer of payment from the Home Treasury to a colony and vice versa

119. (a) If a government servant who is drawing his leave-salary in a colony desires to transfer payment to the Home 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 Home Treasury desires to transfer payment to a colony he must obtain a warrant in form no. 3 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 the Government.

EXTENSION OF LEAVE

120. 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.

121. 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 the Government on whose cadre the government servant is borne 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 the Government concerned, which will be sought by telegraph at the applicant's expense.

Orders of the Governor regarding rule 121

When an application for extension of leave is received from a government servant on leave in any of the localities mentioned in the rule, the Government will inform him whether or not there is any objection to the grant of the desired extension and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

122. If a government servant on leave in any of the localities named in rule 121 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the medical board at the India Office of the necessity for the extension. In order to do so, he must as a general rule, appear at the India 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 United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

123. If a government servant on leave in any of the localities named in rule 121 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the medical board at the India Office, by the procedure prescribed in rule 122, that he has recovered his health.

124. An application for extension of leave by a government servant on leave out of India elsewhere than in the localities named in rule 121 must be made to the authority which granted the leave.

125. If an application made under rule 124 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 declared 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 by _____ months/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 be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

126. 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 form no. 7.

RETURN FROM LEAVE

127. A government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

128. If the government servant desiring to return is on leave in any of the localities named in rule 121, his application must be made to the High Commissioner and he must satisfy the medical board at the India Office of his fitness return at least two months before the expiry of his leave. In order to do so he must follow the procedure prescribed in rule 122, When the medical board has been satisfied, the High Commissioner will grant permission to return.

129. If the government servant desiring to return is on leave out of India. elsewhere than in the localities named in rule 121, 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.

130. 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 form no. 7.

131. 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 form no. 7. A government servant who has 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.

CHAPTER X—PROCEDURE RELATING TO THE MAINTENANCE OF RECORDS OF SERVICE

SECTION I— * * *

132-133. * * *

[For instructions issued by the Auditor General under Fundamental Rule 74, see Section 11 of Appendix 'A' at the end of this Part].

SECTION II—RULES MADE BY THE GOVERNOR UNDER FUNDAMENTAL RULE 74(a)(iv)

Gazetted servants

134. A record of the services of a gazetted government servant will be kept by the Accountant General and in such form as the Auditor General may prescribe.

SERVICE BOOKS

Non-gazetted servants

135. With the exceptions noted below, a service book (form no. 13 prescribed by the Auditor General) should be kept for every non-gazetted government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post in which every step in his official life should be recorded, each entry being attested, except as mentioned in the notes below this rule, by the head of his office or by his immediate superior if the government servant is himself the head of an office.

The following are the exceptions referred to:

- (i) Inferior servants of all sorts.
- (ii) Police servants of rank not higher than head constables.

(iii) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies for short periods and are not eligible for permanent appointment.

NOTE—(1) Entires made in the service books of clerks of a commissioner's office will be attested by the head assistant of such office. Entries in the service book of the head assistant himself will be attested by the commissioner.

NOTE—(2) In the divisional offices at Jhansi and Naini Tal, the duty of attesting entires in the service books will be performed by the Office Superintendent in the case of clerks and by the Collector-in-charge or Deputy Commissioner-in-charge in the case of the Office Superintendent himself.

136. A service book is supplied at his own cost to every government servant on his first appointment. It is kept in the custody of the head of the office in which he is serving and transferred with him from office to office. The head of the office should see that all entries in the service book are duly made and attested. There should be no erasure or overwriting, all corrections being neatly made and properly attested.

NOTE—The head of the office may, on his own responsibility, entrust the custody of service books to the ministerial head of his office.

136-A. If a government servant retires on reaching the age of superannuation his service book may, if desired, be returned to him after his pension has been finally sanctioned. Where the service book is not given up, it should be retained for a period of five years after retirement, or until six months after the government servant's death, whichever is earlier, after which it should be destroyed. In the event of a government servant's service terminating by his death, his service book may be given to his relatives on application. Should no application be made within six months of the death of the government servant, the service books should be destroyed.

The service book of a government servant who retires, resigns or is discharged from the service without fault prior to his reaching the age of superannuation, should not be given up to him before the expiry of five years from the date of retirement, resignation or discharge. If he applies for it within six months after the expiry of this period, it may be given to him after an entry about his retirement, resignation or discharge has been made therein. Should no application be made within this time-limit, the service book may be destroyed. In the case of the government servant's death, the service book should be destroyed after six months from the date of death or returned to his relatives if they apply for it within that period.

When a government servant's service is terminated by dismissal or removal, his service book should be retained for a period of five years after the date of dismissal or removal or until six months after his death, whichever is earlier, after which it should be destroyed.

The service book of a government servant who has been dismissed or removed and who is afterwards reinstated should on requisition be returned to the head of the office in which he is re-employed. A similar course should be adopted when a government servant has been discharged without fault or has resigned and is subsequently re-employed.

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

NOTE—The pay bills of government servants for whom records of service as above are maintained being preserved only for six years, the following procedure should be observed before the bills are destroyed:

(1) The periods of temporary and officiating service should be verified by the heads of offices from the pay bills concerned and the fact of verification recorded under proper attestation in the service books.

(2) The service books in each year should be taken up for verification at a fixed time in the year, say in January, by the head of the office who after satisfying himself that this services of the government servant concerned are correctly recorded in his service book should record and sign a certificate in the memorandum of verification in form no. 15, which should be made part of the service book.

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

(3) When a non-gazetted government servant is transferred from one office to another, the head of the office under whom he was originally employed should in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls in respect of the whole period during which the government servant was employed under him, before forwarding the service book to the office where the services are transferred.

(4) In regard to temporary and officiating service, the head of the office should also invariably give necessary particulars with reference to Articles 370 and 371 of the Civil Service Regulations with a view to enable the audit office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or nos. For example, in the case of officiating service, the nature of the vacancy in which the government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent, should be stated.

(5) It is not intended that the procedure laid down in the above paragraph should be applied with retrospective effect or that the verification of the past temporary officiating service of all government servants should be undertaken all at once. So far as the past service prior to April 1, 1932, is concerned, the former procedure should continue that is, an ad hoc verification should be made when the pension claim arises or is about to arise, in such individual cases in which there is any doubt; and the verification of service subsequent to the above date should be made in accordance with the above procedure.

138. Personal certificates of character should not, unless the Government so direct in a particular case, be entered in column 15; but if a government servant is reduced to a lower substantive post, the cause of the reduction should be briefly stated thus, "Reduced for inefficiency," "Reduced owing to revision of establishment," etc.

139. Every period of suspension from employment and every other interruption in service should be noted, with full details of its duration, by an entry written across the page, and attested by the head of the office or other attesting officer. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-gazetted government servant concerned.

140. (a) If a government servant is transferred to foreign service, the head of the office or department should send his service book to the Accountant General who will return it after noting therein, under his signature, the orders sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which the Accountant General may consider to be necessary in connexion with the transfer. On the government servant's reversion to government service, his service book should again be sent to the Accountant

General, who will then note therein, under his signature, all necessary particulars connected with the government servants' foreign service including the fact of recovery of leave and pension contributions.

NOTE—No entries made in the service book of a government servant on foreign service under an employer who is not under the control of the Government can be attested by any government servant except the Accountant General.

(b) The above rule does not apply to foreign service under an employer who is under the control of the government in cases in which the pay is audited by the Accountant General.

SERVICE ROLLS

Inferior servants of all sorts

141. Service rolls in form no. 14 to be supplied at the expense of the Government should be maintained for all inferior servants (other than members of the Police force referred to in rule 142 below) holding substantive appointments on a permanent establishment, and for those officiating in a post or holding a temporary post except those ineligible for permanent appointment who are appointed in a purely temporary or officiating vacancy for a short period only. The rolls should be most carefully examined and under "Details of service" should be entered all the informations required by rule 142 below, full particulars in regard to every entry being given in the remarks column. These service rolls should invariably be submitted with the pension papers to the Accountant General.

NOTE—(1) Where service books existed for inferior servants on January 1, 1922, they will be kept on and the rules as to service books will apply to them. But service rolls must be introduced in these cases as soon as the existing service books have been filled up.

NOTE—(2) The procedure laid down in paragraphs (1) to (5) of the note below Subsidiary Rule 137 should be followed in respect of the service rolls maintained for inferior servants under the above rule except that the verification of service of these servants according to such procedure should have effect from April 1, 1937.

Police servants

142. In the case of police servants of rank not higher than head constables, whether holding a permanent or temporary post or officiating in a permanent post, except those who are appointed in a purely temporary or officiating vacancy for a short period and are ineligible for permanent appointment, there shall be kept up for each district by the superintendent of police a service roll in English in which shall be recorded the date of the enrolment of each man in the constabulary; his caste

tribe, village, age, height, and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; the interruptions in his service; and every other incident in his service which may involve forfeiture of portions of his service or affect the amount of his pension. The roll shall be checked by the vernacular roll and order book and the punishment register, and every entry in it shall be signed by the superintendent of police to ensure its proper maintenance, as the necessary statement of service of every applicant for pension shall be prepared from this roll.

NOTE—The services of police servants of rank not higher than head constables as entered in the service rolls should be verified in accordance with the procedure laid down in paragraphs (1) to (5) of the note below Subsidiary Rule 137 except that the verification shall take place once in every five years instead of every year.

CHAPTER XI—VACATION DEPARTMENTS

Rules made by the Governor under Fundamental Rule 82 (a)

NOTE—The provisions of the rules in this chapter, so far as they are applicable to government servants under the rule-making control of the Secretary of State, are the same as in the original Subsidiary Rule (in Chapter XI of the fourth edition, 1936, of the Financial Handbook, Volume II) as they stood on March 31, 1937. The rules in this chapter in their application to above government servants should now be deemed by virtue of section 276 of the Government of India Act, 1935, as rules made by the Secretary of State under section 247 (1)(a) of the Act and are consequently alterable by that authority alone in their application to such government servants.

143. The following departments or parts of departments are treated as vacation departments for the purpose of Fundamental Rule 82:

Judicial Department—The High Court of Judicature at Allahabad, the Chief Court of Oudh, and all civil courts subordinate to these courts; with the following exception:

District and Sessions Judges and Civil and Sessions Judges, including I. C. S. officers appointed as temporary Civil and Sessions Judges for undergoing judicial training.

Forest Department—The Subordinate Forest Service.

Medical Department and departments of Education, Agriculture and Industries—Government Colleges and Schools in which regular vacations are allowed.

Police Department—Criminal Tribes School at Kalianpur Settlement, district Kanpur.

Revenue Department—Principal of the Quanungo Training School and Patwari school teachers including assistant teachers.

NOTE—(1) In the case of members of the Subordinate Judicial Service in the province of Agra, the Dasehra vacation is treated as a vacation for the purpose of Fundamental Rule 82.

NOTE—(2) (a) Members of the Subordinate Forest Service who have elected to remain under the old leave rules which applied to them before January 1, 1922, are allowed the concession of the rules in Articles 271—277, Civil Service Regulations.

(b) For the purposes of vacation, store-keepers, range clerks and range orderlies are treated as members of the Subordinate Forest Service.

(3) The following is the list of posts which have been classed as vacational at the Agricultural College, Kanpur.:

No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
1	Assistant Professor of Agriculture.	(i) From the date of creation to 5th October, 1925.	(C)
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
		(ii) 19th May, 1932 to 7th July, 1933. During the periods during which the post was nonvacational, it was designated as Assistant Professor of Agriculture and Estate Superintendent. The designation of the post has been changed into Assistant Professor of Zoology from 8th July 1933.	(G) and (H)

2	Assistant Professor of Zoology.	From the date of creation (8th July, 1933) to 13th February, 1935.	(B), (D) and (F).
3	Research Assistant in Botany.	From the date of creation to 31st July, 1932.	(A), (B) and (C).
4	Lecturer in Zoology.	(i) From the date of creation (1st June, 1826) to 13th October, 1933.	(B) and (E).
		(ii) Again from 1st November, 1935.	
5	Assistant Professor of Botany.	From the date of creation to 30th April, 1934.	(A), (B) and (C).
6	Assistant Professor of Chemistry.	Ditto	Ditto
7	(i) Lecturer in Agriculture.	From the date of creation to 6th July, 1932 (Reduced from 7th July, 1932).	(A), (B), (C) and (D).
	(ii) Ditto	From the date of creation to 31st July, 1932 (Reduced from 1st August, 1932).	Ditto
	(iii) Ditto	From the date of creation.	Ditto
8	Lecturer in Accounts and Book-keeping.	From the date of creation to 30th April, 1934.	(A), (B) and (C).
9	Lecturer in Engineering.	From the date of creation.	Ditto
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
10	Lecturer in Chemistry.	From the date of creation to 30th April, 1934.	Ditto
11	Lecturer in Botany.	From the date of creation.	(A), (B) and (C).
12	(i) Lecturer in Physics and Mathematics.	From the date of creation to 30th April, 1934.	(A), (B), (C) and (D)
	(ii) Lecturer in Physics and Soil Science.	From the date of creation.	Ditto
13	Lecturer in Horticulture.	From 1st May, 1934.	(A), (B) and (C).

14	Lecturer in Statistics and Meteorology.	From 22nd October, 1940.	
15	Lecturer in Chemistry.	Ditto	
16	Lecturer in Dairying.	Ditto	
17	Lecturer in Estate Management.	Ditto	
18	(i) Demonstrator in Chemistry.	From 5th July, 1940.	
	(ii) Ditto	From 22nd October, 1940.	
19	Demonstrator in Physics.	Ditto	
20	(i) Demonstrator in Zoology.	Ditto	
	(ii) Demonstrator in Zoology and Entomology.	From 29th January, 1941.	
21	(i) Demonstrator in Botany.	From 22nd October, 1940.	
	(ii) Ditto	From 30th January, 1941.	
22	(i) Demonstrator in Agriculture.	From 22nd October, 1940.	
	(ii) Ditto	From 9th July, 1941.	
	(iii) Ditto	From 12th July, 1941.	
23	Demonstrator in Engineering.	From 1st November, 1939.	
24	Demonstrator in Horticulture.	From 30th January, 1941.	
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
25	Demonstrator in Plant Pathology.	Ditto	
26	Member of the Subordinate Agricultural Service working in the Botany section.	From 22nd October, 1940.	
27	Members of the Subordinate Agricultural Service working in the Agriculture section.	Ditto	
28	Lecturer in English.	From the date of creation.	(B), (C) and (D).
29	Demonstrator in Botany.	Ditto	Ditto

30	Demonstrator in Zoology.	Ditto	Ditto
31	(a) Laboratory Assistant (Zoological Laboratory).	From the date of creation to 30th April, 1934.	(A), (C), (E) and (G).
	(b) Laboratory Assistant (Research section of the Economic Botanist, Oilseeds).	From the date of creation to 30th April, 1934.	(A), (B), (C) and (G).
32	(a) Both the Laboratory Assistants (Chemical Laboratory).	1st May, 1934 to 13th February, 1935.	(B) and (G).
	(b) Laboratory Assistant (Botanical Laboratory).	Ditto	(B) and (G).

(A) G.O. no. 597/XII-A—13, dated the 10th July, 1926.

(B) G.O. no. 774-II/XII-A—13, dated the 10th August, 1935.

(C) G.O. no. 356-A/XII-A—13, dated the 25th February, 1936.

(D) G.O. no. 1909-A/XII-A—13, dated the 18th July, 1936.

(E) G.O. no. 766-A/XII-A—13, dated the 31st March, 1937.

(F) G.O. no. 3321-A/XII-A—13, dated the 25th October, 1937.

(G) G.O. no. 4400-A/XII-A—13, dated the 18th June, 1938.

(H) G.O. no. 774/XII-A—13, dated the 10th August, 1935.

N.B.—The above mentioned posts at the Agricultural College, Kanpur, are the only vacational posts in the Agriculture Department, the two Agricultural Schools at Bulandshahr and Gorakhpur being non-vacational (G.O. no. 549/XII-A—149, dated the 24th April, 1934).

(4) The following is the list of vacational posts in the Industries Department:

Harcourt Butler Technological Institute,
Kanpur.

Vacational since 1923 with the exception of the following posts which are non-vacational:

(a) Research Chemists.

(b) Industrial Chemists.

(c) Workshop Superintendent.

(d) Clerks, librarian, storekeeper and the establishment of the laboratories

[G.O. nos. 343-B, dated the 24th March, 1923, 1206/XVIII—200, dated the 25th June, 1923, 1536/XVIII—161, dated the 19th August, 1924 and 1232/XVIII—263, dated the 23rd May, 1934].

Central Wood Working Institute, Bareilly. Vacational since 1924.

[G.O. no. 1405/XVIII—358, dated the 27th July, 1926]

All other technical and industrial institutions with the following exceptions: Vacational from the time of their establishment.

[G.O. no. 2360/XVIII—263, dated the 18th July, 1936].

(a) Government Technical School, Jhansi, which has been declared non-vacational with effect from 12th August, 1937.

(b) Posts of demonstration instructors attached to the Government Model Weaving Schools which have been declared non-vacational with effect from 31st May, 1938.

(c) Posts of peripatetic instructors attached to the Government Central Textile School, Kanpur, which have been declared non-vacational with effect from 31st May 1938.

[G.O. nos. 2591/XVIII—420, dated the 12th August, 1937, and 2236/XVIII—344, dated the 31st May, 1938].

N.B.—The ministerial staff of all these institutions do not enjoy the vacations.

[G.O. no. 1232/XVIII—263, dated the 23rd May, 1934].

(4-A) The teaching staff of the Medical College, Agra, has been declared as vacational with effect from the dates the posts were created.

Exception—The post of Principal-cum-Superintendent, Sarojini Naidu Medical College and Hospital, Agra, was non-vacational from August 1, 1956 to May 8, 1957 (A.N.). The post of Principal-cum-Professor created with effect from May 8, 1957 (A.N.) will be treated as non-vacational with effect from that date.

(5) All members of the Upper Subordinate Forest Service except those working in the Kumaun and Working Plan Circles and those in the Chakrata Division of the Western Circle should be treated as belonging to a vacation department.

(6) The following is the list of posts which have been classed as vacational at the U.P. College of Veterinary Science and Animal Husbandry, Mathura:

No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority
	Professor of Physiology.	From the date of creation (September 3, 1947).	G.O. no 9646 XII—E-540-1951, dated December 10, 1953.
2	Professor of Anatomy.	From the date of creation (September 1, 1947).	
3	(a) Professor of Animal Husbandry.	From the date of creation (December 3, 1948 to July 17, 1949).	
	(b) Professor of Medicine ((a) above as re-designated).	From the date of re-designation (July 1949).	
4	Professor of Parasitology.	From the date of creation (March 18, 1949).	
5	Professor of Materia Medica.	From the date of creation (May 9, 1949).	
6	Professor of Animal Nutrition.	From the date of creation (February 17, 1950).	
7	Professor of Surgery	From the date of creation (May 14, 1951).	
8	Professor of Pathology and Bacteriology.	From the date of creation.	
9	Assistant Professor of Bacteriology.	From the date of creation (June 10, 1950)	
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority

10	Assistant Professor of Parasitology.	From the date of creation.	
11	Lecturer in Bio-Chemistry.	From the date of creation (August 25, 1947).	
12	Lecturer in Histology.	From the date of creation (August 20, 1947).	
13	Lecturer in Hygiene	From the date of creation (November 7, 1947).	
14	Lecturer in Materia Media.	From the date of creation (November 30, 1948).	
15	Lecturer in Physiology.	From the date of creation (January 14, 1950).	
16	Lecturer in Animal Management.	From the date of creation (September 13, 1955).	G.O. no. 3125, XII-E—540-51 dated November 13, 1957.
17	Demonstrator in Anatomy.	From the date of creation (December 23, 1947).	
18	Ditto	From the date of creation (January 21, 1948).	
19	Demonstrator in Physiology.	From the date of creation (December 31, 1947).	
20	Ditto	From the date of creation (January 26, 1948).	
21	Demonstrator in Bio-Chemistry.	From the date of creation (January 3, 1948).	
22	Ditto	From the date of creation (January 27, 1948).	
23	Demonstrator in Histology.	From the date of creation (December 25, 1947).	
24	Demonstrator in Hygiene.	From the date of creation (August 12, 1948).	
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority

25	Demonstrator in Parasitology.	From the date of creation (February 1, 1949).	
26	Ditto	From the date of creation (February 26, 1949).	
27	Demonstrator in Animal Managements.	From the date of creation (January 14, 1956).	G.O. no. 3125/XII-E—540-51 dated November 13, 1957.
28	Demonstrator in Animal Nutrition.	From the date of creation (January 31, 1956).	G.O. no. 3125/XII-E—540-51, dated November 13, 1957.
29	Ditto	From the date of creation (February 11, 1956).	Ditto
30	Demonstrator in Surgery.	From the date of creation (June 14, 1956).	Ditto
31	Demonstrator in Animal Genetics and Breeding.	From the date of creation (June 10, 1956).	Ditto
32	Demonstrator in Medicine.	From the date of creation (June 10, 1956).	Ditto
33	Laboratory Assistant in Anatomy.	From the date of creation (September 19, 1947).	
34	Laboratory Assistant in Bio-Chemistry.	From the date of creation (January 7, 1948).	
35	Laboratory Assistant in Physiology.	From the date of creation (August 24, 1948).	
36	Laboratory Assistant in Histology.	From the date of creation (July 16, 1948).	
37	Laboratory Assistant in Parasitology.	From the date of creation (August 1, 1948).	
38	Laboratory Assistant in Pathology and Bacteriology.	From the date of creation (December 4, 1948).	
39	Laboratory Assistant in Materia Medica.	From the date of creation (November 28, 1949).	
No.	Name of post	Period during which it was vacational and the date from which it is vacational	Authority

40	Laboratory Assistant in Animal Nutrition.	From the date of creation (August 1, 1950).	
41	Laboratory Attendant in Anatomy.	From the date of creation (July 5, 1948).	
42	Ditto	From the date of creation (September 1, 1948).	
43	Laboratory Attendant in Physiology.	From the date of creation (August 30, 1948).	
44	Laboratory Attendant in Hygiene.	From the date of creation (September 20, 1948).	
45	Laboratory Attendant in Materia Medica.	From the date of creation (December 6, 1948).	
46	Laboratory Attendant in Parasitology.	From the date of creation (January 31, 1949).	
47	Ditto	From the date of creation (July 18, 1949).	
48	Laboratory Attendant in Pathology and Bacteriology.	From the date of creation (February 8, 1950).	
49	Laboratory Attendant in Animal Nutrition.	From the date of creation (February 18, 1950).	
50	Laboratory Attendant in Animal Genetics and Breeding.	From the date of creation (April 1, 1954).	G.O. no. 3125/XII-E-540-51, dated November 13, 1957.
51	Laboratory Attendant in Animal Management.	From the date of creation (April 1, 1954).	Ditto

(7) The posts of Professors, Readers, Lecturers and Demonstrators at the Ganesh Shanker Vidyarthi Medical College, Kanpur, have been declared as vacational with effect from the dates the posts were created.

144. * * * *

145. A government servant whose work requires him to be present at his station for a portion of the vacation is not considered to have availed himself of the vacation if he has not been absent from the station except on duty for more than fifteen days of the vacation. Every such government servant should, immediately after the close

of the vacation, furnish a certificate in the form and according to the procedure prescribed in note 2 under Subsidiary Rule 146.

146. Other government servants shall be considered to have availed themselves of a vacation unless by general or special orders of higher authority they are required to forego such vacation or a portion of it. A government servant who has only routine duties to discharge during a vacation, which do not require his presence at his place of duty but which can be performed either by himself at some other place or by some other government servant, should be considered to have availed himself of a vacation. A government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for the performance of, such routine duties without any cost to the Government.

NOTES—(1) When a portion only of a vacation is foregone under orders of higher authority the provisions of rule 145 will apply.

(2) If a government servant has been required to forego a vacation or a portion of it under the orders of a higher authority, a certificate in the following form should be sent immediately after the close of the vacation to the Accountant General. In the case of a gazetted government servant to whom the exception under Subsidiary Rule 157-A applies the certificate should be sent to the Accountant General at the time the government servant concerned applies for leave along with his leave application and not immediately after the close of the vacation. In the case of gazetted government servants the certificate should be sent to the Accountant General by the government servant himself through the higher authority under whose order he was required to forego the whole or a portion of the vacation, and in the case of non-gazetted government servant the certificate duly countersigned by the higher authority it should be appended to his leave account and a note to that effect made in his service-book:

I certify that I was detained on duty from _____ to _____ during the vacation of the (school, College, etc. _____) of the year _____ under the order of (name of higher authority) _____ communicated in his letter no. _____, dated _____.

Signature of the government servant.

Designation.

Countersigned.

Signature of the higher authority.

Designation.

(3) In the case of a government servant who is prevented from availing himself of the full period of a 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 shall be deducted from the period representing the part of the vacation enjoyed for the purpose of Fundamental Rule 82(b).

CHAPTER XI-A—STUDY LEAVE RULES

Rules made by the Governor under rule 84 of the Uttar Pradesh Fundamental Rules

NOTE—The rules in this chapter apply only to government servants under the rule-making power of the Governor. They do not apply to Secretary of State's officers to whom the Study Leave Rules reproduced below Fundamental Rule 84 in Part I of this volume apply.

146-A. The following rules have been made by the Governor to regulate the grant of additional leave to government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction. These rules relate to study leave only. They are not intended to meet the case of government servants deputed to other countries at the instance of the Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of rules 50 and 51 of the Uttar Pradesh Fundamental Rules. These rules apply to the Public Health and Medical Research Departments, the Civil Veterinary Department, the Agricultural Department, the Education Department, the Public Works Department and the Forest Department (except in respect of Continental tours, to which special rules apply). The rules may be extended by the Government to any government servant not belonging to any of the departments mentioned above in whose case they may be of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

NOTE—The extension of these rules to the Public Works Department does not effect the existing rules under which government servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers under these rules may be delegated by the Government to the High Commissioner for India, subject to any conditions they may think fit to impose.
2. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a government servant of any of the departments named above by the Government, provided that when a government

servant borne permanently on the cadre of one department is serving temporarily in another department the grant of leave is subject to the conditions (a) that local arrangements can be made to carry on his work in his absence, and (b) that the recommendation of the department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to government servants of less than five year's, or to government servants within three years of the date at which they have the option of retiring.

3. Study leave shall be granted with due regard to the exigencies of the public service. In no case the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, shall involve an absence of over 28 months from a government servant's regular duties, or exceed two years in the whole period of a government servant's service; nor shall it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of twelve months at one time will ordinarily be regarded as a suitable maximum, and shall not be exceeded save for exceptional reasons.

Audit instructions regarding rule 3

The limit of 28 months of absence from a government servant's regular duties prescribed in this rule includes the period of vacation, if any, with which study leave and other leave may be combined.

4. A government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

5. When a government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty shall be reduced by the excess period of study leave unless the Government permit him to take that period as ordinary leave.

6. Except as provided in rule 7, all applications for study leave should be submitted with the Accountant General's certificate to the head of the department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is in Europe or America, the head of department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the government servant to give full details, as above, in his original application, or if, after leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit, particulars as soon as possible to the

Secretary to the High Commissioner for India, General Department. In such cases he should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connexion therewith, until he receives approval to the course through the High Commissioner.

7. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, before commencing study and before incurring any expenses in connexion therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course, or examination has the approval of the Government. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the Government is received. Similarly, government servants on leave in the United Kingdom who desire to have it extended for purposes of study under these rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the Government to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the Government to the grant of study leave and/or study allowance.

8. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the Government in accordance with rules 6 and 7 above, and unless, in cases, where it has not been found possible to submit full particulars to the Government, it has been approved in detail by the High Commissioner before it is begun.

9. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 16s. a day in the United Kingdom, £1 a day on the continent of Europe, and 30s. a day in the United States of America. These rates are liable to revision. The rate to be granted to government servants who take study leave in other countries, including India, will be specially considered by the Government in each case. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government.

10. Study allowance will be admissible up to fourteen days for any period of vacation. A period during which a government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given

at the discretion of the Government for any period up to fourteen days at one time during which the government servant is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited, and the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above, which cannot be so converted, will be excluded in reckoning service for pension.

11. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government will be prepared to consider proposals that such fees should be paid by the Government.

12. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner) together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed on of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the Government. In the case of a definite course of study at a recognized institution the study allowance will be payable by the High Commissioner for India, as the case may be, on claim submitted by the government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under rule 6 does not include or does not consist entirely of such course of study, the government servant shall submit to the High Commissioner or to the Government, as the case may be a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestion as to the possibility of applying such methods or operations to India. The Government will decide whether the diary and report show that the time of the government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 9 may be granted.

13. Study leave will count as service for promotion and pension but not for leave. It will not affect any leave which may already be due to a government servant; will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the government servant towards the maximum period admissible under the Uttar Pradesh Fundamental Rules.

NOTE—In the case of government servants recruited on or after 1st January, 1936, study leave will be counted as extra leave on half average pay calculated in

accordance with the provisions of clause (2) of rule 87-A of the Uttar Pradesh Fundamental Rules.

14. During study leave a government servant will draw half average pay as defined in rule 9 (2) of the Uttar Pradesh Fundamental Rules, subject to the maxima and minima laid down in rules 89 and 90 *ibid*. The rate of exchange prescribed for the conversion of leave (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A government servant may, subject to the approval of the proper authorities being obtained as required by rule 6 or 7, undertake or commence a course of study during leave on average pay and, subject to rules 9 and 10, draw study allowance in respect thereof provided that study allowance is not drawn for an aggregate period exceeding two years during the whole period of a government servant's service.

NOTE—In the case of government servants recruited on or after 1st January, 1936, "leave on average pay" occurring for the second time in this paragraph should be taken to mean "earned leave" and the term "during the first four months of a period of leave on average pay" shown within brackets in this paragraph should be taken to mean "earned leave not exceeding 120 days".

Audit instruction regarding rule 14

A government servant of the vacation department can draw daily allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

15. On an application for study leave in Europe or America being sanctioned by the Government, it should inform the High Commissioner of the particulars of the case. It will be necessary for the government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned, the particulars should be reported to the Government of India.

Orders of the Governor regarding the above rules

(1) A member of the Provincial Medical Service may be permitted to take ordinary study leave not exceeding one year in the course of his service and in addition to it further study leave not exceeding three months for each post-graduate course from attendance at which he is excused for the purpose of undertaking professional studies elsewhere.

(2) Extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in rule 3 of the rules reproduced above.

(3) The High Commissioner for India has been allowed to exercise discretion in dealing with applications from government servants on study leave for the grant of concessions under the study leave rules (e.g. travelling expenses and fees under rules 9 and 11). To assist the High Commissioner in dealing with such applications, it should be stated in the report furnished with reference to rule 15, or in the documentary evidence referred to in rule 7 in the case of a government servant on leave out of India who may get a part of his leave converted into study leave, whether the Government are prepared to meet the cost of travelling expenses or tuition fees should the High Commissioner consider their grant desirable.

(4) With reference to rules 6 and 15 of the above rules a government servant granted study leave should submit a programme of the study to the High Commissioner for India before embarking on a course of study irrespective of the fact whether the study leave is granted in India or the application for leave is made in England.

(5) Government servants on leave in England who desire to obtain the assistance of the High Commissioner in securing facilities for study should not apply to the High Commissioner without the authority of the Government.

(6) With reference to rule 9 of the rules reproduced above, the following rates of allowances are fixed for government servants permitted to take study leave in India:

Rupees 3 per day for all places other than Calcutta, Madras and Bombay, and a special rate of Rs. 5 per day for these three places.

(7) With reference to rules 9, 11 and 12 of the above rules the Government have delegated powers to the High Commissioner for India in the following matters:

(1) to fix the rate of study allowance to be granted to government servants who take study leave in countries other than Europe or the United States of America;

(2) to grant, in exceptional cases, subsistence allowance and travelling expenses in addition to study allowance;

(3) to grant, in exceptional cases, the cost of fees paid for courses of study in addition to study allowance; and

(4) to decide, in the case of government servants who take study leave in countries other than Europe and America whether the report and diary of the government

servant show that his time has been properly employed, and accordingly to determine the period for which the allowance should be granted.

The delegations in items (1) to (3) are subject to the following conditions:

(1) that in cases where there is any difficulty or doubt a reference is made to the Government; and

(2) that in deciding whether the concessions should be granted, the general principles which guided past practice are observed and that any deviation from the broad lines of policy already accepted is referred to the Government.

(8) With reference to rule 10, of the above rules, the Government have delegated powers to the High Commissioner to grant study allowance for any period up to fourteen days at one time during which a government servant is prevented by sickness duly certified by a medical practitioner from pursuing a sanctioned course of study.

(9) When a government servant applies for study leave, he should submit with his application—

(a) an estimate of the expenses to which he expects to be put;

(b) a statement of the financial arrangements that he will make to meet those expenses; and

(c) a signed agreement to the effect that he undertakes to serve the Government for a period of at least three years from his return to duty; and, in the event of a breach of this agreement, to pay to the Government the expenditure actually incurred by them on his study leave.

When considering an application for study leave, Government will also consider whether the applicant is in a position to meet the consequent expense.

The Government, when reporting to the High Commissioner the particulars of any study leave that they have granted, will also report the result of the above inquiries and especially mention whether the government servant has raised the question of financial assistance, either in the shape of the payment from the revenues of the State of his fees or in any other shape.

CHAPTER XII—DRAWAL OF COMPENSATORY ALLOWANCES DURING LEAVE

Rules made by the Governor under Fundamental Rule 93

GENERAL

147. Save as provided by the rules in this chapter, a compensatory allowance attached to a post will cease to be drawn by a government servant when he vacates the post.

148. * * * [See rule 1-A (3).]

DRAWAL DURING LEAVE AND TEMPORARY TRANSFER

149. * Under the rules in this chapter, a city compensatory allowance and house rent allowance may be drawn during leave and temporary transfer subject to provisions contained in S. R. 1A (3).

150.* A government servant will be entitled to draw city compensatory and house rent allowance during leave at the same rates at which he was drawing these allowances before he proceeded on leave.

151. * During the period of transfer not exceeding four months, a government servant shall draw city compensatory and/or house rent allowance at the same rate at which he was entitled to it/them at the time of transfer. The quantum of the allowance shall, however, be determined with reference to the pay which he would have drawn but for the transfer. For periods of transfer exceeding four months the grant of these allowances shall be regulated with reference to the new headquarters. If a transfer, initially made for a period not exceeding four months is later extended, the city compensatory and house rent allowance shall be paid up to the date of issue of orders extending the transfer or for a period of four months, whichever is less.

152. A portion not exceeding Rs. 45 of an allowance granted on condition that a motor-car or motor-cycle is maintained may be drawn during leave or temporary transfer if—

(i) the substantive pay of the government servant during the period of claim does not exceed Rs. 1,500;

(ii) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor-car or motor-cycle, as the case may be, will be advantageous from the point of view of his efficiency; and

(iii) the government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for

the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

NOTE—The maximum allowance that may be drawn under the above rule for a motor-cycle is limited to Rs. 10.

*As Amended vide Go. No. G—1—1816/X—229—1966 dated 15-11-1979 and come into force with effect from 15-11-1979.

152-A. An allowance the grant of which is subject to the condition that a horse or other animal is maintained may be drawn during leave or temporary transfer in the following instances:

- (1) A chaplain and a military medical subordinate employed in a civil department in receipt of a conveyance or horse allowance.
- (2) Inspectors and sub-inspectors of police in receipt of a conveyance or horse allowance.
- (3) Camel sowars of the Public Works Department, Irrigation Branch in receipt of a camel allowance.
- (4) Members of the Subordinate Engineering Service and lower subordinates of the Public Works Department in the Buildings and Roads and Irrigation Branches in receipt of a horse allowance.
- (5) Mounted linemen and members of the Subordinate Electrical and Mechanical Engineering Service on the Hydro-Electric Grid in the Public Works Department, Irrigation Branch, in receipt of a horse allowance.
- (6) Members of the Subordinate Engineering Service in the Local Self-Government Engineering Department in receipt of a horse allowance:

Provided that in all the above instances—

(i) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency;

(ii) the government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted; and

(iii) the drawal of the allowance during leave or temporary transfer does not involve extra expense to the Government.

152-B. A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

152-C. A permanent monthly travelling allowance admissible to a government servant of the Forest Department or of the Tarai and Bhabo Government Estates of and below the rank of a franger may be drawn during leave or temporary transfer if—

(i) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance: and

(ii) no extra expense is thereby caused to the Government.

152-D. A compensatory allowance, other than a permanent monthly travelling allowance and an allowance (including the permanent monthly travelling allowance mentioned in the preceding rule) for the regulation of which provision is made in any of the rules in this chapter, may be drawn during leave or temporary transfer if—

(a) the authority sanctioning the leave or transfer certifies that the government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance, and

(b) the government servant certifies that he continued for the period for which the allowance is claimed to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE—(1) The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied direct that no part of the allowance shall be drawn.

(2) A government servant on hospital leave on full average pay under the rules in Chapter XIV may draw a compensatory allowance attached to his post only when there is no locum tenens to whom it is payable and when the condition in clause (b) of the above rule is fulfilled.

(3) Exchange compensation allowance, if otherwise admissible under the orders issued under Fundamental Rule 44, may be drawn by a government servant during the first four months of any leave on average pay.

(4) The certificate required under clause (b) of this rule shall not be necessary in the case of the members of the Nursing Services.

152-E. A government servant on joining time under Fundamental Rule 105(a), if he is entitled to tentage while holding his old post, and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another post carrying a similar allowance he may draw the compensatory allowance, during joining time:

Provided that if the rates differ in the two posts, he may draw the lower rate only.

152-F†. (1) A Government servant who is permitted to undergo a course of instruction or training in India and is treated as on duty under F.R. (9) (6) (b) during the period of such instruction or training, shall be entitled to draw, during the entire period of such training, City Compensatory Allowance and House Rent Allowance at the rates admissible to him, from time to time, at either the place of training or the place of duty from where he proceeded on training, whichever is more beneficial to him. For claiming the allowance admissible at the place of duty from where a Government servant proceeded to another station for training, he will be required to furnish the relevant certificate prescribed below:

(2) A Government servant who is permitted to undergo a course of instruction or training abroad and is treated as on duty under F. R. (9)(6)(b) during the period of such instruction or training shall be entitled to draw during the first six months of such training City Compensatory Allowance and during the entire period of such training House Rent Allowance at the rates admissible to him from time to time at the station from where he was deputed abroad for training

† As added vide G. O. No. G—1—2470/X—82—209/79, dated 3-3-83 and came into force w.e.f. 3-3-83.

subject to the production of the relevant certificate prescribed below:

(3) A Government servant who has compulsorily to wait for his posting to a particular post and whose period of compulsory waiting is treated as on duty under F. R. (9) (6) (b), shall be entitled to draw during the first six months of such waiting City Compensatory Allowance and during the entire period of such waiting House Rent Allowance at the rates admissible to him from time to time subject to the production of a certificate on the proforma prescribed below:

(1) For drawal of Compensatory (City) Allowance

The Government servant concerned or his family or both continued, for the period from—————to—————for which City Compensatory Allowance is being claimed, to reside at the same station from where he was placed under training in India/abroad/remained in compulsory waiting.

(2) For drawal of House Rent Allowance

The Government servant concerned continued for the period from—————to—————for which house rent allowance is being claimed, to retain the house at the same station from where he was placed under—————training in India/abroad/remained in compulsory waiting and paid rent for it and did not sub-let it or any part of it.

GENERAL NOTES—(1) To obviate all misunderstanding, the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders in terms of the above rules a certificate regarding the likelihood of the government servant returning to the post or station, as the case may be. Cases of uncertainty in which it is not known whether the government servant will resume his post or not on return from leave should be referred to the Government for orders and pending their decision will be dealt with as if it is known that the government servant taking leave will not return to the post. In deciding whether the allowance may be granted or not, the main question for consideration will be whether if the government servant had remained on duty, he would have been displaced by the government servant who relieves him.

(2) In all cases falling under-Subsidiary Rules 149 Note 2,152, 152-A, 152-C and 152-D, in which compensatory allowances are claimed for non-gazetted government servants in respect of periods of leave or temporary transfer, a certificate in the following form should be given by the authority controlling the leave and postings of such government servants and attached to bill:

"Certified that in cases where the compensatory allowances have been claimed during leave

temporary transfer

the likelihood of the government servants returning to the same or similar posts are recorded in the original orders sanctioning the leave

temporary
transfer"

(2-A) A certificate regarding the likelihood of the government servant returning to a qualifying post required to be furnished under the rules in this Chapter shall not be considered as a valid certificate acceptable in audit unless it is embodied in the original order granting leave or sanctioning transfer or given along with such an order, except that if a revised certificate is issued along with a revised order or leave or transfer or is incorporated in such revised order before the government servant hands over charge, the revised certificate shall be considered as valid and accepted in audit.

(2-B) If an original sanction to leave is in fact given after the event, i. e. after the close of the leave then sanctioned, the certificate regarding likelihood of return, which must logically be in the past tense, would be no less acceptable to audit on that account. What is wanted by audit is a written assurance by the competent authority that not later than the time he formally sanctioned the original leave, he then intended to re-post the grantee to a qualifying post. The fact that the grantee was so posted on return from leave is logically corroborative but not conclusive evidence of this intention, because the sanctioning authority may have intended otherwise when he first became aware of the fact of the absence, but changed his mind before the leave itself ended. Hence the contention that the fact of return to a qualifying post dispenses with the need for a declaration of intention is not correct nor would audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense.

(2-C) A question was raised whether on the analogy of subsidiary Rule 149 (iii), it was not reasonable to hold that a change in the element of likelihood of re-posting occurring during the course of the leave, should also affect the admissibility of compensatory allowance, e.g.,

(a) Sri X.....while holding a post in station A, proceeded on leave on average pay for 2 months and 15 days. In the original orders sanctioning the leave, a certificate was recorded that on the expiry of leave he was likely to be re-posted to the same post. Before the expiry of the leave fresh orders were issued posting him to station B.

(b) Sri Y.....while holding a post in station C, proceeded on leave on average pay for one month. In the original sanction to leave it was stated that on the expiry of leave he would be posted to station D. Before the expiry or leave orders were issued re-posting him to the same post in station C.

Under the General Note (2-B) above, stress is laid on the original intention of the competent authority at the time of sanction of leave and it shows by implication that the title to compensatory allowance remains unaffected during the leave by any subsequent changes in the intention of the competent authority. Accordingly, the grant of compensatory allowance during leave should be regulated in accordance with the original certificate issued before the commencement of the

leave and not with reference to the revised orders altering the prospects issued after the commencement of the leave.

(3)* In the case of establishment bill it is not necessary that the certificates provided in Subsidiary Rules 152 (iii), 152-A proviso (ii) and 152-D (b) from individual government servants should be submitted to the audit authority. A consolidated certificate to the following effect should, however, be recorded by the drawing officers in the bill:

"Certified that individual certificates have been obtained to the effect that the conditions in Subsidiary Rule—————have been fulfilled and recorded in my office."

(4) The question was raised whether a compensatory (including house-rent) allowance attached to a post can be drawn by a government servant officiating in that post when he proceeds on leave if it is certified by the authority sanctioning leave that he is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or to another station in which he will be entitled to a similar allowance. At the time of going on leave, a government servant drawing a compensatory allowance is expected to return on the expiry of his leave, either—

(i) to the same post from which he proceeds on leave and to which the allowance is attached, or

(ii) to another post in the same or another station carrying a similar allowance at the same rate, or

(iii) to another post in the same or another station carrying a similar allowance at a reduced or enhanced rate, or

(iv) to another post in the same or another station not carrying a similar allowance.

It has been decided that subject to the fulfilment of the requisite conditions laid down in the preceding Subsidiary Rules, such a government servant will draw during leave—

(a) if his case falls under (i) and (ii) above, the allowance at the same rate as he was drawing immediately before proceeding on leave.

(b) if his case falls under (iii) above the allowance at the same rate at which he was drawing it immediately before proceeding on leave or at the rate admissible for the post to which he is expected to return, whichever is less, and

(c) if his case falls under (iv) above, no allowance.

This decision will apply uniformly in all cases irrespective of whether the post to which the allowance is attached is held by the government servant in a substantive or officiating capacity.

(5)* If a government servant dies during leave or temporary transfer, the certificates required by Subsidiary Rules 152 (ii), 152-A proviso (iii) and 152-D (b) from individual government servant may be furnished by the representative of the deceased who claims the compensatory allowance. Such a certificate shall be attested by the authority who sanctioned the leave or transfer.

* As Amended vide G. O. No. G—1—1816/X—229—1966, dated 15-11-1979 and came into force w.e.f. 15-11-1979.

CHAPTER XIII—MATERNITY LEAVE

Rules made by the Governor under Uttar Pradesh Fundamental Rule 101

153*. Maternity leave on full pay which a female government servant, whether permanent or temporary, may be drawing on the date or proceeding on such leave may be granted to her by the head of the department or by a lower authority to whom power may be delegated in this behalf subject to the following:—

(1) In cases of confinement the period of maternity leave may extend up to the end of three months from the date of the commencement of leave:

Provided that such leave shall not be granted for more than three times during the entire service including temporary service:

Provided also that if any female government servant has two or more living children, she shall not be granted maternity leave even though such leave may otherwise be admissible to her. If, however, either of the two living children of the female government servant is suffering from incurable disease or is disabled or crippled since birth or contracts some incurable disease or becomes disabled or crippled later, she may, as an exception, be granted maternity leave till one more child is born to her subject to the overall restriction that maternity leave shall not be granted for more than three times during the entire service.

Provided further that no such leave shall be admissible until a period of at least two years has elapsed from the date of expiry of the last maternity leave granted under this rule.

(2) In cases of miscarriage, including abortion, the period of maternity leave may extend up to a total period of six weeks on each occasion, irrespective of the number of surviving children of the female Government servant concerned, provided that the application for leave is supported by a certificate from the Authorised Medical Attendant:

NOTE—(1) Deleted.

NOTE—(2) In the case of a person to whom the provisions of Employees. State Insurance Act, 1948, apply, leave salary payable under this rule shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

NOTE—(3) Abortion induced under the Medical Termination of pregnancy Act, 1971, should also be considered as a case of ‘abortion’ for the purpose of ‘granting’ ‘Maternity leave’ under this rule.

154**. Maternity leave shall not be debited against the leave account and may be combined with leave of any other kind.

NOTE—(1) Deleted.

*(This amended rule shall be deemed to have come into force at once Vide Notification No, G.4-484/X-90–216-79, dated 3-5-90.)

* This rule may be deemed to have come into force with effect from 1-7-78.

NOTE—(2) Regular leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female government servant producing a medical certificate from the Authorised Medical Attendant to the effect that the ailing baby warrants the mother’s personal attention and that her presence at the baby’s side is absolutely necessary.

NOTE—(3) In the case of temporary government servants the leave granted under rules 153 and 154 shall not extend beyond the period the appointment is likely to last.

CHAPTER XIV—HOSPITAL LEAVE

Rules made by the Governor under Uttar Pradesh Fundamental Rule 101

155. Subject to the conditions specified below, the authority whose duty it would be to fill up the post (if vacant) may grant hospital leave to the following categories of government servants whether permanent or temporary, whose duties expose them to special risk of accident or illness, during periods of illness in a hospital or dispensary or while receiving medical aid as an outdoor patient at the station or headquarters of the district in which they are serving:

- (1) the government servant eligible for the concession shall be drawing a pay not exceeding Rs. 300 per mensem;
- (2) the period of hospital leave shall in no case exceed six months in any one term of three years, whether such leave is taken at one time or by instalments;
- (3) leave salary for the first three months of such leave shall be allowed on full average pay in the case of government servants governed by Fundamental Rule 81 or Subsidiary Rule 157 and on full pay which they may be drawing on the date of proceeding on such leave in the case of government servants governed by Fundamental Rule 81-B or subsidiary Rule 157-A. Leave salary for the remaining period of any such leave shall be allowed at half the rates mentioned above;
- (4) the illness or injury is certified not to have been caused by irregular or intemperate habits and is directly due to risk incurred in the course of official duties of the government servants concerned;
- (5) the leave granted to temporary government servants does not extend beyond the period the appointment is likely to last:—
 - (a) guards of all departments in permanent employ;
 - (b) executive government servants in the Police Department enrolled under any Act of the Legislature;
 - (c) head warders, warders and orderlies of the Jail Department, and guards, warders, dressers and compounders of lunatic asylums inclusive of female servants;
 - (d) subordinates of the Forest Department including range clerks but excluding other clerks;
 - (e) Syces in the Animal Husbandry Department;
 - (f) and employee in the government Press, whether on fixed pay or at piece rates;
 - (g) subordinates employed in government laboratories;
 - (h) subordinates employed on the working of government machinery;

- (i) peons and other government servants serving the Tarai and Bhabar;
- (j) tindals, regulation beldars and boatmen employed by Irrigation Department at Canal head works and at torrent crossings on the Eastern Yamuna Canal; also subordinates employed along the main Sarda Canal and the Deoha Bahgul Feeder Canal;
- (k) excise peons;
- (l) members of the U.P. Fire Service, and
- (m) all other government servants whose duties involve handling of dangerous machinery, explosive materials, poisonous gases and drugs etc. or who are obliged to perform hazardous tasks.

(This rule comes into force with effect from April 1, 1979).

NOTES—(1) The grant of hospital leave is subject to the condition that leave salary is not additional to, but inclusive of the benefits to which the employee may be entitled under section 4 (1) (d) of the Workmen's Compensation Act, 1923.

(2) In the case of a person to whom the provisions of Employees' State Insurance Act, 1948, apply, leave salary payable under this rule shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

(3) The term of three years mentioned in clause (2) of the rule should at any time be calculated backward from the end of the actual period of hospital leave proposed to be granted, whether on average/full pay or on half of those rates.

156. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible, provided that the total period of leave, after such combination, shall not exceed twenty-eight months.

NOTE—The limit of eight months or six months prescribed by rule 81(b) of the Uttar Pradesh Fundamental Rules as the maximum leave on average pay which a government servant may take at any one time is not applicable when hospital leave is taken in combination with ordinary leave on average pay.

CHAPTER XV—LEAVE EARNED BY TEMPORARY AND OFFICIATING SERVICE.

Rules made by the Governor under Uttar Pradesh Fundamental Rule 103(a)

157. A government servant in the superior service without a lien on a permanent post appointed prior to January 1, 1936, and in continuous employ under the Government may be granted leave while employed in an officiating or temporary capacity provided that the leave salary (limited to average or half average pay, as the case may be) drawn by him 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 pay of the substitute. 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; or

(b) on medical certificate, leave on leave-salary equal to half average pay up to two-elevenths or one-eleventh of the period spent on duty according as the government servant was appointed prior to or on or after 1st January, 1931 and before 1st January, 1936, subject to a maximum of three months at a time; or

(c) extraordinary leave for three months at any one time, provided that in the case of a government servant, who is undergoing treatment for tuberculosis in a recognised sanatorium or is suffering from tuberculosis of bones or joints, extraordinary leave up to twelve months on any one occasion may be granted in addition to the leave which may be admissible under clause (a) or (b) above, subject to the following conditions:—

(i) The post from which he proceeds on leave is likely to last till his return to duty;

(ii) the extraordinary leave shall be granted on the production of a certificate from the medical officer-in-charge of the sanatorium or, in the case of a patient suffering from tuberculosis of bones or joints, on the production of a certificate from a qualified T. B. Specialist or a Civil Surgeon, or if such a patient is undergoing treatment in a recognised sanatorium from the medical officer-in-charge of the sanatorium and in each case the period for which leave is recommended shall be specified in the certificate;

(iii) the Medical officer, or the T. B. Specialist, or the Civil Surgeon in recommending the leave, shall bear in mind the provisions of Subsidiary Rule 87.

NOTES—(1) The concession of extraordinary leave up to twelve months will be admissible also to a temporary government servant who for want of accommodation in any recognised sanatorium at or near the place of duty receives treatment at his residence under a Tuberculosis Specialist recognised as such by the Director of Medical and Health Services, Uttar Pradesh, and produces a certificate signed by that specialist to the effect that he is under his treatment and

that he has reasonable chances of recovery on the expiry of the leave recommended.

(2) The concession of grant of extraordinary leave up to twelve months will be admissible only to those temporary government servants who have been in continuous government service for a period exceeding one year.

Government servants of Asiatic domicile engaged on contract prior to January 1, 1936, whether recruited in the United Kingdom or in India, may be given only such leave as is admissible under this rule.

Exception 1—If the government servant has been employed in an officiating or temporary capacity for at least two years continuously, he may receive under clause (a) above such leave as may be admissible to him even if its grant involves extra expense to the Government.

Exception 2—In the case of a government servant who is employed in an officiating or temporary capacity in a vacation department, leave granted under clause (a) of this rule shall be on leave salary equivalent to half average pay; provided that such a government servant may be granted, under that clause, leave on leave salary equivalent to average pay to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation. If a part only of the vacation has been taken in any year, the period of leave on average pay admissible under the above proviso will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation. The provisions of Subsidiary Rules 145 and 146 also apply in the case of such a government servant; but the certificate prescribed in Note 2 under Subsidiary Rule 146 should, in the case of a gazetted government servant of this class, be sent to the Accountant General along with the leave application and not immediately after the close of the vacation.

Exception 3—The condition about extra expense is waived in the case of the government servants without a lien on substantive posts who are employed in an officiating or temporary capacity, while proceeding to a Pasteur Institute for anti-rabic treatment.

Exception 4—Government servants who hold quasi-permanent posts in the Settlement Department, as shown in the note below the Exception to Fundamental Rule 59, in a substantive capacity shall earn leave under sections I to V of Chapter X of Part II of this Handbook.

NOTES—(1) Any kind of leave under this rule may be granted in combination with or in continuation of any other kind of leave, provided that the total period of leave so taken shall not exceed four months at any one time.

Exception—In the case of government servants undergoing treatment for tuberculosis and to whom extraordinary leave up to 12 months may be granted at any time, vide clause (c) of this rule as amended, the total leave that may be granted at any one time shall not exceed a period of 16 months made up of leave on average pay and leave on half average pay on medical certificate for an aggregate period not exceeding four months (provided it is due) and extraordinary leave for not more than 12 months.

(2) Extension of a temporary post with a view to cover the period of leave granted to its holder is expedient only in cases where the grant of leave is subject to the condition laid down in the proviso contained in the first sentence of this rule; but is improper in the absence of this condition.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under this rule, provided that when it is taken in combination with or in continuation of leave on average pay admissible under clause (a) which is subject to the provisions of exception 2 above, the total duration of vacation and leave on average pay taken in conjunction, whether the leave on average pay is taken in combination with or in continuation of other leave or not, shall not exceed four months.

(4) In cases where the leave reserve for several grades of the same establishment is provided for in the lowest grade and officiating arrangements in leave vacancies in the higher grades by the appointment of persons from the lower grades entail extra expense, the net extra cost involved in arranging for the work of the absentee should be taken in place of the "pay of the substitute" mentioned at the end of the proviso contained in the first sentence of the above rule.

157-A. The following leave rules shall apply to:

(a) all Government servants who enter Government service on or after April 1, 1966, and hold no lien on a permanent post but are employed in an officiating or temporary capacity;

(b) all government servants who were recruited before April 1, 1966 and to whom Subsidiary Rule 157-A applied on that date:

Provided that the earned leave at their credit on April 1, 1966, shall stand and they shall earn further leave under sub-rule (1) of this rule with effect from that date:

(c) all government servants recruited before January 1, 1936, to whom Subsidiary Rule 157 applies and who elect in writing to come under these rules by making a specific declaration to Government to this effect. The option once exercised shall be final:

Provided that:

(i) the balance of leave on average pay at the credit of such a government servant on the date of exercising the option referred to above shall not lapse. He will first exhaust all such leave in excess of one hundred and eighty days and when the balance of such leave falls below this period, he shall begin to earn leave under these rules;

(ii) half the amount of leave on medical certificate on half average pay already availed of under clause (b) of Subsidiary Rule 157 shall be deducted from the maximum limit of four months' leave on medical certificate on average pay admissible under sub-rule (2) of this rule.

* (1) Earned Leave:—A government servant to whom these rules apply shall earn leave at one-eleventh of the period spent on duty from the date of commencement of continuous service:

Provided that—

(i) when the total of his earned leave amounts to one hundred and eighty days he shall cease to earn such leave;

(ii) subject to the provisions, of Fundamental Rules 67 and 86-A:

(a) the maximum period of earned leave that may be granted to him at a time shall be one hundred and twenty days if spent in Asia;

* For calculation of leave see revised order contained in O. M. No. G-4-1751/X-201-76 dated 24-6-78.

(b) earned leave may be granted to him exceeding a period of one hundred and twenty days but not exceeding one hundred and eighty days if the entire leave so granted or any portion thereof is spent outside Asia but the period of such leave spent in India shall not in the aggregate exceed the limit of one hundred and twenty days:

Provided further that in the case of a government servant serving in a vacation department—

(i) the earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation;

(ii) if he is prevented by reason of Government work from availing himself of the full vacation in any year, the earned leave admissible to him shall be reduced by a fraction of thirty days equal to the proportion which the part of the vacation availed of bears to the full period of the vacation;

(iii) if in any year he does not avail himself of the vacation, the earned leave admissible to him shall not be subject to any reduction;

(iv) vacation may be taken in combination with, or in continuation of, any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave admissible to him at a time under the first proviso to sub-rule (1) of this rule except when it is taken for obtaining higher technical qualifications in which case the limit shall be two hundred and seventy days.

NOTE—The provisions of Subsidiary Rules 145 and 146 also apply in the case of government servants to whom these rules apply if belonging to a vacation department, but the certificate prescribed in Note 2 under Subsidiary Rule 146 should, in the case of a gazetted government servant, be sent to the Accountant General along with the leave application and not immediately after the close of the vacation.

(2)* Leave on medical certificate—A Government servant to whom this Subsidiary Rule applies may also be granted leave on medical certificate not exceeding four months in all during his entire temporary service. Such leave shall be given only on production of a certificate from such medical authority as the Governor may by general or special order specify in this behalf and for a period not exceeding that recommended by such medical authority:

Provided that the amount of leave on medical certificate availed of by a government servant under Subsidiary Rule 157-A, before the date of application of this rule as amended by notification no. G-2-2688 /X—206-1965, dated August 12, 1966 shall be taken into account in calculating the leave due to him under this rule:

Provided further that—

(i) the post from which the government servant proceeds on leave is likely to last till his return to duty;

(ii) no leave may be granted under this rule, unless the authority competent to sanction leave is

* This rule came into force w. e. f. April 29, 1980.

satisfied that there is reasonable probability that the government servant will be fit to return to duty on the expiry of the leave applied for. (See also Subsidiary Rule 87):

Provided also that the government servant who has put in continuous service for three years or more, may be granted leave, on medical certificate up to twelve months (including four months of leave on medical certificate mentioned in this rule) subject to the following conditions:—

(1) the government servant must have been appointed in a regular manner (not on ad hoc basis) in accordance with the relevant rules of recruitment or formal orders of the Government in this regard;

(2) he must have been working against a duly sanctioned cadre post, permanent or temporary, and he may not have been appointed on contract basis;

(3) his work and conduct must have been satisfactory and integrity certified; and

(4) no action regarding suspension or instituting disciplinary proceedings is contemplated or pending against the government servant concerned.

(3) *Leave on private affairs—A government servant to whom this Subsidiary Rule applies may also be granted leave on private affairs not exceeding one hundred and twenty days in all during his entire temporary service provided that the leave shall not be admissible until after continuous temporary service of two years has been rendered. Such leave shall be earned by him at one-eleventh of the period spent on duty and when the leave earned amounts to sixty days, he shall cease to earn such leave:

Provided that—

(i) the post from which the government servant proceeds on leave is likely to last till his return to duty; and

(ii) the amount of leave on private affairs availed of by a government servant under Subsidiary Rule 157-A before the date of application of this rule shall be taken into account in calculating the leave due to him under this rule.

(4) Extraordinary leave—(a) A government servant to whom this Subsidiary Rule applies may be granted extraordinary leave in accordance with the provisions of Fundamental Rule 85 where the post is likely to last till his return to duty, provided that the duration of extraordinary leave on any one occasion shall not exceed the following limits:

(i) three months;

(ii) six months, in cases where the government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months extraordinary leave under (1) above] and

his request for such leave is supported by a medical certificate as required under the rules;

(iii) eighteen months where the government servant has completed one year's continuous service and is undergoing treatment for:

* For calculation of leave see revised orders contained in O. M. No. G. 4—A. G. —3/ X—200—79 dated 30-10-79.

(1) pulmonary tuberculosis or tuberculosis of any other part of the body in a hospital or sanatorium or at his residence by the Civil Surgeon or by a qualified tuberculosis specialist recognised as such by the Director of Medical and Health Services, U.P., or

(2) leprosy in a recognised leprosy institution or by the Civil Surgeon or a specialist in leprosy recognised as such by the Director of Medical and Health Services, U.P.;

subject to the condition that the extraordinary leave shall be granted on the production of a certificate from medical-officer-in charge of the hospital or sanatorium, as the case may be, or from the qualified tuberculosis/leprosy specialist or the Civil Surgeon if such patient is undergoing treatment at his residence and in each case the period for which leave is recommended shall be specified in the certificate.

NOTE—The medical officer incharge of the hospital or of the sanatorium or leprosy institution, the tuberculosis/leprosy specialist or the Civil Surgeon, as the case may be, shall while recommending leave bear in mind the provisions of Subsidiary Rules 87.

(iv) twenty-four months, subject to a maximum limit of thirty-six months in all during entire temporary service, where the leave is required for the purposes of prosecuting studies in India or abroad certified to be in the public interest, provided that—

(1) the government servant concerned has completed three years of continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months of extraordinary leave under sub-rule (I) above];

(2) before grant of the extraordinary leave the government servant concerned gives an undertaking by executing a bond prescribed in Form No. 10 to the effect that he would, if required, serve the Government after returning from leave in the same post or in any other capacity as may be required for a period of at least three years and, in default, pay to Government an amount equal to ten times the monthly pay which he was drawing at the time of proceeding on leave, and other expenses, if

any, which may be incurred on him together with interest thereon from the day following the expiry of the sanctioned leave at the rate of one per cent over and above the Bank rate in force on the first day of April of the financial year in which the leave may commence.

NOTE—The expression ‘Bank rate’ mentioned above means the rate made public by the Reserve Bank of India as the standard rate at which it is prepared to buy or rediscount bills of exchange or other commercial paper eligible for purchase under the Reserve Bank of India Act.

*(b) Unless the Governor in view of the special circumstances of the case otherwise determines no Government servant, shall be granted extraordinary leave on any one occasion in excess of the limits mentioned in sub-rule (a). Absence from duty after the expiry of leave will attract the provisions of rules relating to disciplinary proceedings.

* (This sub-rule shall be deemed to have come into force w.e.f. 12-9-89 vide Notification No. G—4—34—I/X—89-4—1983 dated 12-9-89).

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

*(6) Leave salary—A government servant to whom this subsidiary Rule applies, when on leave, will be entitled:

(a) If on earned leave, or on leave on medical certificate to leave salary equal to the pay drawn immediately before proceeding on leave:

Provided that if the government servant is reverted from a post carrying a higher scale of pay to a post carrying a lower scale of pay and proceeds on leave, he will be entitled to leave salary equal to the pay which would have been admissible under the rules had he not proceeded on leave.

(b) If on leave on private affairs, to leave salary equal to half the amount specified in clause (a);

(c) If on extraordinary leave to no leave salary.

NOTE —In the case of a person to whom the provisions of Employees’ State Insurance Act, 1948 apply, the leave salary payable under this sub-rule in respect of leave on medical certificate shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

(7) Whole time government servants who are of the nature of seasonal or casual employees and continue to be paid from contingencies shall only get leave without allowance.

Orders of the Governor regarding rule 157-A.

(1) In the cases of government servants to whom rule 157-A applies, the authority competent to grant leave has no power to alter the nature of leave applied for.

(2) The authority which granted leave to a government servant governed by rule 157-A can commute it retrospectively into leave of a different kind which was admissible at the time the leave was originally granted but the government servant concerned cannot claim it as a matter of right.

(3) The commutation of one kind of leave into another automatically carries with it the drawal of arrears of leave salary or recovery of amounts overdrawn.

158. If a government servant in the superior service recruited prior to January 1, 1936, 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 rule 157. Similarly a government servant who is entitled to leave under rule 157-A when appointed without interruption of duty substantively to a permanent post will be

* This amended sub-rule shall be deemed to have come into force with effect from April 1, 1978 vide Notification No.G-4-1395/X-88-200-76, dated October 13, 1988).

(The above orders of Governor shall be deemed to have come in to force with effect from April 1, 1973 Vide Notification No. G-4-1395/X-88-200-76, dated October 13, 1288).

credited with the earned leave which would have been admissible if his previous duty had been duty as a government servant in permanent employ diminished by any earned leave already taken. Leave taken under rule 157 or 157-A is not an interruption of duty for the purpose of this rule.

Except in the case of a government servant recruited or after January 1, 1936, temporary or officiating service rendered under the Central or any other State Government and followed by confirmation in post under the Government of the Uttar Pradesh without interruption of duty will, up to the extent mentioned in this rule, be taken into account in calculating the net amount of leave to be credited to the government servant; 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.

Audit instruction regarding Subsidiary Rule 158

Interpretation of the words "interruption of duty": See audit instruction regarding Fundamental Rule 65 (a).

Orders of the Governor regarding rule 158

The commutation of extraordinary leave taken during temporary service when other leave was due into earned leave on confirmation without interruption of service by giving retrospective effect to the benefit of rule 158 would be irregular. The real intention of this rule is to provide only for a retrospective recalculation of the leave at credit on the date of confirmation with a reduction on account of the earned leave already taken. Except for the carry-forward of the recalculated a credit on confirmation, leave earned and taken should be closed chapter at that point and re-adjustment of any leave taken is not permissible as a consequence of such recalculation. The "closed chapter" may, however, properly be reopened, for instance, to correct miscalculation of leave earned or taken; or to readjust leave earned and taken when confirmation is ordered with retrospective effect; or at the discretion of the sanctioning authority, to convert leave of any one kind already taken into leave due of any other kind admissible at the time the leave was originally taken.

(See also orders of the Governor under Fundamental Rule 87-A).

159. A temporary engineer of the Public Works Department may be granted at the discretion of the Government leave other than what is admissible under rule 157 or rule 157-A above on such terms and with such leave-salary as they may think fit. This indulgence will be granted only as a matter of grace and cannot be claimed as a right. The terms and leave-salary shall not, however, be more favourable than those which would be admissible if the service were substantive, permanent and continuous.

160. A military sub-assistant surgeon temporarily lent to the civil department before January 1, 1936, may be granted leave on average pay up to one-eleventh of the period spent on duty in the civil department subject to a maximum of four months at a time. Any other leave which it may be found necessary to grant to a military sub-assistant surgeon should be under the military rules.

The grant of leave to a military sub-assistant surgeon temporarily lent to the civil department on or after January 1, 1936, shall be regulated by clause (1) of rule 81-B and clause (1) (b) of rule 87-A of the Uttar Pradesh Fundamental Rules. Any

other leave which it may be found necessary to grant to him shall be under the military rules.

161 *****

161-A. Assistant teachers of local board Vernacular middle schools, appointed before or on or after January 1, 1936, for a specified period not exceeding five years to non-pensionable posts of teachers in model schools attached to Government normal schools for boys or in Government central training schools, shall not be entitled to any leave except leave on medical certificate on half average pay up to one-eleventh of the period spent on duty, subject—

(1) to a maximum of one month at a time; and

(2) to a total amount not exceeding two months during the period of deputation. No substitute shall be appointed to fill the vacancy caused by the leave.

NOTE—In the case, of assistant teachers appointed on or after January 1, 1936, their half average pay shall continue to be calculated in the manner prescribed for assistant teachers appointed before that date.

CHAPTER XVI—LEAVE ADMISSIBLE TO PART-TIME LAW OFFICERS AND GOVERNMENT SERVANTS REMUNERATED BY FEES, PIECE-WORK, OR DAILY WAGES.

Rules made by the Governor under Uttar Pradesh Fundamental Rule 103(c)

162. A law officer holding one of the posts mentioned in Fundamental Rule 99 in Part I of this Volume and a Government Pleader, Deputy Government Advocate, Junior Standing Counsel, Law Reporter, Assistant Law Reporter or Government Prosecutor if his pay is fixed at definite rate but his whole-time is not retained for the service of the Government, may be granted leave as follows:

(a) Leave on average pay during the vacation of the High Court of Judicature at Allahabad or the Chief Court of Oudh within whose jurisdiction he serves; provided that no extra expense is thereby caused to the Government. Such leave will be counted as duty.

(b) Leave on half average pay for not more than six months once only in his service after six years of duty.

(c) On medical certificate, leave on half average pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.

(d) On the conditions prescribed in Fundamental Rule 85, extraordinary leave.

Exception—This rule shall also apply to a law officer, a Government Pleader, Deputy Government Advocate, Junior Standing Counsel, Law Reporter, Assistant Law Reporter or Government Prosecutor appointed on or after January 1, 1936, except that the grant of leave on medical certificate to him shall be regulated by sub-clause (b) of clause (2) of rule 81-B of the Uttar Pradesh Fundamental Rules. His leave salary shall, however, continue to be calculated in the manner prescribed for officers appointed before that date.

NOTE—When a law officer who held a part-time appointment on December 31, 1921, takes leave, his pay at the time of taking leave may be treated as his average pay for the purpose of this rule.

163. Leave under any one of the clauses of rule 162 may be combined with leave under any other clause.

NOTE—The remuneration receivable by the Advocate General during leave is as admissible under rules 162 and 163 above and this has been determined by the Governor under sub-section (3) of section 55 of the Act.

164. A government servant remunerated by honoraria may be granted leave on the terms laid down in rules 162 and 163 above, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to the Government, and that during leave of the kind contemplated by clause (b) of rule 162 the whole of the honoraria are paid to the person who officiates in his post.

165. * * * *

165-A. The following rules regulate the grant of leave to piece-workers employed in the Uttar Pradesh Government Central Press who are not classed as inferior:

1. (a) Leave on full pay will be granted to permanent piece-workers and on half pay to temporary piece-workers according to their service as shown below:

Length of service	Leave admissible
Less than 5 years	10 days in each calendar year.
5 years but less than 15 years	15,,,,,,,,,

15 years and over	30,,,,,,,,,
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Exception—Those piece workers, whether permanent or temporary, who were recruited before 26th February, 1941 and who were entitled to 31 days' leave in each calendar year after putting in service exceeding 25 years, will continue to enjoy this concession.

(b) Leave under sub-rule (a) will be non-cumulative, i.e. any leave not taken during the year will lapse without any monetary compensation.

(c) Gazetted holidays actually enjoyed may, at the option of the piece-worker, be counted against leave admissible to him under sub-rule (a) and, if so counted, will be paid for. But a Sunday at the commencement and/or conclusion of the period of leave will not be paid for.

(d) The grant of leave under these rules cannot be claimed as a right and can be refused on administrative grounds. It may also be withheld from piece-workers who have been irregular in attendance.

2. Leave on medical certificate on half pay will be earned at the rate of one month's pay for every complete period of twenty-two months' duty, and as regards incomplete periods one day's leave for every twenty-two days duty. It will be cumulative up to a limit of six months and will be granted only when no leave is admissible under rule 1 above.

3. Leave without pay may be granted when no other leave is due.

4. No continuous period of leave with pay to permanent piece-worker shall exceed six months or in the case of a temporary piece-worker three months; any extension over either period shall be leave without pay. Leave on medical certificate on half pay shall not be granted to any piece-worker for more than twelve months during his service.

5. Injury leave on half pay may be granted from the commencement of disablement to a piece-worker who is injured in circumstances which would give rise to claims for compensations in the case of a workman as defined in the Workmen's Compensation Act, 1923 (VIII of 1923) whether or not proviso (a) to sub-section (1) of section (3) of the Act is applicable to him. This leave shall be continued as long as is necessary subject to a limit of one year for any one disability and three years during a piece-worker's total service. It shall not be taken into account in calculating the limits laid down in rules 2 and 4. Leave-salary payable under this rule will in the case of a workman to whom the Workmen's Compensation Act applies be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

NOTE—For the purposes of the foregoing rules "pay" means the minimum of a piece-worker's grade rate.

6. A piece-worker transferred to the temporary salaried establishment for a period of less than twelve months continuously shall be eligible only for such leave and on such pay as would have been admissible to him under these rules if he had continued to work as a piece-worker in the plains. Where the transfer is for a period of more than 12 months continuously, leave rules as applicable on the date of transfer, to the salaried staff shall apply to a piece-worker on his transfer to the salaried establishment. Any leave under piece-work terms which may be due to him on the date of transfer shall, to the extent permissible under the rules, be credited to his leave account.

7. A salaried worker on his transfer to the piece establishment for a period of more than 12 months continuously shall be governed by these leave rules. Earned leave due to him at the time of transfer shall, to the extent permissible under the rules, be credited to his leave account.

166. A labourer employed in a Government workshop or other similar institution when temporarily absent from work owing to injury received while on duty may be granted leave on full pay by the head of the department for a period not exceeding three months, which may be extended on half pay thereafter up to six months with the previous sanction of the Government.

NOTE—The limits prescribed above are to be regarded as inclusive of compensation under section 4(1)D of the Workmen's Compensation Act, where that is payable.

167. A female servant employed at piece rates or daily rates in a permanent or quasi-permanent government institution or concern may be granted by the head of the department maternity leave on the same conditions and terms as laid down in rule 153.

168. Any leave of absence granted to government servants referred to in rules 166 and 167 above in circumstances other than those described in or in continuation of leave permitted under those rules, shall be without allowances or any kind whatever.

CHAPTER XVII—LEAVE EARNED BY PROBATIONERS AND APPRENTICES

Rules made by the Governor under rule 104(b) of the Uttar Pradesh Fundamental Rules.

NOTE—The rules in this chapter apply only to government servants under the rule-making power of the Governor. They do not apply to officers appointed by the Secretary of State.

169. * * *

[See rule 1A(1) and (4)].

170. 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.

171. * * *

172. Leave of the following kinds may be granted to an apprentice:

(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 Fundamental Rule 85, provided that in the case of an apprentice appointed on or after January 1, 1936, the extraordinary leave shall not exceed three months at any one time.

NOTE—(1) Service as an apprentice even if followed by appointment substantively in a permanent post does not qualify for leave under rule 77 or under clause (1) of rule 81-B of the Uttar Pradesh Fundamental Rules.

NOTE—(2) For purposes of this rule supernumerary kanungos come within the definition of "apprentice" as given in Subsidiary Rule 1 A (1).

CHAPTER XVIII—JOINING TIME

Rules made by the Governor under Fundamental Rule 106

173. Not more than one day is allowed to a government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

NOTE—No joining time is admissible in the case of a Government servant transferred from one department to another under the control of the same officer and in the same station.

174. In cases involving necessary change of station, the joining time-allowed to a government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:

(a) A government servant is allowed—for that portion of the journey which he travels or might travel—

One day for each—

By railway	500 Kilometers	
By ocean steamer	350,,	
By river steamer	150,,	Or any longer time actually occupied in time actually.
By motor car or horse-drawn conveyance plying for public hire	150,,	
In any other way	25,,	

(b) For any fractional portion of any distance prescribed in clause (a) an extra day is allowed.

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

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(d) Travel by road not exceeding eight Kilometers to or from a railway station at the beginning or end of a journey does not count for joining time.

(e) A government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire and his joining time is calculated accordingly.

(f) A Sunday will count as a day for the purpose of the calculations in this rule.

*(g) When a Government Servant on transfer joins the new post at the new station without

*This insertion shall be deemed to have come into force w.e.f. 14-7-88 vide Notification no. G-1-1038/x-204/81 dated 4-9-1989.

availing of the full joining time of 6 days admissible to him under clause (a) he may be allowed to avail the unavailed period of joining time as special Casual leave within six months from the date of his transfer.

NOTE—The presiding officers and the establishment of the peripatetic court of the second Civil Judge, Meerut, Additional Civil Judge, Moradabad Additional Munsif, Moradabad, and the Additional Munsif of Kaimganj, Farrukhabad, will on the occasion of their transfer from one place to another within their jurisdiction, be entitled to the full joining time admissible under the above rule; provided that the period of their stay at the place of transfer is not less than two months, otherwise they will be entitled only to the period spent on the journey.

Exception—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

175. When a government servant returning from leave out of India exceeding four months takes joining time before joining his post, his joining time shall be calculated as prescribed in rule 174 provided that it shall, if he so desires, be subject to a minimum of ten days.

NOTE—In the case of Government servants recruited to the provincial, specialist and subordinate services on or after January 1, 1936, and inferior government servants the term "four months" occurring in this rule shall be taken to mean "120 days."

176. By whatever route a government servant actually travels his joining time shall, unless a competent authority for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

177. If a government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he makes over charge.

178. If a government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

NOTE—A second period of six days for preparation should not be included in the joining time of a Government servant when his appointment is changed while he is in transit from one appointment to another.

179. If a government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

Order of the Governor regarding rule 179

It has been decided that the principle underlying Audit Instruction no. 4 below Fundamental Rule 105 is applicable also to the balance of joining time admissible on return from leave in the case of a government servant who proceeds on leave on average pay for a period not exceeding four months on medical certificate while in transit from one post to another. The balance of joining time to which the government servant will be entitled is the full joining time admissible under Fundamental Rule 105(b) (i) reduced by the period of joining time actually availed of prior to the commencement of the leave on medical certificate. Should the government servant join his new appointment before the expiry of such leave plus the balance of joining time admissible, the leave should be re-adjusted on the analogy of Audit Instruction no. 4 below Fundamental Rule 105.

180. If a government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time.

Provided that if he receives intimation of his posting to another station before proceeding on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place from which he proceeds to join his new appointment, whichever calculation will entitle him to the less joining time.

NOTE—In the case of Government servants appointed to the provincial, specialist and subordinate services on or after January 1, 1936, and inferior Government servants the term "leave on average pay of not more than four months, duration" occurring in this rule shall be taken to mean "earned leave not exceeding 120 days".

181. The authority which granted the leave will decide whether the notice referred to in Fundamental Rule 105 (b)(ii) was insufficient.

182. A government servant transferred to a post in a vacation department during vacation may join his new post at the end of the vacation even though the joining time calculated under rule 174 above is thereby exceeded.

183. The sanction of the Government is required to the grant of joining time in excess of 30 days and such sanction will be given only in cases in which the spirit of the rules is not infringed.

Audit instruction regarding rule 183

Extension of joining time beyond a period of 30 days for the reasons stated in clause (b) of Subsidiary Rule 184 should be treated as a case in which the general spirit of the rules has been observed.

184. Within the prescribed maximum of 30 days a competent authority may, on such conditions as it thinks fit, grant to a government servant a longer period of joining time than is admissible under the rules in the following circumstances:

(a) when the government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey that is allowed by the rules; or

(b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or

(c) when the rules have in any particular case operated harshly, as for example, when a government servant has though no fault on his part missed a steamer or fallen sick on the journey.

184–A. When a government servant under the administrative control of one Government is transferred to the control of another Government which has made rules prescribing the amounts of joining time, his joining time for the journey to join his post under the borrowing Government and for the return journey will be governed by the rules of the borrowing Government. This rule will apply even to cases where the government servant is on leave either before his transfer or before returning to his original post.

CHAPTER XIX—INTEREST ON OVERDUE CONTRIBUTIONS

Rules made by the Governor under Fundamental Rule 119 (b)

185. (1) Contribution for leave salary and/or pension, due in respect of a government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the Governor, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall

be paid by the government servant or the foreign employer according as the contribution is paid by the former or the latter.

(2) The leave salary and pension contribution should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account, should be set off against these contributions.

NOTE—Recoveries representing leave salary contributions are to be credited to the receipt head corresponding to the functional head to which the establishment relates or where there is no corresponding receipt head to the minor head "Other Receipt" under the residuary receipt major head in the respective sector. Recoveries representing pension contribution will be credited to the minor head under the major head "066".

Orders of the Governor regarding rule 185

If the foreign employer, or the government servant placed on foreign service as the case may be, has contacted the Accountant General, Uttar Pradesh, to ascertain from him the rates and the manner of payment of the contributions, immediately on receipt of the orders sanctioning the transfer to foreign service, and the delay in the repayment of the contributions is solely due to the information regarding the rates and manner of payment of the contributions not having been received from the Accountant General, no interest, in terms of the above rule, shall be recovered from the foreign employer or the government servant concerned, as the case may be, if the payment is made within one month from the date of issue of the Accountant General's letter in which the information is communicated.

186. If any amount due, including interest is not paid within twelve months of its accrual, the government servant concerned shall forfeit his claim to pension and leave-salary. In order to revive such claim the government servant must first pay the amount due and then represent his case to the Government.

(This amendment shall be deemed to have come into force with effect from April 1, 1979).

CHAPTER XX—SUBSIDIARY RULES

Rules made by the Governor in connection with the Fundamental Rules

187. Where no age-limit has been prescribed in the rules regulating recruitment to a superior pensionable service or post under Government, a person whose age exceeds twenty-five years shall not be admitted to that service or post without the

sanction of the Governor where he is the appointing authority and in other cases, the head of the department.

Charge of office

188. Unless for special recorded reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case else-where or otherwise the charge of an office must be made over at its headquarters, both the relieving and the relieved government servants being present.

189. The conditions imposed by rule 188 that both the relieving and relieved government servants must be present is not enforced in the case of government servants who are permitted to combine vacation with leave.

In such cases the following procedure will be followed:

(a) When vacation is prefixed to leave, the outgoing government servant will report before leaving headquarters, or if for urgent reasons the leave is granted during vacation as soon as it is granted, that he makes over charge with effect from the end of the vacation.

(b) When vacation is affixed to leave, the government servant to be relieved will make over charge in the ordinary way before the vacation, the incoming government servant on return at the end of the vacation taking over charge from the beginning of the vacation.

190. As a general rule and subject to any special orders to the contrary in particular cases, the headquarters of a government servant on the staff of the Government, as for instance, a Secretary or a member of the Secretariate establishment, are the headquarters of the Government for the time being.

191. The headquarters of any other government servant are the station where the records of his office are kept, or in special cases, the station which has been declared to be his headquarters by the authority which appoints him.

Leaving jurisdiction

192. No government servant (other than a police officer acting within his legal powers or an excise officer acting under the orders of the district officer) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

193. The Government or such subordinate authority to whom the power is delegated may authorize any government servant to proceed on duty to any part of India, whether within or beyond the limits of the State, Provided that the

Secretaries to Government may undertake such journeys on their own certificate which shall be appended to the appropriate T.A. bill stipulating that the journey was in public interest.

194. A government servant permitted under rule 193 to proceed to any place on duty may take with him such subordinate establishment and records as are absolutely necessary for the efficient discharge of his duties.

195. A controlling officer (see rule 88 of the Travelling Allowance Rules) may allow any government servant subordinate to him to proceed on duty to any part of the State or to a district adjoining the jurisdiction of the controlling officer and to draw travelling allowance under the rules.

Arrangements in leave vacancies

196. As a general rule the duties of a government servant absent on leave for a period not exceeding four months shall be discharged by another government servant in the same station or district. Only in exceptional cases where there is absolutely no suitable government servant available on the spot can the transfer of a government servant from another station or district to act in consequence be allowed. In the case of posts held by members of an all-India service, if a qualified member of that service is not available on the spot, a member of a provincial service should be appointed, if this is otherwise permissible, to officiate in or carry on the work of the appointment.

Grant of compensatory allowances during joining time

197. A government servant transferred from a post in which he drew a compensatory allowance to another post to which a compensatory allowance is also attached, may draw the allowance during joining time calculated where the rates differ in the two posts, at the lower rate only.

NOTE— This rule does not apply to the drawal of conveyance or house allowance during joining time which is regulated by rules in Volume III of the Financial Handbook.

Orders of the Governor regarding rule 197

A government servant transferred from a post in which he drew a house rent allowance to another post in which he is provided with rent-free accommodation may continue to draw the house rent allowance for the period during which he continues to reside in his old station and actually incurs expenditure on house rent, during joining time. No house rent allowance will, however, be admissible during journey time.

Suspension

198. Fundamental Rules 53 and 54 include government servants holding temporary posts, but in deciding whether an allowance should be granted to such government servants, the period for which the temporary posts have been sanctioned should be taken into account.

198–A. Posts vacated by government servants who are dismissed or removed from service may be filled substantively subject to the condition that the arrangements thus made will be reversed if the government servant is reinstated on appeal.

Suspension during pendency of criminal proceedings or proceedings for arrest for debt or during detention under a law providing for Preventive detention.

199. Deleted with effect from October 30, 1976.

Leave to government servants serving under a contract or agreement

200. Except as provided in paragraph 6 of the leave terms below rule 103 of the Uttar Pradesh Fundamental Rules, in the case of a government servant who is serving on a contract or agreement no leave, including leave on medical certificate, shall be granted for a period extending beyond the term of the contract or agreement unless or until it has been decided to retain him in permanent employ.

Recess Leave

200-A. The government servants specified below belonging to Garhwal-Bhabar Government Estates and under the administrative control of the Deputy Commissioner, Garhwal, may at his discretion, be allowed recess leave on full pay for one month between May and October every year subject to the following conditions:

(1) that they serve all the year round in Garhwal-Bhabar Government Estates.

(2) that their work can be arranged for without extra cost, and

(3) that this leave is not prefixed or affixed to any other kind of leave:

(i) Clerks 2,

(ii) Peons (including Jamadar and Chain bearers) 6,

(iii) Pound Keepers 4,

(iv) Forest Guards 2, and

(v) Lekhpals 4.

200-B. The two compounders and the orderly who are permanently attached to the Ramnagar Forest Travelling Dispensary in the Ramnagar Forest Division and are under the administrative control of the Conservator of Forests, Western Circle, may, at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, be allowed recess leave on full pay for one month and a half between July 1 and October 15 every years, subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

(1) that they serve all the year round in the Ramnagar and Kalagarh Forest Divisions;

(2) that the actual period of recess in each case is at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, subject to the control of the Conservator, Western Circle;

(3) that in order that during the recess period the work of the dispensary may be carried on satisfactorily by the Medical Officer with the help of at least one compounder, both the compounders will not be permitted to go on recess leave at the same time; and

(4) that the duties of the orderly, during the period of his recess, will be carried out by the khalasi and the dispensary servant.

200-C. The compounder who is permanently attached to the Dudwa Forest Travelling Dispensary in the North Kheri Forest Division and is under the administrative control of the Conservator of Forests, Eastern Circle, may, at the discretion of the Divisional Forest Officer, North Kheri Forest Division, be allowed recess leave on full pay for one month and a half between 1st July and 15th October every year, subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

(1) that he serves all the year round in the North Kheri Forest Division;

(2) that the actual period of recess every year is at the discretion of the Divisional Forest Officer, North Kheri Forest Division, subject to the control of the Conservator of Forests, Eastern Circle; and

(3) that during the recess period the work of the dispensary can be carried on satisfactorily by the Medical Officer.

200-D. The medical officer-in-charge of the Ramnagar Forest Dispensary may, at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, be allowed recess leave or full pay for one month and a half between July 1 and

October 15 every year subject to the conditions laid down in clauses (2) and (3) of rule 200-A above and to the following further conditions:

(1) that he serves all the year round in the Ramnagar and Kalagarh Forest Divisions;

(2) that the actual period of recess is at the discretion of the Divisional Forest Officer, Ramnagar Forest Division, subject to the control of the Conservator of Forests, Western Circle;

(3) that in order that the work of the dispensary may be carried on satisfactorily, the recess leave of the compounders is so arranged that at least one of them is on duty when the Medical Officer is on recess leave; and

(4) that during the absence on recess leave of the medical officer—

(a) the work of the dispensary is supervised by the local medical officers in-charge of the civil dispensary and of the Public Health Department, without any extra cost to Government, and

(b) his travelling duties are carried out by the compounder and serious cases are removed to Ramnagar where they will be treated by the other local medical officers.

200-D(1). The Medical Officer-in-charge and the Compounder of the Boxar Dispensary in the Kalagarh Forest Division, may, at the discretion of the Divisional Forest Officer, Kalagarh Forest Division, be allowed recess leave on full pay for one month and a half between July 1 and October 15 every year subject to the conditions laid down in clauses (2) and (3) of Subsidiary Rule 200-A and the following further conditions:

(i) that they serve all the year round in the Kalagarh Forest Division;

(ii) that the actual period of recess is at the discretion of the Divisional Forest Officer, Kalagarh Forest Division, subject to the control of the Conservator, Western Circle;

(iii) that in order that the work of the dispensary may be carried on satisfactorily, the recess leave of the medical officer and the compounder is so arranged that at least one of them is on duty during the recess period; and

(iv) that during the absence on recess leave of the medical officer:

(a) serious cases are admitted in the military hospital at Lansdowne and the District Board hospitals at Kotdwar and Dogadda, without any extra cost to Government.

(b) his travelling duties are carried out by the compounder.

200-D (2). The Farm Superintendent, Kotdwar, district Garhwal, under the control of the Director of Agriculture, may, at the discretion of the latter, be allowed recess leave for one month and a half between July 1 and October 15 every year subject to the conditions laid down in rule 200-A above and to the further condition that the actual period of recess leave shall be granted in such a way that work of the department does not suffer in any way.

200-D (3). The government servants of the Agriculture Department serving at Kotdwar in the Garhwal Development Scheme under the control of the Director of Agriculture may, at his discretion, be allowed recess leave for one month and a half between July 1 and October 15 every year subject to the conditions laid down in rule 200-A above and to the further condition that the actual period of recess leave in each case shall be granted in such a way that the work of department does not suffer in any manner.

200-E. The recess leave allowed under the above rules shall count as duty for the purpose of pension and also for the purpose of earning leave on average pay or earned leave and shall not be debited to the government servant's leave account where such an account is maintained or affect earned leave.

Casual leave

201. Casual leave is not recognized and is not subject to any rule. Technically therefore a government servant on casual leave is not treated as absent from duty, and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding—

- (i) date of reckoning allowances,
- (ii) charge of office,
- (iii) commencement and end of leave,
- (iv) return to duty,

or so as to extend the term of leave beyond the maximum period admissible by rule.

NOTE—Casual leave may not be combined with vacation.

202. (a) Rule 201 should not be read as precluding the treatment as casual leave of absence from duty before or after leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to the matters above specified, as for instance, when it is necessitated by—

(1) detention in plague camps on the way to rejoin, or

(2) orders not to attend office in consequence of the presence of infectious disease in the family or household of the person concerned.

(b) Casual leave necessitated by reasons of the nature specified in clause (a) will be exclusive of and in addition to the casual leave that may be ordinarily granted under rule 201 and paragraph 90 of the Manual of Government Orders, Volume I, and it may be granted in combination with ordinary leave.

(c) Casual leave in the circumstances specified in clause (a) may be granted by the head of the office on the certificate of a medical or public health officer up to—

(1) the actual period of detention in a plague camp; or

(2) a period not exceeding 21 days or in exceptional circumstances not exceeding 30 days.

(d) Any leave necessary for quarantine purposes in excess of the period mentioned in clause (c) above shall be treated as ordinary leave.

NOTE—(1) The total period for which a government servant may be asked to desist from attending office on account of the presence of an infectious disease in his family or household is indicated in the table below

Name of disease	When the patient is removed to hospital, or has died, or when the government servant himself has left the patient (i.e. when the source of infection has ceased to exist)	When the patient is treated at home (i.e. when the government servant is constantly exposed to the source of infection) and none of the events mentioned in column 2 occurs
1	2	3
1. Small-pox	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus (a) 16 days or (b) 7 days after vaccination or revaccination to the satisfaction of the medical officer of health.	Period of exclusion shall be throughout the illness of the patient until 16 days after the last scab on the patient has separated, the contacts having been vaccinated or revaccinated meanwhile to the satisfaction of the medical officer of health.
2. Scarlet fever	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus 14	Period of exclusion shall be throughout the illness of the patient till 14 days after all abnormal discharge have ceased.

	days.	
1	2	3
3. Cholera	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus 5 days, prophylactic inoculation having been done in the mean while.	Period of exclusion shall be throughout the illness of the patient till 5 days after the patient is declared fit, prophylactic inoculation having been done in he mean while.
4. Cerebrospinal meningitis.	Period of exclusion shall be from the date of commencement of the illness until one or other of the above mentioned events takes place plus one week or until throat wabs are negative, if found to be a carrier.	Period of exclusion shall be throughout the illness of the patient till one week after the patient is declared fit and well.
5. Diphtheria	Period of exclusion shall be from the date of commencement of the illness until one or other of the abovementioned events takes place plus 10 days.	Period of exclusion shall be throughout the illness of the patient till 10 days after the patient is declared fit.
6. Enteric fever.	Period of exclusion shall be from the date of commencement of the illness or until one or other of the abovementioned events takes place plus 21	Period of exclusion shall be throughout the illness of the patient till 14 days after the patient is declared fit and well, prophylactic inoculation
	days, prophylactic inoculation having been done in the meanwhile.	of the contacts having been done in the meanwhile.

NOTE— In this case, quarantine leave will be granted only to those government servants who are required to handle foodstuffs and drinks in the discharge of their official duties.

7. Plague	Period of exclusion shall be from the date of commencement of the illness or until one or other of the abovementioned events takes place plus 10 days, prophylactic inoculation having been done in the meanwhile.	Period of exclusion shall be throughout the illness of the patient until he is declared fit, prophylactic inoculation having been done in the meanwhile.
1	2	3
8. Typhus	Period of exclusion shall be from the date of commencement of the illness until one or other of the abovementioned events takes place plus 21 days, delousing having been done in the meanwhile.	Period of exclusion shall be throughout the illness of the patient till 21 days after the patient is declared fit and well.

(2) A substitute may be allowed with the sanction of the authority competent to fill the post if vacant for an absentee, who is prohibited from attending his duties on account of some infectious disease in his family, and whose duties cannot be arranged for without prejudice to his pay, provided that the absence does not exceed 30 days and the pay of the absentee does not exceed Rs. 100 a month.

203. * * *

204. * * *

205. * * *

Procedure for payments of contribution by government servants transferred to foreign service

206. A copy of the orders sanctioning a government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in rule 207) by the authority by whom the transfer is sanctioned. The government servant himself should without delay send a copy to the Accountant General and take his instructions as to the audit officer to whom he is to account for the contribution, report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

207. (a) In the case of foreign service out of India, the Account Officer is the Accountant General, Central Revenues.

(b) In the case of foreign service in India—

(1) if pay in foreign service is paid from a Government treasury and is subject to audit by an audit officer of Government, the Account Officer is such audit officer.

(2) otherwise, the Account Officer is the audit officer of the State in which the municipality or other body concerned is situated.

208. Not later than 15 days after the end of each quarter for which pay in foreign service is earned, the government servant concerned must remit in such manner as may be arranged with the Account Officer, the contribution payable by him for the quarter.

APPENDIX 'A'

Instructions issued by the Auditor General under Fundamental Rule 74

1. Instruction issued by the Auditor General in order to secure efficiency and uniformity of audit in relation to leave procedure.

Certificate of admissibility

(1) Gazetted government servants—Leave should be sanctioned to a gazetted government servant only after its admissibility has been certified by the Accountant General who has been auditing his pay.

NOTE—The leave accounts of the Archdeacon, Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal are maintained by the Accountant General, Central Revenues. The leave accounts of all other chaplains both of the Church of England and of the Church of Scotland, including those attached to regiments, are maintained by the Accountant General of the province in which they serve. In the case of Chaplains, therefore, the certificate of admissibility of leave required by this rule will be issued by the Accountant General who maintains the leave accounts.

(2) Non-gazetted government servants—Before leave in India is sanctioned to non-gazetted government servant, the authority sanctioning the leave should either consult the leave account prescribed in paragraph(33), 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. When the application is for

leave out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant General concerned before sanctioning the leave.

(3) Military Officers—When a Military officer becomes subject to the Civil Leave Rules, the Defence Account Officer-in-charge of the record of pension service will, on application and on being furnished with the date of commencement of active service in Civil employ, furnish to the Accountant General to whose audit he becomes subject, a memorandum showing the furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the maximum furlough admissible) and the balance or furlough due under the Military Rules.

(4) (a) Application for leave from Military officers in Civil employ, whether they are subject to the Military Leave Rules or the Civil Leave Rules, should be sent through the Civil Accountant General who audits the pay of the officer going on leave. The Civil Accountant General will, if he considers it necessary, consult the Defence Account Officer from whose payment the officer is transferred to the Civil Department before certifying to the leave and specifying the leave-salary. No leave should be sanctioned to such an officer before a report is received from the Civil Accountant General.

(b) In the case of a Military Officer subject to the Military Leave Rules, the Civil Accountant General should obtain from the Defence Account Officer from whose payment the officer is transferred to the Civil Department a certificate stating the amount of leave to which the officer is entitled, and the rate of leave, pay and allowances admissible during the said period of leave before issuing a leave-salary certificate, or a warrant, or a certificate of leave granted to an officer proceeding on leave out of India who does not intend to draw his leave-salary at the Home Treasury or in a Colony.

(5) Government servants in foreign service—In the case of a government servant on foreign service, leave cannot be sanctioned until the Accountant General of the Government (Central or State), under which he was permanently employed at the time of his transfer to foreign service, has certified the amount of leave and the leave-salary admissible.

NOTES—(1) For the purpose of this rule, the Accountant General of the state in which the contribution towards leave salary and pension of a government servant on foreign service are recovered will act as the Accountant General of the Central Government.

(2) In the case of Military Officers in temporary civil employ, the Defence Account Officer who receives the foreign service contributions of military officers subject to the Civil Leave Rules being obtained from leave and leave-salary admissible, the necessary information in the case of military officers subject to the Civil Leave Rules being obtained from the Civil Accountant General concerned.

Similarly, in the case of government servants in commercial departments (e.g., Railway and posts and Telegraphs Departments) the certificate will be given by the Accounts Officer concerned who is responsible for bringing the contribution to account.

Payment of leave-salary in India

(6) Non-gazetted government servant—The leave-salary of a non-gazetted government servant on leave in India or on leave out of India cannot be drawn in India, except over the signature of the head of his office and the latter is responsible for any overcharge.

(7) Gazetted government servants—No gazetted government servant can begin to draw his leave-salary at any office of payment in India without producing a leave-salary certificate from the Accountant General who audited his pay before he proceeded on leave.

[See rules 20 and 33(3) of the Treasury Rules (Uttar Pradesh)]

(8) If during leave the gazetted government servant desires to change the office at which he receives payment of his leave-salary, he must obtain a new certificate from the Accountant General within whose jurisdiction his leave-salary was last paid.

(9) A gazetted government servant desirous of discontinuing his subscription to the General Provident Fund during leave or of subscribing to the Fund at the usual rate during leave on average pay and at half rates during other leave, should intimate his wishes in the matter to his Accountant General before proceeding on leave.

(10) In the case of a government servant entitled to Sterling Overseas Pay, who draws his leave-salary in India that portion of leave-salary which represents Sterling Overseas Pay is payable by the High Commissioner for India. A separate authority should be issued to the High Commissioner for India for payment of the sterling portion of the leave-salary and to stop payment of duty Sterling Overseas Pay. A copy of this authority should also be sent to the government servant to enable him to draw the amount in accordance with the procedure laid down for the payment of leave-salary from the Home Treasury.

(11) If a gazetted government servant sign 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 a power of attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificates may be given

periodically, a bond being given to cover intermediate payments not supported by life certificates.

(12) The provisions of paragraphs (7) to (11) above 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 Fundamental Rule 91.

NOTE—A certificate of residence should be obtained from government servants who draw their leave-salary at the rupee rate.

(13) Railway and Telegraph Departments and Military Engineer Services—In the case of the Railway and Telegraph Departments and the Military Engineer services these rules will be generally applicable subject to any modifications which may be made by the Account Officer in accordance with special rules of the Department concerned.

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

Leave out of India

(15) Memorandum of Information A memorandum of information for the guidance of government servants proceeding on leave out of India should be supplied to such government servant proceeding on leave out of India by the Accountant General who audits his pay, as soon as the grant of leave is gazetted or otherwise notified to him.

(16) Leave-salary Certificate and Colonial Leave-salary Warrant— (a) A government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should be given a leave-salary certificate or a Colonial leave-salary warrant according as the leave-salary is to be drawn at the Home Treasury or in a Dominion or Colony by the Accountant General who audited his pay before he proceeded on leave.

NOTE—When leave under Military rules granted to a Military Officer in temporary civil employ, the authority sanctioning the leave will send a copy of the order to the Accountant General concerned to enable him to issue the leave-salary certificate or the colonial leave-salary warrant (vide Army Headquarter, India Adjutant-General's Branch Memorandum No. B/56380/I(A.G. XI), dated the September 14th, 1939).

(b) If during any period of leave on average pay a gazetted government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of paragraph (8) above.

NOTES—(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 in the Service rules, be authorized to draw his pay or leave-salary or both for the whole period at the Home 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 Accountant General.

(2) When a Chaplain of the Church of Scotland proceeds to the United Kingdom on leave granted by the Civil authority on his being reverted for the purpose from the military to civil duty and intends to draw his leave-salary from the Home Treasury, the Defence Account Officer from whose office he was in receipt of pay sends to the Accountant General concerned a last pay certificate on receipt of which a leave-salary certificate should be issued by the Accountant General.

Auditor-General's decision— (1) Even in those cases where an officer, with the grant of leave, is transferred to an appointment under the audit control of another Audit Officer and where, in consequence, the leave is sanctioned by a Government other than that under which he was employed before proceeding on leave, the orders in Rule (16) should be observed, that is to say, the leave-salary certificate should be given by the Audit Officer who audited his pay before he proceeded on leave.

(Ar. G.'s No. 392-Amn./125-25, dated March 7, 1925).

(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 reimbursement should be submitted to the Secretary of State or the High Commissioner for India.

(Ar. G.'s letter No. T. 175-Admn. 1/69-30, dated May 22, 1930).

(17) In the case of a government servant proceeding on leave to a Dominion or Colony and intending to draw that portion of his leave-salary which represents Sterling Overseas Pay from the Home Treasury, the Colonial leave-salary warrant should authorise payment of leave-salary based on rupee pay only. A separate intimation should be sent to the High Commissioner to pay that portion of leave-salary which represents Sterling Overseas Pay. A copy of this intimation should also be given to the government servant in order that he may arrange to draw the

amount in accordance with the procedure laid down for the payment of leave-salary from the Home Treasury.

(18) When a government servant proceeds out of India on leave other than extraordinary leave, the Accountant General who audits his pay will as soon as the leave is gazetted or otherwise notified, communicate with the government servant requiring him to call at his office or give the necessary information to enable him to prepare the leave-salary certificate, etc.

NOTE—If a government servant sent home to Europe as a lunatic is granted leave, a leave-salary certificate should be prepared, if necessary by the Accountant General who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date.

(19) 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. In the case of government servants proceeding to a Colony, the Colonile leave-salary warrant will be issued in triplicate. The original, bearing the government servant's signature will be forwarded by the Accountant General 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 paragraph (16) above, 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.

(20) If the government servant is unable to call at the Audit Office, the Accountant General 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—The orders in the Note under paragraph(19) apply also in the circumstances specified in this paragraph.

(21) When a government servant proceeds on extraordinary leave out of India, or on leave on average 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 prescribed form. This certificate has to 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.

NOTE—Whenever a government servant is proceeding to a Dominion or Colony which does not account directly to India, a duplicate copy of the certificate should be sent to the High Commissioner with the duplicate copy of the Colonial leave-salary warrant (vide paragraph 19).

(22) A government servant to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable, will be required to report to the Accountant General from the first port at which the vessel touches, the day of his departure from India.

(23) As soon as an Accountant General has delivered a leave-salary certificate, certificate of leave or a Colonial leave-salary warrant to a government servant who proposes to spend his leave out of India, or has caused it to be sent to the address specified by him, he must forward a copy of the leave-salary certificate or certificate of leave, or the duplicate copy of the Colonial leave-salary warrant to the High Commissioner for India.

(24) Amended Certificate—If it becomes necessary to amend a leave salary certificate the amendment should take the form of a short corrigendum worded so as to show only the particular item or items in which alterations have been made; this corrigendum should be forwarded by the Accountant General at the earliest possible date to the High Commissioner for India. Every corrected leave-salary certificate, whether original or duplicate, should be marked "Amended Certificate."

(25) Extension or commutation of leave—Whenever leave of a government servant absent on leave out of India elsewhere than in Europe, North Africa, America or the West Indies is extended or commuted by the authority in India which granted the leave, the fact should forthwith be notified by the Accountant General to the High Commissioner for India to enable him to check the payment by Colonial Treasurers or Staff Officers.

NOTE—This rule applies to Military Officers subject to the Military Leave Rules.

(26) If the leave of a government servant who draws his leave-salary in India under the provisions of Fundamental Rule 91 is extended or commuted, the Accountant General who audited his pay at the time he proceeded on leave must, on receiving advice of such extension or commutation, forthwith communicate it to the Accountant General within whose jurisdiction his leave is drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Accountant General who passes the government servant's leave salary.

(27) Issue of a fresh Colonial leave-salary warrant—When no space for the entry of endorsements of payments remains upon the back of a Colonial leave-salary warrant, or when a warrant is lost or destroyed, a fresh warrant should be issued by

the Accountant General who issued the original warrant on the application of the government servant concerned submitted through the Colonial Disbursing Officer.

(28) Return to duty—A government servant who was on leave in Europe must, on return to India, deliver to the Accountant General the last-pay certificate obtained by him from the high Commissioner before he can obtain a payment of any arrears of leave salary or pay due to him. A government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant, which will serve as a last-pay certificate.

(29) Railway and Military Accounts Departments—Changes in these rules except those which relate to Colonial leave-salary warrants, may be made by the Railway or the Defence Accounting authorities in accordance with the special rules of the respective department.

Special Rules relating to Military Officers

(30) As soon as the grant of furlough or leave to a Military Officer in Civil employ has appeared in orders, the Account Officer from whose payment the Officer is transferred to the Civil Department must, in the case of furlough to Europe, North Africa, America or the West Indies, forward to the High Commissioner for India a statement of the Officer's service in such form as the Military authorities may prescribe. This statement is not required in the case of Officers proceeding on furlough under the Staff or British Leave Rules.

(31) When furlough or leave or an extension of furlough or leave is granted to a Military Officer in Civil employ, whether subject to the Civil or the Military Leave Rules, the Civil Accountant General should intimate to the Defence Account Officer from whose payment the Officer is transferred to the Civil Department the date of the beginning and end of the furlough or leave, the dates of embarkation and disembarkation in the case of furlough out of India, as well those of being struck-off or of resuming duty.

(32) On the return of an Officer from furlough or leave, it will be the duty of the Defence Account Officer-in-charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not, to report the case to the authority which sanctioned the leave.

Leave Account

(33) The leave account should be kept in Forms* 1 and 2 in respect of government servants under the Special Leave Rules and Ordinary Leave Rules respectively. The Office in which the account should be kept for any government servant and the person by whom the entries should be attested will be such as are prescribed by the Government.

If the forms of the leave account prescribed above are not suitable for the maintenance of leave accounts of any class of government servant, the form may in such a case be prescribed by Government after consultation with the Accountant General concerned.

(*Forms nos. 11 and 11-A in Part IV. The leave account of government servants under the Uttar Pradesh Fundamental Rules is maintained in Form no. 11-B and 11-C in that Part).

(34) In the case of government servants subject to the "Revised Leave Rule, 1933", leave accounts need not be maintained in the forms prescribed in paragraph (33) above, the particulars entered in Service Books or Histories of Service or other records of service being sufficient for the calculation of the amount of leave admissible at any time.

If a gazetted government servant subject to the Revised Leave Rules* is transferred permanently to another Government, the Accountant General of the lending Government should draw up a leave account indicating therein the amount of "earned leave" at credit, leave salary for which should be borne by the lending Government, and send it to the Accountant General of the borrowing Government. The latter should pass on the debit in regard to leave-salary for "earned leave" up to the extent indicated in the leave account as and when the government servant takes that leave after permanent transfer to the borrowing Government.

When a non-gazetted government servant subject to the Revised Leave Rules* is transferred permanently to another Government, the head of the office from which he is transferred should prepare a leave account showing the amount of "earned leave" at credit on the date of permanent transfer and send it to the head of the office to which the government servant is transferred. A copy of the leave account should also be sent at the same time to the Accountant General of the office from which the government servant is transferred so as to enable him to accept the debit on account of leave-salary for "earned leave" up to the extent indicated in the leave account, as and when the government servant takes leave.

*In the case of a government servant of the Provincial, Specialist and Subordinate Services the reference is to the Revised Leave Rules of 1936 as in rule 81-B of the Uttar Pradesh Fundamental Rules.

II—SERVICE BOOKS

(35) A service book in Form no. 10† should be maintained for every non-gazetted government servant for whom it is prescribed under the orders of the Government. In this book every step in the government servant's official life should be recorded and each entry should be attested by such superior officer as may be prescribed by the Government.

(†Form no. 13 as prescribed by the State Government).

(36) If a government servant is transferred to foreign service, the audit officer referred to in paragraph 5 above, will, on receipt of the service book from the head of the office or department concerned, note in it, under his signature, the order sanctioning the transfer the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which he may consider to be necessary, and return the same to the officer from whom he received it. On the government servant's re-transfer to government service, the audit officer will again note in the service book, under his signature, all necessary particulars concerned with the foreign service including the fact of recovery of leave and pension contributions. All entries relating to the time spent in foreign service should be attested by the audit officer.

APPENDIX B

Model Agreement Form No. I

(Initial agreement for recruitment outside India, with Memorandum for re-engagement for a further definite period)

NOTICE

It must be understood that although the agreement as required by law is in form an agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his services to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day
of.....one thousand nine hundred
and.....BETWEEN.....of.....of the first
part and the Governor of Uttar Pradesh (hereinafter called "the Government") of
the second part.

WHEREAS the Government have engaged the party of the first part and the party of the first has agreed to serve the Government of Uttar Pradesh on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall be provided with a first or appropriate tourist class passage to India and on being provided with such passage shall proceed

thither within such time and by such vessel as may be prescribed by or on behalf of the Government.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. If, at the time of booking a passage, a tourist class passage appropriate to the status of the party of the first part is not available at a cost less than the cost of a second class B passage, the latter class of passage will be provided.

2. The party of the first part shall on arrival in India forthwith report himself for duty without avoidable delay as directed by the officers of the Government and shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and shall, from the

date of his disembarkation at a port in India

date of his embarkation for India remain in the service for the

date of the execution of this agreement

term of..... years subject to the provisions herein contained. He shall devote his whole time to his duties and at all times obey the rules, including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he may belong and shall, whenever required proceed to any part of India and there perform such duties as may be assigned to him.

3. If the party of the first part fails to proceed to India or to join his appointment there as ordered or if he at any time during the said term of.....years voluntarily quits the service without giving due notice and without the permission of the Government, he shall forthwith on demand repay to the Government, the cost of the passage provided under clause 1 hereof.

4. The service of the party of the first part may be terminated as follows:

(1) At the end of the first year by either party with out notice.

(2) At any time on ‘three calendar months’ notice in writing given to him by the Government, if in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(3) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in Uttar Pradesh. PROVIDED always that the decision of the Government

that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(4) By the Government or their officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(5) By six calendar months' notice in writing given at any time during service under this agreement (except during the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned:

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months. PROVIDED further that in the event of a notice being given under sub-clause (2) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any), of his substantive appointment.

5. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (4) of clause 4 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence-grant at such rate as the Government may decide to allow him.

6. The scale of pay attached to the post of..... to which the party of the first part is appointed shall comprise the following monthly rates of pay in successive stages of twelve months' service:

					Pay
					Rs.
Stages					

1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
etc.	...	...	...	...
			his embarkation for India be		
He shall from the date of			his disembarkation in		
			the execution of this agreement		

granted pay at the rate of rupees.....per mensem in the aforesaid scale and shall receive pay in the succeeding stages provided for in that scale in accordance with the provisions of the rules from time to time in force and applicable to his case, service in the stages reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties commencing from the aforesaid date and ceasing on the date of his quitting service in Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service. If at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

7. The party of the first part shall be eligible subject to the exigencies of the public service for leave and leave-salary (under the leave terms prescribed by the Government under Funda-

(as follows.)*

mental Rule 103 in the Uttar Pradesh Financial Hand Book, Volume II,

Parts II–IV which may from time to time be applicable to him.

8. If the party of the first part is required to travel in the interests of the public service he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III, from time to time in force and applicable to his case and similar travelling allowance shall also be payable to him in respect of his journey from the port of disembarkation to his station on first joining the appointment.

* For those of non-Asiatic domicile specially recruited overseas the leave terms for them shall be specified in this agreement.

9. The party of the first shall be eligible for any concessions in relation to medical attendance and

treatment that may be prescribed by the Government for the class of officers serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

10. During his service under these presents the party of the first part † shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund, and shall be subject to the rule of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory Subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

11. ‡‡ If during his service under these presents the party of the first part becomes or continues to be insured as a Voluntary Contributor under the National Health Insurance Act and Widows, Orphans and Old Age Contributory Pensions Acts for the time being in force the Government shall pay one-half of the combined contribution payable by him as such contributor during the first 5 years of his service and thereafter one-half of the contribution payable by him as a contributor under the Contributory Pensions Acts only, and in that event he shall authorize the Government to pay in the United Kingdom on his behalf the balance of such contribution and the surrender by the Government at the appropriate time of the duly stamped contribution card to his Approved Society or to the appropriate Insurance Department shall be sufficient discharge in respect of any liability incurred by the Government under this clause.

12. In any payments made to the party of the first part in the United Kingdom under these presents the rate of exchange then applicable to the class of transaction concerned as decided by the Government of India from time to time shall be observed.

13. Notwithstanding anything herein before contained, the party of the first part shall, unless otherwise decided by the Government be entitled to receive, in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first part shall operate so as to modify to that extent the provisions of these presents.

14. All acts authorized or required to be done by the Government may be done in the United Kingdom by the High Commissioner for India acting on their behalf.

‡ For optional subscribers

‡ For compulsory subscribers

‡‡ For subordinate personnel only.

15. On the completion by the party of the first part of his full term of service under this agreement, or on his being allowed by the Government to proceed on leave preparatory to his retirement on the expiry of that term, or on the determination of his service by the Government under sub-clause (1),(2),(3) or (5) of clause 4 hereof, the Government shall provide him with a *first or appropriate tourist class passage to England (or at his option with a passage to any other country at a cost not exceeding that of a first or appropriate tourist class passage to England) provided that he claims such passage and leaves India within three months of the completion of the said term or of the commencement of his leave or of the determination of his service, and that if his service is determined on account of ill-health such ill-health has not been brought on by his neglect, or carelessness or misconduct (of which the certificate of a medical officer nominated by the Government shall be conclusive).

16. Notwithstanding anything hereinbefore contained, the pay and leave-salary admissible under these presents whether payable in India or elsewhere shall be subject to any emergency cut that may be ordered by the Government for the same period and on the same terms as for other officers under the administrative control of the Government.

17. In respect of any matter for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made thereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution, shall apply to the extent they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and the High Commissioner for India for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of.....Signed by the said High Commissioner for India for and on behalf of the Governor in the presence of.....

MEMORANDUM

The within named Mr.....has been re-engaged and his service extended for a further period of.....years subject mutatis mutandis to the conditions of the within agreement and his scale of pay shall as from the.....day of.....henceforth comprise the following monthly rates of pay in successive stages of twelve months' service:

			Pay
Stages			Rs.
1	...	...	...

*NOTE—The inappropriate words should be struck out at the time the agreement is entered into. If, at the time of booking a passage, a tourist class passage appropriate to the status of the party of the first part is not available at a cost less than the cost of a second class—passage the latter class of passage will be provided.

			Pay
Stages			Rs.
2	...	...	...
3	...	...	...

etc.
------	-----	-----	-----

In addition he shall be eligible for the grant of passage at the expense of the State as provided in the.....

In witness whereof the party of the first part and.....on behalf of the Governor of Uttar Pradesh have hereunto set their hands.

Dated this.....day of.....19.

Model Agreement Form No. II

(Initial agreement for recruitment in India with Memorandum for re-engagement for a further definite period)

NOTICE

It must be understood that although the agreement as required by law is in form an Agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his service to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day of.....one thousand nine hundred and.....BETWEEN.....of.....of the first part and the Governor of Uttar Pradesh (hereinafter called "the Government") of the second part.

WHEREAS the Government have engaged the party of the first part and the party of the first part has agreed to serve the Government of Uttar Pradesh on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and shall remain in the service for the term of.....years commencing from the.....day of..... one thousand nine hundred and.....subject to the provisions herein contained.

2. The party of the first part shall devote his whole time to his duties and at all times obey the rules including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he

may belong and shall, whenever required, proceed to any part of India and there perform such duties as may be assigned to him.

3. The service of the party of the first part may be terminated as follows:

(1) At the end of the first year by either party without notice.

(2) At any time on three calendar months' notice in writing given to him by the Government if, in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(3) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in Uttar Pradesh. PROVIDED always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(4) By the Government or their officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(5) By six calendar months' notice in writing given at any time during service under this agreement (except the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned.

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months. PROVIDED further that in the event of a notice being given under sub-clause (2) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any) of his substantive appointment.

4. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (4) of clause 3 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence grant at such rate as the Government may decide to allow him.

5. The scale of pay attached to the post of.....to which the party of the first part is appointed shall comprise the following monthly rates of pay in successive stages of twelve months' service:

Stages	Pay
	Rs.
1.
2.
3.
etc.	

He shall from the.....be granted pay at the rate of rupees.....per mensem in the aforesaid scale and shall receive pay in the succeeding stages provided or in that scale in accordance with the provisions of the rules from time to time in force and applicable to his case, service in the stages reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties commencing from the aforesaid date and ceasing on the date of his quitting service in Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service. PROVIDED that, if at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

6. The party of the first part shall be eligible subject to the exigencies of the public service for leave and leave-salary according to the leave terms prescribed by the Government under Fundamental Rule 103 in the Uttar Pradesh Financial Handbook, Volume II, Part II to IV, which may from time to time be applicable to him.

7. If the party of the first part is required to travel in the interests of the public service he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III from time to time in force and applicable to his case.

8. The party of the first part shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by the Government for

the class of officers, serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

9. During his service under these presents, the party of the first part *shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund and shall be subject to the rules of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

*For optional subscribers.

‡For compulsory subscribers.

10. In any payments made to the party of the first part in the United Kingdom, under these presents the rate of exchange then applicable to the class of transaction concerned as decided by the Government of India from time to time shall be observed.

11. Notwithstanding anything hereinbefore contained the party of the first part shall unless otherwise decided by the Government be entitled to receive in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first shall operate so as to modify to that extent the provisions of these presents.

12. All acts authorized or required to be done by the Government may be done in the United Kingdom, by the High Commissioner for India acting on their behalf.

13. Notwithstanding anything hereinbefore contained the pay and leave-salary admissible under these presents whether payable in India or elsewhere shall be subject to any emergency cut that may be ordered by the Governor for the same

period and on the same terms as for other officers under the administrative control of the Governor.

14. In respect of any matter for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made thereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and.....Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of.....

Signed by the said Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh in the presence of.....

MEMORANDUM

The within named Mr.....has been re-engaged and his service extended for a further period of.....years subject mutatis mutandis to the conditions of the within agreement and his scale of pay shall as from the.....day of.....henceforth comprise the following monthly rates of pay in successive stages of twelve months' service:

Stages	Pay
	Rs.
1
2
3
etc.	

In witness whereof the party of the first part and.....on behalf of the Governor of Uttar Pradesh have hereunto set their hands.

Dated this.....day of.....19.

(Agreement for extension of service for an indefinite period)

NOTICE

It must be understood that although the agreement as required by law is in form an agreement with the Governor of Uttar Pradesh, this appointment is made by the Government of Uttar Pradesh. A person selected to fill it will be subject in all respects throughout his service to the orders of that Government.

ARTICLES OF AGREEMENT made the.....day
of.....one thousand nine hundred
and.....BETWEEN.....of.....of the first part and
the Governor of Uttar Pradesh (hereinafter called "the Government") of the second
part. WHEREAS the party of the first part was engaged by the Government to
serve the Government of Uttar Pradesh under an agreement, dated
the.....day of.....one thousand nine hundred and.....AND
WHEREAS the said agreement has terminated AND WHEREAS the Government
have now re-engaged the party of the first part and the party of the first part has
agreed to continue to serve the Government of Uttar Pradesh on the terms and
conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government. He shall devote his whole time to his duties and at all times obey the rules, including the Government Servants Conduct Rules, prescribed from time to time for the regulation of the branch of the public service to which he may belong and shall whenever required proceed to any part of India and there perform such duties as may be assigned to him.

2. Unless the service of the party of the first part is terminated as hereinafter provided he shall continue in the employment of the Government until he attains the age of fifty eight years when he shall retire: PROVIDED that the Government may retain his services after he has attained that age for such period as may be agreed upon subject to the provisions of the rules from time to time in force and applicable to him and to the provisions herein contained.

3. The service of the party of the first part may be terminated as follows:

(1) At any time on three calendar months' notice in writing, given to him by the Government if, in the opinion of the Government, the party of the first part proves unsuitable for the efficient performance of his duties during service under this agreement.

(2) By the Government without previous notice if the Government are satisfied on medical evidence that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in India: PROVIDED always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusive and binding on the party of the first part.

(3) By the Government or his officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any rules pertaining to the branch of the public service to which he may belong.

(4) By six calendar months' notice in writing given at any time during service under this agreement (except during the first year thereof) either by him to the Government or by the Government or their authorized officer to him without cause assigned:

PROVIDED always that the Government may in lieu of any notice herein provided for give the party of the first part a sum equivalent to the amount of his pay for six months or shorter notice than six months if they pay him a sum equal to the amount of his pay for the period by which such notice falls short of six months: PROVIDED further that in the event of a notice being given under sub-clause (1) of this clause the word "three" shall be read in place of the word "six" in the preceding proviso.

The term "pay" for the purpose of this clause shall mean the pay (including special pay and personal pay, if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal pay, if any) of his substantive appointment.

4. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in sub-clause (3) of clause 3 hereof he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence grant at such rate as the Government may decide to allow him.

5. During the period of his employment under these presents the party of the first part shall receive subject to the provisions of the rules from time to time in force and applicable to him such rate and scale of substantive pay (as defined therein) as may be attached under the orders of the Government to the appointment held by him from time to time. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this agreement and actually perform his duties and shall cease on the day of his quitting service in

Uttar Pradesh or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service: PROVIDED that if at any time the party of the first part proceeds on deputation out of India his pay during the period of his deputation shall be regulated by the ordinary rules regarding deputation.

6. The party of the first part shall during his service under these presents be eligible subject to the exigencies of the public service according to the leave terms prescribed by the Government for leave and leave-salary *under Fundamental Rule 103 in the

Uttar Pradesh Financial Handbook, Volume II, Parts II—IV, which may from time to time be applicable to him

7. If the party of the first part is required to travel in the interests of the public service during the period of his engagement he shall be entitled to travelling allowance on the scale provided for in the rules contained in the Uttar Pradesh Financial Handbook, Volume III, from time to time in force and applicable to him.

8. The party of the first part shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by the Government for the class of officers serving in the same station to which the Government may declare the party of the first part to correspond in status or conditions of service.

9. During his service under these presents, the party of the first part ‡ shall be permitted to

subscribe to the Uttar Pradesh Contributory Provident Fund and shall be subject to the rules of that Fund from time to time in force.

NOTE—The inappropriate words should be struck out at the time the agreement is entered into. The prospective employee should be given the option to accept either of the above alternatives, but he should be informed that unless he accepts the one providing for compulsory subscription he will not be entitled to join the Sterling Branch of the Provident Fund.

10. In any payments made to the party of the first part in the United Kingdom under these presents the rate of exchange then applicable to the class of transaction

concerned as decided by the Government of India from time to time shall be observed.

11. Notwithstanding anything herein before contained the party of the first part shall unless otherwise decided by the Government be entitled to receive in whole or in part as may be authorized by the Government the benefits of any improvement that may be sanctioned by the

*For persons of Asiatic domicile and also for those of non-Asiatic domicile not specially recruited overseas for service under Uttar Pradesh Government.

†For persons of non-Asiatic domicile specially recruited overseas. The leave terms for them shall be specified in this agreement.

‡For optional subscribers.

§For compulsory subscriber.

Government subsequent to the date of these presents in the terms and conditions of service of members of the branch of the public service to which he may for the time being belong and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first part shall operate so as to modify to that extent the provisions of these presents.

12. All acts authorized or required to be done by the Government may be done in the United Kingdom by the High Commissioner for India acting on his behalf.

13. Notwithstanding anything herein before contained, the pay and leave-salary admissible under these presents, whether payable in India or elsewhere, shall be subject to any emergency cut that may be ordered by the Government for the same period and on the same terms as for other officers under the administrative control of the Governor.

14. In respect of any matter, for which no provision has been made in this agreement the provisions of the Civil Services (Classification, Control and Appeal) Rules, any rules made hereunder and any other rules made or deemed to be made under Article 309 or continued under Article 313 of the Constitution shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

In witness whereof the party of the first part and the Secretary to the Government of Uttar Pradesh in the.....Department for and on behalf of the Governor of Uttar Pradesh have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence
of.....Signed by the said Secretary to Government of
Uttar Pradesh in the Department for and on behalf of the-Governor of Uttar
Pradesh in the presence of.....

ANNEXURE

Memorandum of information for the guidance of government servants proceeding on leave out of India

1. Report of sailing—If a certificate of departure accompanies this memorandum, the government servant should sign, stamp and post it to the Audit Officer from whom the memorandum is received.
2. Leave-salary certificate or colonial leave-salary warrant—A government servant before he leaves India should obtain from his Audit Officer a leave-salary certificate or colonial leave-salary warrant, to enable him to draw his leave-salary from the Home Treasury or in a Dominion or Colony as the case may be. If for any reason he is unable to do so, it will be forwarded to him at the address which he should leave with his Audit Officer.
3. Leave on medical certificate—A government servant taking leave out of India on medical certificate should take with him one copy of the medical report upon his case, and be prepared to produce it before the Medical Board at the India Office, if required to do so.
4. Certificate of leave necessary in certain cases—If a government servant proceeds on extraordinary leave out of India or on leave on average pay out of India during which he does propose to draw leave-salary or if a government servant proceeds to a Dominion or a Colony he should obtain a certificate of leave from the Audit Officer, who audits his pay in his last post. This certificate has to 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.
5. Report of arrival in the United Kingdom—When a government servant arrives in the United Kingdom, he should at once report his arrival by letter to the High Commissioner for India House, Aldwych, London, W. C. 2, giving an address at which letters will find him, and he should forward his leave-salary certificate to the same authority on arrival, or as soon as he receives it from India.

6. Military Officers in Civil employ visiting foreign countries—Military officer in civil employ are bound by instructions nos., 93 and 94 of Part II of the Military Leave Rules (India), requiring that permission shall be obtained before visiting certain foreign countries named in those instructions and prescribing the procedure for obtaining such permission and the necessary passports.

7. Payment at the Home Treasury—The leave-salary (including the sterling leave-salary of government servants drawing their leave-salary in India or in a Dominion or Colony) of all government servants is issued from the Home Treasury monthly in arrear on the first day of each calendar month. It will be paid to the government servant on his personal application or to his banker or other agent duly authorized under power of attorney, on production of a life certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having been permitted to execute a deed of covenant and indemnity guaranteeing the Secretary of State or the High Commissioner against loss consequent on his dispensing with the production of such proof), or on presentation of a payment form comprising a receipt and life certificate both completed by the Government servant. A supply of life certificate forms may be obtained from the High Commissioner on the government servant's written application.

NOTES— (1) If the leave-salary is drawn by a banker or agent who has executed a general bond of indemnity, a life certificate should be produced at least once a year,

(2) If the government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment from as the due date of issue approaches.

8 Payment in a Colony—Payment of leave-salary will not be made by a Dominion or a Colonial authority unless the government servant produces his copy of the warrant.

When no space for the entry of endorsements of payment remains upon the back of a colonial leave-salary warrant, or when a warrant is lost or destroyed, the government servant concerned should make an application for a fresh warrant through the Dominion or Colonial disbursing officer to the Audit Officer who issued the original warrant.

9. Transfer of payment from one Dominion or Colony to another—If the transfer from one Dominion or Colony to another of payment of the leave-salary of a government servant is sanctioned by the Dominion or Colonial authorities, such transfer must be reported by the Government servant to his Government and to the High Commissioner.

10. Transfer of payment from the Home Treasury to a Dominion or a Colony and vice-versa—If a government servant drawing his leave-salary in a Dominion or a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner, if one drawing his leave-salary from the Home Treasury desires to transfer payment to a Dominion or a colony, he must obtain a warrant from the High Commissioner. A transfer of this kind must be reported by the government servant to his Government.

11. Extension or commutation of leave—A Government servant absent on leave in Europe, North Africa, America or the West Indies who wishes to have his leave extended or commuted, must apply to the High Commissioner for India about three months before the expiry of his leave, and unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Government on whose cadet he is borne has been referred to by him and has no objection to the extension or commutation desired. 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 order of the Government concerned, which will be sought by telegraph at the applicant's expense.

12. If on medical grounds a government servant on leave in any of the localities named in paragraph II desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so he must, as a general rule, appear at the India Office for examination by the Board, but in special cases, and particularly if he is 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 United Kingdom and signed by foreigners must be attested by Consular or other authority as bearing the signature of qualified medical practitioners. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinarily be charged to the government servant.

13. If a government servant on leave in any of the localities named in paragraph 11 has been granted leave on medical certificate and desires an extension on ground other than medical, he must satisfy the Medical Board as prescribed in paragraph 12 above that he has recovered his health. Any such extension without medical certificate will only be admissible if the extension was due at the time the original leave was granted.

In the case of a Commissioned Medical officer, the Government will make a reference to the Director General, Indian Medical Service, before granting the permission.

14. A government servant on leave out of India elsewhere than in any of the localities named in paragraph 11, who wishes to have his leave extended or commuted must apply three months before the expiry of the leave to the authority in India which granted it.

15. If an application made under paragraph 14 above 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, is at present unfit for duty in India and that is absolutely necessary for the recovery of his health that his present leave which will expire in India on_____shall be extended by months"

Date_____

Place_____

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

16 Return from leave—A government servant may not without the permission of the authority which granted him leave, return to duty more than fourteen days before the end of leave. The rule applies also to Military Officers subject to the Military Leave Rules. He must obtain permission to return to duty from the Government.

17. A government servant, who is required to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the government servant desiring to return is on leave in any of the localities named in paragraph 11, his application must be made to the High Commissioner and he must satisfy, the Medical Board at the India 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 paragraph 12 above. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the government servant desiring to return is on leave out of India elsewhere than in the localities named in paragraph 11, 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.

20. Permission to return will not be granted to a government servant to whom no leave-salary certificate or colonial-leave-salary warrant has been issued, until he produces a certificate of leave.

21. Last pay certificate—Before returning to duty, a government servant on leave in Europe must obtain a last pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home agent as it will be required for presentation to the Audit Officer if it is desired to draw, on arrival in India any advance which is permissible under the relevant rules of his Government. In such an event the English last pay certificate should be with the government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last pay certificate will not be granted to a government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave. A government servant who has drawn his leave-salary on a warrant must, on return to India deliver to the Audit Officer by whom the pay of the post which he will join will be audited, his copy of the warrant which will serve as a last pay certificate.

22. Procedure on return to duty— A gazetted government servant must report his return to duty to the Government under which he is serving. A Chaplain must report his return to the Bishop of his Diocese also.

23. On return to duty, the last pay certificate obtained from the High Commissioner should be exchanged for a last pay certificate which the Audit Office of the State to which he has been posted will furnish addressed to the Treasury or Office at which after his return, the government servant intends to draw his pay and allowances.

24. Acceptance of service during leave—A government servant may not take any service or accept any employment without obtaining the requisite sanction in accordance with the relevant provision in the Fundamental Rules of the Government concerned.

A civilian government servant on leave, who has received orders from the War Office or any other department of State in England to undertake any duty in the case of a national emergency, should obtain the permission of the Secretary of State before complying with such orders.

25. Hospital for Tropical Diseases, Gordon Street—Government servants from India in the United Kingdom suffering from tropical diseases are not always aware that, whether they are actually on leave on medical certificate or not, it may be to their advantage to appear before the Medical Board in order that the Board may advise them as to the best steps to take regarding such diseases.

Arrangements have been made for the diagnosis and preliminary treatment of the diseases, and for the admission of officers, when necessary, as in-patients at the

Hospital for Tropical Diseases, 25 Gordon Street, W.C.1. A report is furnished to officers by the hospital which they can take with them to their own medical adviser to enable him to carry out the treatment suggested. The cost of the examination and preliminary treatment at the hospital, and also that of the accommodation supplied to officers admitted as in-patients, is defrayed by the India Office but certain fees, for surgical treatment, physician's fees, etc., are payable by the officer himself. The hospital is also permitted to charge a special extra fee to senior officers of the Civil Department who, on admission as in-patients, are at their own request, given a special accommodation. This extra fee is payable by the officer himself the India Office paying that portion only of the total charge which represents the cost of ordinary, as distinct from special accommodation.

To secure these advantages, however, a recommendation to the Hospital for Tropical Diseases by the Medical Board is necessary, and therefore, government servants who wish to avail themselves of this arrangement should apply to appear before the Medical Board of the India Office as soon as possible after arrival.