

RAILWAY SERVICES (LIBERALISED LEAVE) RULES, 1949

501. Short title.-

These rules may be called the Railway Services (Liberalised Leave) Rules, 1949.

502. Extent of application.-

These rules shall apply to-

(i) Railway servants appointed on or after 1st February 1949;

(ii) Railway servants, appointed prior to 1st February 1949 who have elected to be governed by these rules; and

(iii) Others who are brought under these rules by special orders;

(iv) a temporary Railway servant who has completed 3 years continuous service shall be entitled, from the date of completion of 3 years continuous service, to the same conditions of service in respect of question of leave (including leave salary) as he would have been entitled to if he has a lien on the post in which he was initially appointed.

General Conditions

503. Right of leave.-

Leave cannot be claimed as of right and leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Railway Servant. * See schedule

Railway Ministry's decision.- **The above provisions are not, however, intended to be so used as in effect to abridge the employees' leave entitlements. It is desirable in the interests of efficiency that employees take leave at suitable intervals and return to work keen and refreshed. The leave sanctioning authority should draw a phased programme for the grant of leave to the applicants by turns with due regard to the priority of claims to leave at the same time ensuring for adequate presence of staff so that no dislocation in the normal working of establishment is caused.**

504. Effect of dismissal, removal or resignation on leave at credit.-

(1) Except as provided in rules 541 and this rule, any claim to leave to the credit of a railway servant, who is dismissed or removed or who resigns from railway service ceases from the date of such dismissal or removal or resignation.

(2) Where a railway servant applies for another post under the Government of India but outside the Railways, if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A railway servant who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal, or removal, as the case may be.

(4) A railway servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension or State Railway Provident Fund benefits, as the case may be, shall be entitled to count his former service towards leave.

Railway Ministry's decision.-**Break in service due to strike-Strike may be divided into two categories -**

(a) Legal strikes, i.e. those which have been called after complying with the provision of Industrial Disputes Act, 1947 and

(b) Illegal strikes, i.e. those in which the preliminaries to the calling of legal strike have not been observed. Strikes falling under (a) above do not constitute a break in service and it would be appropriate for the Railway administrations to treat the period of absence as leave with or without allowances as the case may be without reference to the Railway Board.

In case of illegal strikes however the absence of the employees concerned is tantamount to a break in service and cannot be condoned without the sanction of the President.

When a break in service due to participation in an illegal strike is condoned by the President as dies non i.e. neither constituting a break in service nor counting as service such a period is deleted as being non-existing in so far as the particular employee or employees are concerned and therefore the status quo ante the interregnum is restored in all respects from the date following the last day of the period treated as dies non. In other words service, prior to the break so condoned will be treated as continuous with the service after the break itself for all purposes but the period of break itself will not be taken into account for any purpose.

(Case No.E48 ST/191(L) & E 51.ST/1-44.)

505. Conversion of one kind of leave into another.-

(1) At the request of a railway servant, made before he ceases to be in service, the authority which granted him leave may convert it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the railway servant cannot claim such conversion as a matter of right.

(2) The conversion of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the railway servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Provided that no such request shall be considered unless received by such authority or any other authority designated in this behalf, within a period of 30 days of the concerned Railway Servant joining his duty on the expiry of the relevant spell of leave availed of by him.

Note.- Extraordinary leave granted on medical certificate or otherwise may be converted retrospectively into 'leave not due' subject to the provision of rule 528.

alok tells: -Proviso below Rule 505(2) inserted vide Railway Board's letter No. F(E)III/98/LE-1/1 dated 05-02-98 i.e. ACS-57/R-I

506. Commencement and end of leave.-

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

507. Combination of different kinds of leave.-

Except as provided otherwise under these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation.- Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules. There is, however, no objection to Casual Leave being followed by quarantine leave.

alok tells:-For Casual Leave pl. see Master circular No. 15/90 circulated vide Railway Board's letter No. E(G) 90 LE 1-2 dated 24-01-91 and supplementary circulars to M.C. No. 15/90.

For Special Casual Leave pl. see Master circular No. 10/90 circulated vide Railway Board's letter No. E(G) 90 LE 1-5 dated 22-05-91 and supplementary circulars to M.C. No. 10/90.

508. Combination of holidays with leave.-

(1) When the date immediately preceding the day on which a railway servant's leave begins or immediately following the day on which his leave expires is a holiday or one of a series of holidays, the railway servant may leave his station at the close of the day before, or return to it one the day following such holidays, provided that -

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

(b) his early departure does not entail a correspondingly early transfer from another station of a railway 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 railway servant who was performing his duties during his absence or in the discharge from railway service of a person temporarily appointed to it.

(2) In the case of leave on medical certificate :-

(a) when a Railway Servant is certified medically unwell to attend office, holiday(s) if any immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and

(b) when a Railway servant is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified shall be allowed automatically to be suffixed to the leave and holiday(s), if any, preceding the day he is so certified (including that day) shall be treated as part of the leave.

(3) On condition that the departing railway servant remains responsible for the moneys in charge, the competent authority may in any particular case waive the application of clause (a) of proviso to the sub-rule(1)

(4) Unless the authority competent to grant leave in any case otherwise directs-

(a) If holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holiday; and

(b) If holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

Railway Ministry's Decision.- All holidays notified locally by Railway Administrations may be treated as holidays for the purpose of rules 506 and 508. Since the declaration of holidays as recognised holidays rests with the President the lists of holidays should be approved by that authority.

The above decision does not apply to offices which follow holidays declared by Central and Government or Union Territories.(Railway Ministry's case No. F43/HL(1))

509. Employment during leave.-

A Railway Servant on leave may not take any service or accept any employment without obtaining the previous sanction of-

(a) the President if the proposed service of employment is outside India; and

(b) the authority empowered to appoint him, if in India.

Note.- This does not apply to casual literacy work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service with the sanction of the competent authority.

510. Maximum amount of continuous leave.-

Unless the President, in view of the exceptional circumstances of the case otherwise determines, no Railway servant shall be granted leave of any kind for a continuous period exceeding 5 years.

Grant and return from leave

511. Application for leave.-

An application for leave or for extension of leave shall be made to the authority competent to grant such or extension in the form at Annexure-I.

512. Grant of leave.-Priority of claim to leave.-

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

(a) The railway 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 interest.

Railway Ministry's Decision 1.- **The order sanctioning leave on average pay/half average pay to Railway servant shall indicate the balances of such leave at his credit. [E(P&A) 176 LE 3/1 dt.11-03-1977.]**

Railway Ministry's Decision 2.- **In order to save time, effort and expense, it has been decided that instead of issuing individual leave orders should, as far as possible, be issued in a consolidated form for each category of staff separately, if not already being done. The consolidated leave orders may be issued once in a fortnight, say, on 20th of the month in respect of persons who proceeded on leave between 1st and 15th and on 5th of the next month in respect of those who proceeded on leave between 16th and the last working day of the previous month. These dates may, if necessary be varied to suit local convenience. Exception may be made, if necessary, in the types of cases mentioned below :**

(i) Where the Railway servant and his leave sanctioning authority are located at different stations, and (ii) Where officiating arrangement is to be made in the leave vacancy.

Where a Railway servant is proceeding on leave before the date of issue of the consolidated leave order, the fact whether the leave applied for by him has been sanctioned or not may informally be ascertained from administration section by the individual concerned. The general principle should, however, be that after the leave has been recommended by the Railway servant's immediate controlling authority, the leave may be deemed to have been sanctioned unless he is given an intimation to the contrary.

513. Leave account.-

A leave account shall be maintained in the prescribed forms for each railway servant by the Accounts Officer in the case of Group A and Group B railway servants and by the head of the office or an officer authorised by him in the case of Group C and Group D railway servants.

514. Verification of title to leave.-

The amount of leave due to a railway servant is the balance leave at his credit in the leave account. No leave shall be granted to a railway servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

515. Leave when not to be granted.-

Leave shall not be granted to a railway servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from railway service.

516. Recall to duty before expiry of leave.-

In case a Railway servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the railway servant shall be entitled:-

(a) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts from the station to which he is ordered, and to draw-

(i) travelling allowance under rules made in this behalf for the journey; and

(ii) leave salary until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

(b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive-

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post at the same rate at which he would have drawn it but for recall to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;

(iv) duty pass and travelling allowance, under the rules for the time being in force for travel from the place of duty.

517. Return to duty from leave.-

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

(2) Notwithstanding anything contained in sub-rule (1), railway servant on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) A railway servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness from the appropriate Medical authority.

(4) A railway 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.

(5) Such railway servant shall report his return to duty to the authority which granted him leave or to the authority, if any specified in the order granting him the leave and await orders.

518. Absence after the expiry of leave.-

(1) Unless the authority competent to grant leave extends the leave, a railway servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were leave on half average pay, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a railway servant liable to disciplinary action.

519. Grant of leave on medical certificate.- General rules .-

(1) Medical Officers shall not recommend grant of leave in any case in which there appears to be no prospect that the railway servant concerned will ever be fit to resume his duties. In such cases the opinion that the railway servant is permanently unfit for railway service should be recorded in the Medical certificate. A railway servant in Group A or Group B should not be invalidated out of service on account of ill health except on the certificate of a Medical Board.

(2) Every certificate of a Medical Officer recommending the grant of leave to a railway servant must contain a proviso that no recommendation contained in it shall be evidence or a claim to any leave not admissible to the railway servant under the terms of his contract or the rules to which he is subject. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

520. Grant of leave on Medical certificate to Group A and Group B officers.-

(1) Before a railway servant in Group A or Group B is granted leave or an extension of leave, on medical certificate, he shall obtain a certificate in the following form :

**MEDICAL CERTIFICATE FOR RAILWAY SERVANTS (GROUP A & B) RECOMMENDED
LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE**

Signature of the Railway servant:

I, after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... whose signature is given above, is suffering from and I consider that a period of absence from duty of with effect from is absolutely necessary for the restoration of his/her health.

Date :

Medical Superintendent/ Divisional Medical Officer/ Authorised Medical Attendant.

Note.- (i) A certificate given by an Assistant Divisional Medical Officer will be acceptable only if countersigned by Divisional Medical Officer concerned.

(ii) 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 from or to a particular locality, or that he is not fit to proceed to particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when as 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.

(iii) No recommendation contained in these certificates shall be evidence of a claim to any leave not admissible to the railway servant under the terms of his contract or of the rules to which he is subject.

(2) Where, however, the authority competent to grant leave is not satisfied about the genuineness of a particular case, it will be open to such authority to secure a second medical opinion by requesting a Government Medical Officer/ Railway Medical Officer not below the rank of Civil Surgeon/ Medical Superintendent or Staff Surgeon/ Divisional Medical Officer to have the applicant medically examined on the earliest possible date.

(3) It shall be the duty of the Divisional Medical Officer to express an opinion both as regards the facts of the illness and regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(4) The grant of medical certificate under this rule does not in itself confer upon the railway servant concerned any right to leave. The medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(5) The authority competent to grant leave may at its discretion, waive the production of medical certificate in case of application for leave for a period of not exceeding 3 days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than on medical grounds.

521. Grant of leave on medical certificate to Group C & D Railway servants.-

(1) Subject to the provisions contained in sub-rule (2) to (5) of rule 520, an application for leave on medical certificate made by a railway servant in Group C and Group D shall be accompanied by a medical certificate given by a Railway Medical Officer, defining as clearly as possible the nature and duration of the illness.

(2) When a Railway servant residing outside the jurisdiction of a Railway Medical Officer requires leave on medical certificate he should submit, within 48 hours, a sick certificate from a registered medical practitioner. Such a certificate should be, as nearly as possible, in the prescribed form as given in Annexure III, and should state the nature of the illness and the period for which the Railway servant is likely to be unable to perform his duties. The competent authority may, at its discretion accept the certificate or, in cases where it has reasons to suspect the bonafides, refer the case to the Divisional Medical Officer for advice or investigation. The medical certificate from registered private practitioners produced by Railway servant in support of their application for leave may be rejected by the competent authority only after a Railway Medical Officer has conducted the necessary verifications and on the basis of the advice tendered by him after such verification.

Note.- Ordinarily, the jurisdiction of a Railway Medical Officer will be taken on cover Railway servant residing within a radius of 2.5 Kilometres of Railway hospital or health unit to which the doctor is attached, and within a radius of one kilometre of a Railway station of the doctor's beat.

Railway Ministry's Decision 1.- Where a Railway employee remained on medical leave up to and including 3 days duration and reported back for duty with a fitness from the medical practitioner, he may be allowed to join duty without obtaining fitness certificate from the Railway Medical Officer subject to the conditions that the employee furnished a declaration that he had not suffered during this period from any eye disease. In the other cases where the duration of the sickness is more than 3 days, the railway employee should be put back to duty within 24 hours on his

producing fitness certificate from a private medical practitioner, provided he is found fit by the competent railway medical officer. In case there is any delay beyond 24 hours in obtaining the fitness certificate from the competent Railway medical Officer, the employee concerned will be deemed to have been put back to duty within 24 hours of his producing the medical certificate of the private medical officer.

.(Rly. Ministry's letter No. E(G)78LE 1-17dt.18-1-1979)

Railway Ministry's Decision 2.- With a view to preventing misuse, the Railway administration may withdraw for specified periods (From 1st April to 30th June in Summer, from 1st October to 15th November during Diwali and when mass sick reporting is contemplated by staff of any department) the privilege of acceptance of medical certificate from Registered Medical Practitioners for grant of Medical Certificate to Group C and Group D Railway servants..(No. E(G)72LE-1-11dt. 28-9-1972)

522. Leave to a railway servant who is unlikely to be fit to return to duty.-

(1)(a) When a medical authority has reported that there is no reasonable prospect that the railway servant will ever be fit to return to duty, leave shall not necessarily be refused to such Railway servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:

(i) if the medical authority is unable to say with certainty that the railway servant will never again be fit for service leave not exceeding twelve months shall may be granted and such leave shall not be extended without further reference to a medical authority;

(ii) if a railway servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority, does not exceed six months.

(2) A railway servant who is declared by a medical authority to be completely and permanently incapacitated for further service, shall:-

(a) if he is on duty, be invalidated from the date of relief of his duties, which could be arranged without delay on receipt of the report of medical authority. If, however, he is granted leave under para (1) above he shall be invalidated from service on the expiry of such leave; and

(b) if he is already on leave, be invalidated from service on the expiry of that leave or extension of leave, if any granted to him under sub-para(1).

(3) A railway servant who fails in vision test or otherwise becomes physically incapable of performing the duties of the post which he occupies but not incapable of performing other duties shall be granted leave in accordance with ordinary rules subject to the proviso that where the railway servant has not got six months leave to his credit, his leave shall be made up to six months by the grant of extraordinary leave.

If an alternative employment cannot be found for such a person within a period of leave granted as above , his service shall not be terminated but his leave shall be extended by the grant of extraordinary leave, subject to the condition that the total amount of extraordinary leave to be granted to the Railway servant does not exceed six months.

Railway Board's decision

The medically decategorised Railway employee waiting for absorption in alternative post may be allowed to commute the period of LHAP on production of medical certificate, subject to certification that the employee is not fit to hold the post from which he proceeded on leave. The commutation will, however, be admissible only up to the stage that an alternative post is offered to him by the administration.

alok tells: -Rule 522(3) amended vide Railway Board's letter No. E(G)88/LE-1-3 dated 31-01-89 i.e. ACS-10/R-I

Railway Board's decision inserted vide Railway Board's letter No. E(G)92/LE-1-6 dated 30-11-94 i.e. ACS-32/R-I

Kinds and amount of Leave Due and Admissible

523. Leave on average pay.-

(1)(a)(i) A Railway servant permanent or temporary other than one who is serving in a railway school shall be entitled to 30 days leave on average pay in a calendar year.

(ii) The leave account of every railway servant shall be credited with leave on average pay in advance in two instalments of 15 days each on the first day of January and July every calendar year.

(b) The leave at the credit of a railway servant at the close of the previous half year shall be carried forward to the next half year subject to the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

alok tells:Sub- Rule 523(1)(b) amended vide Railway Board's letter No. E(P&A) I-97/CPC/LE-5 dated 04-05-98 i.e. ACS-64/R-I.(240 days to 300 days)

(c) A period spent in foreign service shall count as duty for purpose of this rule, if contribution towards leave salary is paid on account of such period.

(2) Subject to the provisions of rules 503, 541 as well as this rule, the maximum leave on average pay that may be granted at a time to a railway servant shall be 180 days.

alok tells:Sub- Rule 523(2) amended vide Railway Board's letter No. E(P&A) I-86/CPC/LE-9 dated 16-03-92 i.e. ACS-25/R-I

(Authority: Railway Board's letter Nos. PC-IV/86/LE/1 dt. 24-10-1986/CS-03)

Railway Board's important letters on the subject of LAP

No. E(P&A)I/86/CPC/LE-9 dt. 09-02-1990

Sub: Recommendations of IV Pay Commission for accumulation of LAP -Procedure for crediting LAP for Railway servants

After due consideration of the recommendations of the IV pay commission in para 26.2 relating to procedure for crediting LAP and on the basis of discussion held in a Committee of the National Council(JCM), the President is pleased to decide that the following procedure of crediting LAP on 1st January /1st July may be adopted w.e.f. 01-01-1990 in respect of Railway servants:-

(i) In case of Railway employees, having at their credit Leave on Average Pay of 225 days or less as on 1st January /1st July, of a year LAP, of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half-year may continue to be credited to their leave account in advance as at present.

(ii) In cases where the Leave on average Pay at credit as on 1st January /1st July is 240 days or less but more than 225 days , credit of LAP for 15 days may be kept separately and first adjusted against any LAP that the Railway Servant may take during the ensuing half-year and the balance , if any, credited to the LAP account at the close of the half-year subject to the ceiling of 240 days. If the LAP taken during the half-year is more than 15 days the amount in excess of 15 days will, however have to be debited to the leave account.

2. For example:-

1) If as on 01-01-1990 the Railway servant has at his/her credit Leave on Average Pay of 225 days, 15 days LAP will be credited in advance to his leave account provided he/she is not due to retire during the ensuing half-year;

2) If on 01-01-1990 the Railway employee has at his /her credit 240 days LAP and

(a) if avails 15 days LAP during the period 01-01-1990 to 30-06-1990 , the LAP so taken will be adjusted against the 15 days LAP kept separately to be credited to his /her account on 01-01-1990. He/She will thus have at his/her credit as on 01-07-1990 240 days LAP and

(b) if on the other hand he/she takes only 10 days LAP during the half-year ending 30-06-1990, such leave will be adjusted against the LAP of 15 days to be credited to his LAP account on 01-01-1990. No further leave, will, however, be credited to his LAP account and the LAP at his credit as on 01-07-1990 will continue to be 240 days.

3) If as on 01-01-1990 the employee has 230 days LAP at his credit and

(a) if he takes 15 days LAP during the half-year ending 30-06-1990 such leave will be adjusted against the 15 days LAP to be credited to his accounts on 01-01-1990 and the LAP at credit on 01-07-1990 will remain at 230 days.

(b) if, however, he takes only 10 days LAP during the same half year, this will first be adjusted against the 15 days LAP to be credited as on 01-01-1990 and the balance of 5 days will be credited to his leave account as on 01-07-1990 the LAP at his credit will be 235 days.

3. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

4. Formal amendments to the relevant provision of the Indian Railway Establishment Code Vol.I will be notified in due course.

524. Calculation of leave on average pay.-

(1) Leave on average pay shall be credited to the leave account of a railway servant at the rate of 2 days for each completed calendar month of service which he is likely to render in a half year in which he is appointed.

(2)(a) The credit for the half year in which a railway servant is due to retire or resigns from the service shall be afforded only at the rate of 2 days per completed calendar month up to the date of retirement or resignation.

(b) When a railway servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(3) If a railway servant has availed of extraordinary leave and/or period of absence has been treated as dies non during the previous half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such leave and/or dies non subject to a maximum of 15 days.

(4) While affording credit of Leave on Average Pay fraction of a day shall be rounded off to the nearest day.

Railway Ministry's decision.- Concession to Railway servants on the North-East Frontier Railway. Once in a calendar year, the staff proceeding on leave on average pay to or via Calcutta, Lucknow or Patna will be granted additional leave, not debit to their leave account on the following scale :-

(i). Staff headquartered at Siliguri Station or at stations west of Siliguri - 02 days.

(ii) Staff headquartered at Stations east of Siliguri but on the North Bank of Brahmaputra, including Darjeeling-Himalayan Section and at Pandu (Gauhati) 04 days.

(iii) Staff Headquartered at Stations to the east of Pandu - 06 days.

(Railway Ministry's letter No.E(G)58ADI-I dt.15-02-1958)

alok tells: -Sub-Rule 524(4) inserted vide Railway Board's letter No. E(P &A) 1-96/CPC/LE-5 dated 07-02-97 i.e. ACS-43/R-I

525. Leave applicable to school staff.-

(1)(a) The leave account of a teacher, principal, headmaster, librarian, laboratory assistant or a waterman working in the railway school shall be credited in advance with Leave on Average Pay in two instalments of five days each on the first day of January and July, of every year.

(b) If a teacher, principal, headmaster, librarian, laboratory assistant or a waterman working in the railway school has availed of extraordinary leave and /or some period of absence has been treated as dies non during a half-year, the credit to be afforded

to his leave account at the commencement of the next half-year shall be reduced by 1/30th of the period of such leave and/or dies non subject to a maximum of five days.

(c) The credit for the half-year in which a teacher, principal, headmaster, librarian, laboratory assistant or a waterman working in the railway school is appointed/ ceases to be in service shall be allowed at the rate of 5/6th day for each completed month of service which he has rendered or is likely to render in the half-year in which he is appointed/ceases to be in service.

(2) Subject to the provisions of sub-rule(1), a Railway servant serving in a railway school shall not be entitled to any leave on average pay in respect of the duty performed in any year in which he avails himself of the full vacation.

(3)(a) In respect of any year in which a Railway servant avails himself of a portion of the vacation, he shall be entitled to leave on average pay in such proportion of 30 days, as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a railway servant not in permanent employ in respect of the first year of his service.

(b) If , in any year, the Railway servant does not avail himself of any vacation, leave on average pay shall be admissible to him in respect of that year under Rule 523.

Explanation.- For the purpose of this rule, the term 'year' shall be construed not as meaning a Calendar year in which duty is performed but as meaning twelve months of actual duty in a Railway school.

Note 1.- A Railway Servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 2.- When a Railway servant serving in a railway school proceeds on leave before completing a full year of duty, the leave on average pay admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

Note 3.- The leave on average pay, if any, admissible under sub-rule(3) will be in addition to the leave on average pay admissible under sub-rule(1)

(4) 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 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 the amount of Leave on average pay due and admissible to the Railway servant at a time under Rule 523.

(5)The LAP under this rule at the credit of a railway servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 240 days.

alok tells:Rule 525 substituted vide Railway Board's letter No. E(P&A) I-92/CPC/LE-3 dated 04-12-92 i.e. ACS-27/R-I

526. Leave on half average pay.-

(1)(a)A railway servant, permanent or temporary, other than one who is serving in a Railway school, shall be entitled to leave on half average pay of 20 days in respect of each completed year of service.

alok tells:Sub- Rule 526(1(a) substituted vide Railway Board's ltr. No. E(P&A) I-92/CPC/LE-3 dated 04-12-92 i.e. ACS-27/R-I

(b) The leave due under clause(a) may be granted on medical certificate or on private affairs.

(c) The amount of leave on half average pay that can be availed of in one spell irrespective of its being combined with any other kind of leave or not shall be limited to 24 months.

(2) If a railway servant is on leave on the day on which he complete a year of service, he shall be entitled to half pay leave without having to return to duty.

(3) the leave on half average pay will be credited to the leave account of the Railway Servant on 1st January and 1st July each as indicated below:-

(1) the account of leave on half average pay of every Railway servant except Railway School Teachers and other staff (such as Lab Assistant, Assistants and Librarian in Railway Schools) shall be credited with leave on half average pay in advance, in two instalments of 10 days each on the first day of January and July of every calendar year.

(2) the leave shall be credited to the leave account at the rate of 5/3 days for each Completed Calendar Month of service which the railway servant is likely to render in the half year of the Calendar year in which he/she is appointed.

(3) the credit for half year in which the railway servant is due to retire or resigns from service shall be allowed at the rate of 5/3 days per completed month up to the date of retirement/resignation

(4) when a railway servant is removed or dismissed or dies while in service , credit of leave on half average pay shall be allowed at the rate of 5/3 days per completed calendar month in which the railway servant is removed or dismissed from service or dies while in service.

(5) Leave on half average pay under these rules may be granted on medical certificate or on private affairs provided that in the case of railway servants, not permanently employed, no leave on half average pay shall be granted unless the authority competent to grant leave has reasons to believe that the railway servant will return on its expiry , except in the case of a railway servant who has been declared completely or permanently incapacitated for further service by a Medical authority.

(6) while calculating the completed month of service the month may be rounded off to the next higher if it exceeds more than 15 days (for example a railway servant has completed a year's service as on 11-05-1985, he may be given the benefit of LHAP from May since it exceeds 15 days to December 1985 for 13 days, viz. $5/3 \times 8 = 13^{1/3}$).

(7) where a period of absence for suspension of a railway servant has been treated as 'dies non' in a half-year , the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one-eighteenth of the period of 'dies non', subject to a maximum of ten days.

(8) while affording credit of half pay leave fraction of a day may be rounded off to the nearest day.

alok tells: Sub-clauses (7) and (8) inserted vide Railway Board's letter No. E(P&A) I-85/JCM/NC/3 dated 09-03-88 i.e. ACS-2/R-I

(Authority: Railway Board's letter Nos. E(P&A)1-85/JCM/NC dt. 30-06-1986/CS-04)

EXPLANATION:

Sub-clauses (7) & (8) under sub-rule(3) of Rule 526 of Indian Railway Establishment Code, Volume I (1985 Edition) have been incorporated with the President's approval effective from 04-07-1987. Incorporation of these rules have been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services (Leave) Rules,1972 vide their Notification No. 13014/1/87 Estt.(L) dated 17-07-1987. It is clarified that retrospective effect given to these rules will not adversely affect any employee to whom these Rules apply.

Railway Ministry's decision.- It is not necessary that a railways servant should return to duty before availing of half-average pay leave which he has earned during this spell of leave. As the half-average pay leave becomes due on completing a year's service which term includes extraordinary leave, the leave account can be credited with the amount of such leave, as soon as it is earned. If a railway servant who is already on leave, subsequently applies for an extension of leave, his

application can be treated as a fresh application for leave and in such circumstances there is no objection to the grant of half pay leave in continuation of the leave already granted to him. There is also no objection to the grant of such leave during a spell of leave already granted to him into half pay leave. In such cases it will be necessary to revise the original leave account and subsequent leave will have to be granted according to the amended leave accounts.(Rly. Bd.'s letter No. E(G)56-CPC/LR/8 dt. 13-01-1958).

527. Commuted leave.-

Commutated leave not exceeding half the amount of leave on half average pay due may be granted on medical certificate to railway servant subject to the following condition:-

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

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

(c) there is no limit to the number of days of commuted leave to be availed of during the entire service;

(d) leave on half average pay up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study which is certified to be in the public interest by the leave sanctioning authority.

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

Provided that no such recovery shall be made if the retirement is compulsorily thrust upon him by reason of ill health incapacitating the railway servant for further service or in the event of his death.

(f) commuted leave may be granted at the request of the railway servant even when leave on average pay is due to him.

528. Leave not due.-

(1) Leave not due may be granted to a railway servant in permanent employment subject to the following condition:-

(i) leave not due shall be limited to the leave on half average pay is likely to earn thereafter;

(ii) leave not due during the entire service shall be limited to a maximum of 360 days on medical certificate;

(iii) Leave not due shall be debited against the half pay leave he is likely to earn subsequently;

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

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

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is compulsorily thrust upon him by reason of ill health incapacitating the railway servant for further service or if he is retired compulsorily on disciplinary grounds or due to pre-matured retirement under para 620 of Manual of Pension Rules or the provisions relating to compulsory retirement of non-pensionable Railway servants on rendering 30 years of service or in the event of his death.

alok tells: Sub-Rule 528(1)(ii) amended vide Railway Board's letter No. E(P&A) I-86/CPC/LE-9 dated 27-01-89 i.e. ACS-9/R-I

529. Leave not due to temporary railway employees.-

Subject to the provisions of clause (i) and clause (iii) to rule 528(1), leave not due may be granted to temporary railway servants who are suffering from TB, Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during the entire service on medical certificate if the railway servant concerned has put in at least one year's railway service:

Provided that the post from which the railway servant proceeds on leave is likely to last till his return to do duty; and the request for leave is supported by a medical certificate.

Note.-Leave not due, under Rule 528 and 529, is leave admissible under the Rules and where it can be granted, the grant of Extraordinary leave under Rule 530 will be irregular unless specifically applied for by the Railway servant in writing.

530. Extraordinary leave.-

(1) Extraordinary leave may be granted to a railway servant in special circumstances:-

(a) when no other leave is admissible, and

(b) when other leave is admissible, but the railway servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no temporary railway servant shall be granted extraordinary leave on any one occasion in excess of the following limits:-

(a) three months, without a medical certificate.

(b) six months where the railway servant has completed 1 year's continuous service on the date of expiry of leave of the kind due and admissible under these rules including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules.

alok tells: Sub-Rule 530(2)(b) substituted vide Railway Board's ltr. No. E(P&A) I-89/CPC/LE-8 dated 17-01-90 i.e. ACS-12/R-I

(c) eighteen months where the railway servant has completed one year's continuous service and is undergoing treatment for -

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium, Railway Hospital and Railway Chest Clinics.

(ii) tuberculosis of any other part of the body certified by a qualified TB Specialist/Civil Medical Officer.

(iii) leprosy in a recognised leprosy institution or hospital recognised by the State Administrative Medical Officer concerned.

(iv) Cancer or for mental illness in an institution recognised for the treatment of such disease or by a Medical officer of Specialist of railway or government.

(d) twenty-four months where the leave is required for the purpose of prosecuting studies certified to be in public interest, provided the railway servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause(a).

(3)(a) Where a railway servant is granted extraordinary leave in relaxation of the provisions contained in clause(d) of sub-rule(2), he shall be required to execute a bond(Annexure-II) undertaking to refund to the railway during such leave plus that incurred by other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent railway servants having a status comparable to or higher than that of the railway servant.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-rule(2).

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

Note 1.- The concession of extraordinary leave up to 18 months will be admissible also to a railway servant suffering from pulmonary tuberculosis, who receives, treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned 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.

Note 2.- Institutions recognised by the Government of India for the purpose of treatment of Central Government servants and their families will be deemed as recognised for the purpose of grant of extraordinary leave.

(Railway Board's letter No. F(E)52/LE-2/3 dt.15-6-1960).

Note 3.- No limit in case of permanent Railway servants, but all kinds of leave together shall not exceed 5 years in one spell.

Note 4.- where a temporary railway servant fails to resume duty on expiry of the maximum period of extraordinary leave granted to him/her or where he/she is granted a lesser amount of extraordinary leave than the maximum amount admissible, and remains absent from duty for period which, together with the period of extraordinary leave granted, exceeds the limit up to which he/she could have been granted such leave under sub-rule(1) above, he/she shall unless the President in view of the exceptional circumstances of the case otherwise determines, be removed from service after following the procedure laid down in the Discipline and Appeal Rules for Railway servants.

(Authority: Railway Board's letter Nos. E(P&A)I-84/CPC/LE-03 dt. 23-03-1985/CS-05,
531. Leave to probationers and a railway servant on probation.-

(1)(a) A railway servant on probation including a probationer under training for a post in Railway service Group A shall be entitled to leave under these rules as if he had held his post Substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend-

(i) beyond the date on which the probationary period as already sanctioned extended expires; or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or permanent railway servant according as his appointment is against a temporary or a permanent post.

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent railway servant.

532. Leave to Special Class Railway Apprentices.-

Special Class Railway Apprentices may be granted leave on full stipend for a period not exceeding one month in any year of apprenticeship provided that except on grounds of ill health, the leave shall not be granted to an apprentice if it would interfere with his training. Leave in excess of one month in any year may be granted on grounds of ill health and when the excess leave is so granted, the apprentice shall not be eligible for any stipend for the excess period.

533. Leave to Apprentice Mechanics.-

Apprentice Mechanics in Railway Workshops may be granted leave on full stipend for a period not exceeding 16 days and on half stipend on medical certificate for a period not exceeding 20 days in any year of apprenticeship.

Note 1.- Journeymen and similar other apprentices/trainees recruited for initial training on the Railways before they are appointed against the working posts in Group C service, during the period of their training may be granted leave under this rule.

Note 2.- Leave to probationary Assistant Station Masters and Commercial Clerks and all others who are trained for employment and are not put on the time scale during the period of training shall be regulated under this rule.

534. Leave to Trade Apprentices.-

Trade apprentices may be granted leave on full stipend for a period not exceeding 12 days and leave on half stipend on medical certificate for a period not exceeding 15 days in any year of apprenticeship.

535. Leave to other apprentices.-

Apprentices under training for Group C posts in all other departments who are posted to supervisory posts after training such as Apprentice Train Examiners, Apprentice Permanent Way Inspectors, Stores Apprentices etc. may be granted leave like Apprentice Mechanics mentioned in rule 533. Apprentices who are appointed as Skilled workmen after training may be granted leave like trade mentioned in rule 534.

536. Extraordinary leave to apprentices.-

Apprentices, other than special class apprentices, may be granted by the General Manager extraordinary leave (without stipend) under the rules applicable to temporary railway servants. The General Manager may re-delegate his powers under this rule to the Heads of Departments and officers in not below Junior Administrative grade.

537. General conditions for grant of leave to apprentices.-

(1) In all cases mentioned in rules 531 to 536 leave will be non-accumulative and no leave shall be granted if it would interfere with the training.

(2) On subsequent absorption, without a break, if the period of apprenticeship or training as probationer, is treated as service, recalculation of leave may be allowed as is permissible under the normal operation of the rule.

538. Leave to persons re-employed after retirement.-

(1) In the case of persons re-employed after retirement the provisions of these rules shall apply as if he had entered railway service for the first time on the date of his re-employment.

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

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

539. Leave to Workshop staff.-

(1) Skilled artisans as also semi-skilled and un-skilled workman will earn leave on average pay, half average pay and commuted leave not leave not due in accordance with these rules.

(2) Workshop staff may be allowed to take leave with pay, if due, or without pay for periods not less than half a day. For this purpose leave for half a day means authorised absence from duty for over half an hour either during the first period before interval or the second period of any day on which the workshop remains open for both the periods. This concession, however, is restricted to six occasions in a year.

Railway Ministry's decision.- The practice of granting half a day's leave against leave account of staff other than those employed in workshops may be allowed to continue where it is covered by express orders on the subject.(Rly.Ministry's letter no. F(E)49LE/25 dt.05-09-1949.)

540. Leave preparatory to retirement.-

A railway servant not desirous of encashment of leave on average pay at his credit at the time of retirement on superannuation may be permitted by a competent authority to

take leave preparatory to retirement to the extent to leave on average pay due not exceeding 240 days together with half pay leave due subject to the condition that such leave extends up to and includes the day preceding the date of retirement.

Note.-The leave granted as preparatory to retirement shall not include extraordinary leave.

541. Leave beyond the date of retirement or quitting service.-

(1) Except as otherwise provided under these rules, no leave shall be granted to a railway servant beyond-

- (a) the date of his retirement, or
- (b) the date of his final cessation of duties; or
- (c) the date on which he retires by giving notice to the appointing authority or he is retired by

the competent authority by giving him notice or pay and allowances in lieu of notice in accordance with the terms and conditions of his service or

- (d) the date of his resignation from service.

(2) Where the service of a railway servant has been extended or continued in re-employment beyond the age of superannuation, he may be allowed the benefit of encashment of leave on the date of cessation of service on expiry of extension or re-employment in respect of leave on average pay at his credit on the date of superannuation plus leave on average pay earned during extension or re-employment reduced by leave on average pay availed of during such period, subject to a maximum of 240 days.

alok tells:Sub- Rule 541(2) amended vide Railway Board's letter No. PC-IV/86/LE/1 dated 28-01-92 i.e. ACS-23/R-I

EXPLANATION:

The above amendment of Rule 541(2) of Indian Railway Establishment Code, Volume I(1985 Edition) has been incorporated with the President's approval effective from 01-07-1986. Incorporation of this rule has been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services(Leave) Rules,1972 vide their Office Memorandum No. 14028/19/86-Estt(L) dated 29th September,1986 consequent upon the decision taken by the Government on the recommendations of the Fourth Pay Commission relating to leave vide the Ministry of Finance Department of Expenditure Resolution No. 14(1) /IC/86 published in the Gazette of India on 13-09-1986. It is clarified that retrospective effect given to these rules will not adversely affect any employee to whom this rule applies.

542. Leave on termination of employment.-

I.(1)Leave shall not be granted on termination of employment to a railway servant who has been dismissed or removed from service or whose services has been terminated under the 'Railway Services (Safeguarding of National Security) Rules 1954'.

(2) Apprentices will continue to be governed by the rules applicable to them and leave on termination of will not be admissible to them. Likewise, persons whose service are lent by commercial concerns or semi-Government organisations on terms which include payment of leave salary contribution, cannot be granted such leave.

II. Leave (Terminal) to temporary railway servants.- In the case of temporary railway servants, leave on average pay due and admissible at the time may be granted at the discretion of the sanctioning authority on the termination of service on account of retrenchment or on abolition of posts before attaining the age of superannuation. In cases where any notice of termination of services is required to be given under the terms of employment of the temporary railway servant and the railway servant is relieved before the expiry of the notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

Note.- A question has been raised whether a temporary Railway servant granted terminal leave continues to be in Railway service during the period of such leave. It has been decided that a temporary Railway servant continues in service during that part of terminal leave only which runs concurrently with the notice period and ceases to be in railway service on the expiry of the notice

period, the leave to the extent it goes beyond the notice period being treated as a terminal benefit only.

Railway Ministry's decision-It is not necessary to extend the temporary post to cover the period of the leave granted to a railway servant at the end of his temporary employment.

(2) Leave on termination of appointment may also be granted to the temporary railway servants in the following cases-

(i) Re-employed pensioners who are treated as new entrants in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;

(Rly.Board's letter No. F(E)59/LE-1 dt. 13-6-1959.)

(ii) Persons employed for a period exceeding one year on contract basis;

(iii) Unqualified persons who may have to vacate their temporary posts to make room for qualified candidates;

(iv) Persons whose services may have to be dispensed with as matter of administrative convenience as an alternative to the initiation of disciplinary proceedings against them; and

(v) Railway servants who resign their posts for reasons of ill-health or for other reasons beyond their control.

Note.- In cases of resignation other than those mentioned in sub-rule (v) above, the sanctioning authority may, at his discretion, allow half the amount of leave on average pay at the credit of the railway servant on the date of termination of his service, subject to the condition that it does not exceed half of the maximum amount of leave on average pay which the railway servant can avail himself of at a time.

543. Drawal of leave salary.-

The leave salary payable under these rules shall be drawn in rupees in India.

544. Leave Salary.-

(1) Except as provided in sub-rules (5) and (6) a railway servant who proceeds on leave on average pay is entitled to leave salary equal to the pay drawn immediately before proceeding on leave on average pay.

Note.- In respect of any period spent on foreign service out of India, the pay which the railway servant would have drawn if on duty in India but for foreign service out of India be substituted for the pay actually drawn in calculating average pay.

(2) A railway servant on half average pay leave or leave not due is entitled to leave salary equal to half the amount specified in the sub-rule(1).

(3) A railway servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule(1).

(4) A railway servant on extraordinary leave is not entitled to any leave salary.

(5) A railway servant who is permitted during leave preparatory to retirement, to take up any other service or employment under an employer other than the Central Government, his leave salary shall be restricted to the amount of leave salary admissible while on leave on half average pay.

(6) Where a railway servant is re-employed and if on such re-employment he is granted leave earned by him during the period of re-employment the leave salary is based on the pay drawn by him exclusive of the pension and pensionary equivalent of other retirement benefits.

(7) If, in the case of a railway servant who retires or resigns from service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, over-drawn.

(8) Where the quantum of leave on average pay already availed of by a railway servant who is dismissed or removed from service or who dies while in service is in excess of leave credited in the half year, the overpayment of leave salary shall be recovered.

545. Leave Salary to Workshop Staff.-

(1) Leave salary of workshop staff on leave on average pay shall be equal to the pay which the railway servant would have drawn had he remained on duty but does not include any increase which might have accrued to him during the currency of the leave.

(2) Leave salary during half average pay leave shall be equal to one half of the leave salary in sub-rule (1) above and on commuted leave, twice the leave salary as admissible of leave on half average pay.

546. Leave salary to Running staff.-

(1) In the case of permanent running staff, the leave salary on leave on average pay for the first 60 days shall be at the substantive pay or on average pay, whichever is greater, and thereafter at substantive pay.

(2) In the case of temporary running staff the leave salary shall be on average pay up to 60 days and beyond 60 days at average pay or the pay the staff would have drawn had he remained on duty, whichever is less.

(3) Leave salary during leave on half average pay and commuted leave shall be calculated in sub-rule(2) of rule 545.

547. Reckoning of special pay for leave salary.-

Special pay granted to different categories of staff shall be taken into account for the purpose of calculation of average pay.

Railway Board's decision.- It is clarified that the last pay drawn in such cases will be inclusive of Special pay.(Railway Board's letter No. E(P&A)I-76/CPC/LE-01 dt. 19-01-1984/CS-06)

548. Advance of leave Salary.-

A railway servant (both permanent and temporary) including a railway servant on foreign service proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary up to a month's pay and allowance subject to the following condition:

(1) The advance of leave salary shall be sanctioned in whole rupees.

(2) No advance may be granted when the leave is taken for less than a month/30 days.

(3) The amount of advance should be restricted to the amount of leave salary for the first month of leave that is clearly admissible to the railway servant after deductions on account of Income Tax, Provident Fund, House Rent, repayments of advances, etc. so that there is no financial risk involved.

(4) The advance should be adjusted in full in the leave salary bill in respect of the leave availed of. In case where the advance cannot be so adjusted in full the balance will be recovered from the next payment of pay or leave salary.

(5) The advance may be sanctioned by the General Manager, or by any officer to whom the power may be specially delegated in the case of railway servants in Group A, B, C & D.

(6) The advance in respect of temporary railway servants will be sanctioned subject to the furnishing of surety of a permanent railway servant.

(7) The amount of advance will be debited to the Head of Account to which the pay etc. of the railway servant is debited and the adjustment of the advance shall be watched by the Accounts Officer concerned.

549. Cash equivalent of leave salary in case of death in service.-

In case a railway servant dies while in service the cash equivalent of the leave salary that the deceased employee would have got had he gone on leave on average pay that would have been due and admissible to him but for the death on the date immediately following

the date of death and in any case not exceeding leave salary for 300 days, shall be paid to his family in the manner specified in Rule 549-A without any reduction on account of pension equivalent of Death-cum-Retirement Gratuity.

Note.- Dearness Allowance appropriate to leave salary is also admissible.

alok tells: -Rule 549 amended vide Railway Board's letter No. F(E)III/84/LE1/1 dated 31-10-95 i.e. ACS-36/R-I

Rule 549 further amended vide F(E)III/97/LE1/8 dt. 04-05-1998 /ACS-62/R-I

(Authority: Railway Board's letter No. PC-IV/86/LE-1 dt. 24-10-1986/CS-07)

549-A. Payment of Cash equivalent of Leave salary in case of death etc. of railway Servant.-

In the event of death of a Railway Servant while in service or after retirement or after final cessation of duties but before the actual receipt of cash equivalent of leave salary payable under Rules 549 and 550, such amount shall be payable-

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male railway employee or to the husband, if the deceased was a female railway employee;

Explanation: The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;

(iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;

(v) failing (i) to (iv) above, to the father;

(vi) failing (i) to (v) above, to the mother;

(vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;

(viii) failing (i) to (vii) above, to the eldest surviving unmarried sister;

(ix) failing (i) to (viii) above, to the eldest surviving widowed sister;

(x) failing (i) to (ix) above, to the eldest surviving married daughter; and

(xi) failing (i) to (x) above, to the eldest child of the eldest pre-deceased son.

alok tells: -Rule 549-A inserted vide Railway Board's letter No. F(E)III/84/LE1/1 dated 31-10-95 i.e. ACS-37/R-I

550. Cash payment in lieu of unutilised leave on average pay on the date of retirement.-

(1) All railway servants retiring on superannuation on or after 30-9-1977 may be paid cash equivalent of leave salary in respect of period of leave on average pay at their credit at the time of retirement subject to the following condition:

A. In case of retirement on attaining the age of superannuation-

(a) The payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of leave on average pay;

(b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one time settlement;

(c) Cash payment under this rule will be equal to leave salary as admissible for leave on average pay and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No compensatory (City) allowance and/or house rent allowance shall be payable

(d) The authority competent to grant leave shall suo-moto issue order granting cash equivalent of leave on average pay at credit on the date of retirement.

(2) A Railway servant availing a part of leave on average pay as leave preparatory retirement also be eligible for the benefits of this rule for the leave on average pay that remains at credit on the date of retirement.

(3) The rule (A) shall not apply to-

(a) cases of premature or voluntary retirement; and

(b) persons who are compulsorily retired as a measure of punishment under the Railway Servants(Discipline & Appeal) Rules, 1968.

Railway Ministry's decision 1.- In the interest of simplification, the cash payment for unutilised leave on average pay shall be made in the manner indicated below:

Cash Payment= (Pay admissible on the date of retirement plus D.A. admissible on that date/30)×Number of unutilised leave on average pay at credit on the date of retirement subject to a maximum of 300) days.

(Railway Board's letters No. F(E)III/79/LE1/12 dated 17-09-79 and PC-IV/86/LE/1 dated 24-10-86).

Railway Ministry's decision 2.- Railway servants who after putting in 30 years of qualifying service but before attaining the age of 58 years, want to retire from service by giving prescribed notice of 3 months in writing, are also entitled to leave salary and allowances, i.e. terminated leave benefits, if any, admissible during such leave/leave in lump sum as a one time settlement.

(E(P & A) I-79/JCM(DC)/3 dt.5-9-1979)

Railway Ministry's decision 3.- A Railway servant giving notice of voluntary retirement after completion of 20 years of service/qualifying service, may also apply before expiry of notice, for the leave standing at his credit which may be granted to him to run concurrently with the period of notice. The period of leave, if any, extending beyond the date on which the railway servant should have been retired on attaining the age of superannuation, may be allowed as terminal leave as stated in para 1 above. Leave salary for the Leave on Half Pay portion of the above terminal leave is subject to deduction of Pension/ pensionary equivalent of other retirement benefits.

B. In case of premature/voluntary retirements:-

(i)(a) The Railway Servant who retires by giving notice to the Government or is retired by giving him notice or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service may be granted suo-moto by the authority competent to grant leave, cash equivalent of the leave salary in respect of Leave on Average Pay at his credit, subject to a maximum of 300 days and also in respect of all the half pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service.

(b) The cash equivalent shall be equal to the leave salary as admissible for leave on average pay and /or equal to the leave salary as admissible on half pay leave plus Dearness allowance admissible on that leave salary for the first 300 days, at the rates in force on the date the railway servant so retires or is retire from service.

(c) The pension and pension equivalent or other retirement benefits and ad hoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable.

(d) The amount so calculated shall be paid in one lump sum as one time settlement. No House Rent Allowance, or City Compensatory Allowance shall be payable;

Provided that if leave salary for the half pay leave component falls short of pension and other pensionary benefits cash equivalent of half pay leave shall not be granted.

alok tells: The second proviso to Rule 550-B(i) deleted vide Railway Board's letter No. F(E)III/82/LE1/2 dated 21-07-98 i.e. ACS-68/R-I

(ii) Where the services of railway servant are terminated by giving notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted suo-moto by the authority to grant leave such equivalent in respect of leave on average pay at his credit on the date on which he ceased to be in service, subject to a maximum of 300 days.

(iii) A Railway servant who is re-employed after retirement may, on termination of his re-employment, be granted suo-moto, by the authority competent to grant leave cash equivalent in respect of Leave on Average Pay at his credit on the date of termination of his

re-employment subject to a maximum of 300 days including the period from which encashment was allowed at the time of retirement.

The cash equivalent under sub-para (ii) and (iii) above shall be equal to leave salary admissible for leave on average pay plus D.A. admissible on that leave salary at the rates in force on the date the Railway servant ceases to be in service. The amount so calculated would be paid in one lumpsum as one time settlement and no City Compensatory Allowance and House Rent Allowance shall be payable. In case of the re-employed railway servants, the cash equivalent shall be based on the pay drawn, exclusive of the pension and pension equivalent of other retirement benefits.

(iv) A railway servant who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted, suo-moto by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent then payable shall be equal to the leave salary so calculated under (i) above.

A Railway servant not in permanent employ or temporary employ or more than 3 years shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

C. In case of Railway servant retiring from service on attaining the age of retirement while under Suspension or while disciplinary proceedings are pending against him at the time of retirement:-

The authority competent to grant leave may withhold whole or part of cash equivalent of LAP, in the case of a Railway servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such an authority there is possibility of some money recoverable from him on conclusion of proceedings against him. On conclusion of the proceedings he will become eligible to the amount withheld after adjustment of Railways dues, if any.

D. In the cases of resignation or quitting of service:-

The railway servant may be granted suo-moto cash equivalent in respect of leave on average pay at his credit on the date of cessation of service to the extent of half of such leave at his credit subject to a maximum of 150 days by the authority competent to sanction leave. (Authority: Railway Board's letter Nos. PC-IV/86/LE-01 dt. 24-10-1986/CS-08, F(E) III/82/LE1/2 dt. 24-10-1986/CS-09, No. PC-IV/86/LE/1 dt. 24-10-1986/CS-10)

Railway Ministry's decision 1.- Encashment of Leave on Half Average Pay (LHAP) on superannuation.

In pursuance of the Award given by the Board of Arbitration (JCM) in C.A. Reference No. 1 of 1986, the President is pleased to decide that w.e.f. 14th July, 1982, the entire LHAP at the credit of Railway servants who retire on superannuation shall be allowed to be encashed subject to the condition that pension and pension equivalent of other retirement benefits shall be deducted from the amount payable as cash equivalent, as provided in Rule 550-B(1) of Indian Railway Establishment Code, Vol. I, 1985 edition.

The encashment will be subject to the following conditions:-

(i) The benefit will be admissible in respect of past cases on receipt of applications to that effect from the pensioners concerned by the officers concerned.

(ii) In respect of future retirees, the amount of encashment of LHAP will be calculated and paid together with encashment of LAP.

(iii) Calculation of cash equivalent in respect of LHAP at the credit shall be made mutatis mutandis in the manner given in Board's letter No. F(E)III/82/LE1/2 dt. 11-02-1983 which is as under:-

Cash payment in lieu of half-pay component = [Half pay leave salary plus Dearness Allowance if admissible minus pension, pension equivalent of gratuity and relief on pension if Dearness Allowance is admissible on Half pay leave]/30 × [Number of days of half pay Leave due on the date of retirement on superannuation.

(iv) the amount so calculated shall be paid in one lump sum as one time settlement.

(authority Railway board's letters No. F(E) III/90/LE1/1 dated 20.05.93,12.10.93 & 14.7.98)

Railway Ministry's decision 2.-Encashment of LHAP to Railway servants retiring with SRPF(C) benefits

The issue of prescribing the formula for calculating the equivalent pension/PEG of SRPF retirees for the purpose of deduction from LHAP encashment of retirement etc. has been examined in consultation with DOP&T.

In cases of persons retiring with SRPF benefits, the amount of employer's contribution plus the interest thereon will be treated as pensionary benefits. For the purpose of calculating the pension the following formula may be adopted:-

Pension= [Total amount of employer's contribution to SRPF plus interest till the date of retirement.]/ [commutation factor as per age on next birthday×12.]

PEG=[Gratuity] / [Commutation factor × 12]

(Authority:Railway Board's letters No. F(E)III/90/LE1/1 dated 27.05.94,18.12.95 and 14.07.98)

Railway Ministry's decision 3.-Extension of the benefit of encashment of LHAP to cases of death while in service or after superannuation.

The question of extending the benefit of encashment of LHAP as per Board's letter of even number dated 20-05-1993 in cases of death , on or after 14-07-1982, while in service or after superannuation but before actual receipt of cash equivalent of Half Pay Leave Salary , has been under consideration in consultation of Department of personnel & Training. It has now been decided that the provisions of Board's letter dated 20-05-1993 may be made applicable to such cases of death of railway employees. However, for the purpose of calculating the deductions as per formula prescribed in Para 2(iii) of the said letter in respect of those died/ die while in service, the family pension and the pension equivalent of death gratuity may be taken into account in place of pension and pension equivalent of gratuity, respectively. In case of death after superannuation, the formula for calculating the deductions will be the same as prescribed in the letter dt. 20-05-1993. The amount of Half Pay Leave encashment will be payable to the family of the deceased Railway employee in the manner specified in Rule 549-A of Indian Railway Establishment Code, Vol.1 1985 Edition(Re-print Edition 1995). The other conditions will remain the same as in the letter dated 20-05-1993.

(Authority:Railway Board's letters No. F(E)III/90/LE1/1 dated 08.05.95 and 14.07.98)

alok tells:Sub- Rule 550 amended vide Railway Board's letter No. F(E)III/97/LE1/8 dated 04-05-98 i.e. ACS-63/R-I(240 days to 300 days)

President's Decisions under Rule 550 inserted vide Railway Board's letter No. F(E)III/90/LE1/1 dated 14-07-98 i.e. ACS-67/R-I

Railway Board's important letters on the subject of Leave Encashment

No. E(G)95LL3-11 dated 03-08-95

This letter Clarifies that if due to recasting of leave account in course of rectification of errors, recovery can be done if overpayment has been made to a retired employee.

E(G) 91 LE1-3 dated 13-01-93

It is an important letter on the subject of recasting of leave account.

F(E) III/98/LE1/6 dated 25-09-98

This letter clarifies regarding admissibility of D.A. for the purposes of LHAP encashment.Relevant extracts quoted as under:

"It is advised that in terms of extant instructions for working out of LHAP encashment where encashment of LAP has been availed of to the full extent, DA will not be included alongwith half average pay for working out the amount of LHAP encashment.....On the other hand where the number of days of LAP encashment falls short of the prescribed maximum limit, for calculating LHAP encashment, DA will be added with the half average pay for that period by which LAP encashment falls short of the prescribed maximum limit,To illustrate:-a railway servant who had an

LAP credit of 200 days and an LHAP credit of 400 days at the time of retirement on 30-06-97, the leave encashment will be worked out as under:-

(i) LAP encashment for 200 days=(Last Pay Drawn +DA)/30X200

(ii) LHAP encashment for 40 days=
(Half pay leave salary+DA)-(Pension+DR on Pension+PEG)
-----X 40
30

(iii) LHAP encashment for 30 days=
(Half pay leave salary)-(Pension+PEG)
-----X 360
30

PEG=Pensionary Equivalent Of Gratuity =Gratuity/Commutation FactorX12

Special Kinds of Leave

551. Maternity leave.-

(1) A female railway servant (Including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 90 days(now 135 days) from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) Total period of Maternity Leave on account of miscarriage/ abortion should be restricted to 45 days in the entire career of a female railway servant.

EXPLANATION:

The above amendment of Rule 551 of Indian Railway Establishment Code, Volume I(1985 Edition) has been incorporated with the President's approval effective from 01-01-1989. Incorporation of this rule has been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services(Leave) Rules,1972 vide their notification No. 11012/1/85-Estt(L) dated 6-6-1988 published in the Gazette of India on 18-06-1988. It is certified that retrospective effect given to these rules will not adversely affect any employee to whom this rule applies.

(3)(a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the provision in sub-rules of Rule 527 any leave (including commuted leave up to 60 days and leave not due) up to a maximum of 1 year, may, if applied for, in continuation of maternity leave be granted without the production of medical certificate.

EXPLANATION:

The above amendments of Rules of Indian Railway Establishment Code, Volume I(1985 Edition) has been incorporated with the President's approval effective from 01-01-1989. Incorporation of these Rules has been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services(Leave) Rules,1972 vide their notification No. 11012/1/85 Estt(L) dated 6-6-1988 published in the Gazette of India on 18-06-1988. It is clarified that retrospective effect given to these rules will not adversely affect any employee to whom this rule applies.

(4) Leave in further continuation of leave granted under clause(b) of sub-rule(3) may be granted on production of a medical certificate for the illness of the female railway servant. Such leave may also be granted in case of illness of a newly born baby, subject to production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

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

Note.- Abortion induced under the Medical Termination of Pregnancy Act 1971 shall also be considered as a case of abortion under sub-rule (2).

alok tells:Sub- Rule 551(1) & 551(3)(b) amended vide Railway Board's letter No. E(P&A) I-86/CPC/LE-9 dated 27-01-89 i.e. ACS-9/R-I

Sub- Rule 551(2) amended vide Railway Board's letter No. E(P&A) I-86/CPC/LE-9 dated 01-02-91 i.e. ACS-16/R-I

Sub-Rule 551(2) amended further Vide Railway Board's ltr. No. E(P&A) I-94/CPC/LE-6 dated 28-04-97 i.e. ACS-44/R-I

Railway Board's important letters on the subject of Maternity and Paternity leave:
No.(P&A) I-97/CPC/LE-6 dt. 10-11-1997

Consequent upon the decisions taken by the Govt. on the recommendations of the Fifth central Pay commission relating to Maternity Leave and Paternity Leave, the President is pleased to decide that the existing provisions of the Liberalised Leave Rules,1949 may be treated as modified as follows in respect of railway employees:-

a) The existing ceiling of 90 days maternity leave provided in Rule 551(i) ibid shall be enhanced to 135 days.

b) A male railway servant (including an apprentice with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave as in the case of Maternity Leave). It may not normally be refused under any circumstances.

2. These orders take effect from the date the orders were issued by the Department of Personnel & Training viz 7th October,1997.

3. In the light of paragraph 2 above, a female railway servant in whose case the period of 90 days of Maternity Leave has not expired on the said date shall also be entitled to the Maternity Leave of 135 days. Similarly, Paternity Leave to a male railway employee may also be allowed in the case his wife had given birth to the child on a date prior to 135 days from the date the orders were issued by the Department of Personnel & Training viz. 7th October,1997.

(pl see No. E(P&A)I-97/CPC/LE-6 dated 03-04-98 for correction in the last line of the above referred letter)

No. 91/H(FW)/9/7

Clarification of Ministry of Personnel, Public Grievances and Pension:-

Female Railway Servants undergoing salpingectomy operation alongwith MTP will be entitled to six weeks(*now 45 days*) maternity leave. Such female Government servants who avail of this facility of maternity leave would not be entitled to additional 14 days of Special Casual Leave, as provided in their O.M. No. 28016/3/78-Estt(A) dated 6th August, 1979 circulated vide the Ministry of Railways' circular No. 78/H(FW)/9/5 dated 17-01-1981.

No.(P&A) I-92/CPC/LE-3 dt. 04-12-1992

2. The President is pleased to decide that even in the case of adoptive mothers who are Railway employees, the facility of leave of the kind due and admissible not exceeding one year without production of Medical certificate as available to natural mother in accordance with Rule 551 of I.R.E.C. Vol. I, 1985 ed., may be extended subject to the following conditions:-

(i) The facility will not be available to an adoptive mother already having two living children at the time of adoption;

(ii) The maximum admissible period of one year's leave of the kind due and admissible without production of Medical certificate will be reduced by the age of the child, as in the following illustrations:

If the age of the adopted child is less than one month, leave up to one year may be allowed;

If the age of the child is six months, leave up to six months may be allowed;

If the age of the child is 9 months or more, leave up to three months may be allowed.

Thus the child would have the mother's individual attention for at least three months.

552. Special disability leave for injury intentionally inflicted.-

(1) The authority competent to grant leave may grant special disability leave to a railway servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of due performance of his official duty or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed, and person disabled acted with due promptitude in bringing it to notice.

Provided that the authority competent to grant leave, if it is satisfied as to the cause of disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

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

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

(5) Such leave may be granted more than once if the disability aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not except the leave granted under proviso to clause (b) of sub-rule (7) be debited against the leave account.

(7) Leave salary during such leave shall-

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

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

Provided that a railway servant may, at his option be allowed leave salary as in sub-rule (a) for period exceeding 120 days and in that event a period of such leave shall be debited to his half pay leave account.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923 (18 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4(1)(d) of the said act.

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

553. Special disability leave for accidental injury.-

(1) The provisions of rule 552 shall apply also to a railway servant, whether permanent or temporary, who is disabled by injury accident incurred in, or in consequence of due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions:-

(i) that the disability if due to disease must be certified by the Authorised Medical Attendant of the Railway servant concerned to be directly due to the performance of the particular duty:

(ii) that if the Railway servant has contracted such disability during service otherwise than with a military force, it must be in the opinion of the authority competent to sanction leave, exceptional in character ; and

(iii) that the period of absence recommended by the Authorised Medical Attendant may be covered in part by leave under this rule and part by any other kind of leave, and that the amount of special disability leave granted on average pay shall not exceed 120 days.

554. Hospital leave.-

(1) Hospital leave may be granted to railway servants other than in Group A or Group B while under medical treatment for illness or injuries if such illness or injury is directly due to risks incurred in the course of official duties.

(2) Hospital leave shall be granted on production of medical certificate from an Authorised Medical Attendant.

(3)(a) Hospital leave may be granted for such period as the authority granting it may consider necessary on leave salary :-

(i) equal to leave salary while on leave on average pay for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave for the remaining period of any such leave.

(b) The amount of hospital leave which may be granted by the General Managers to railway servants is unlimited.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible provided the total period of leave, after such combination, does not exceed 28 months.

Note.- If the railway servant is one to whom the Workmen's Compensation Act, 1923 (18 to 1923) applies the amount of leave-salary payable during hospital leave shall be reduced by the amount of compensation payable under Section 4(1)-(d) of the said Act. When a disablement regarded at first as temporary, proves to be a permanent disablement and Compensation becomes payable under clause(b) or (c) of Section 4(1) of the Workmen's Compensation Act, the hospital leave-salary should be restored to the full amount admissible under the above rule.

President's Decision No. 1- General Managers are empowered to relax the provisions of this rule in individual cases meriting sanction of Hospital Leave beyond a period of 120 days on leave salary equal to leave salary while on leave on average pay. Such cases are to be reviewed by the CMO personally and entered in a register to be maintained by CMO so that at any time the extent of the problem can be checked. Also, such cases are to be put up to the FA & CAO for his concurrence before these are put up to the General Manager for sanction. These powers are to be exercised personally by the General Managers and are not to be delegated further

alok tells: President's decision inserted vide Railway Board's ltr. No. E(P&A) I-89/JCM/DC-5 dated 30-01-92 i.e. ACS-24/R-I

President's Decision No. 2- Divisional Railway Managers(DRMs)/Chief workshop Engineers(CWEs) are empowered to relax the provisions of Rule 554-R I,1985 edition in individual case, meriting sanction of Hospital Leave beyond a period of 120 days on leave salary equal to leave salary while on LAP subject to such cases being reviewed by the Medical Superintendents and concurred in by Senior Divisional Accounts Officer/Associate Accounts officer. Also, a list of such cases should be put up to the General Managers half-yearly for their post-facto approval. These powers are to exercised personally by the DRMs/CWEs and are not to be delegated further. It has also been decided that cases that occurred during the intervening period, i.e. from 1985 onwards, where the Railways have already sanctioned Hospital Leave for periods beyond 120 days on leave salary equal to leave salary while on LAP, need not be re-opened.

(Authority: Railway Board's letter No. E(P&A)I-89/JCM/DC-5 dt. 14-01-1993/ACS-65 dt 15-05-1998)

President's Decision No. 3- It has been further decided that the Heads of non-divisional units, such as Workshops , Stores Depots, Zonal Training Centres, etc, in the Junior Administrative Grade/Selection Grade are also empowered to sanction Hospital Leave beyond a period of 120 days in relaxation of the provisions of Rule 554 in individual cases , meriting sanction of Hospital Leave beyond a period of 120 days on leave salary equal to leave salary while on LAP. Where the Heads of such non-divisional units are in lower than JA grade, all cases of grant of Hospital Leave beyond a period of 120 days in relaxation of the provisions quoted above should be put up to the controlling SAG officer for sanction. The grant of Hospital leave beyond 120 days in relaxation of the rules mentioned above in all cases shall however be subject to such cases being reviewed by the Medical Superintendents and concurred in by Senior Divisional Accounts Officer/Associate Accounts officer. Further as stipulated in Board's letter of even number 14-01-93, a list of such cases should be put up to the General Managers half-yearly for their post-facto approval, papers to General Managers should be routed through the controlling SAG officers. It may also be ensured that the payment against Hospital leave wherever due is made regularly and not allowed to pend.
(Authority: Railway Board's letter No. E(P&A)I-89/JCM/DC-5 dt. 22-06-1993/ACS-65 dt 15-05-1998)

President's Decision No. 4- It has also been decided that such cases of railway servants injured on duty during the intervening period from 1985 to 14-01-1993 and where Hospital Leave was not granted beyond 120 days on full average pay may be reviewed by the railways, and accordingly leave should be regularised, by the General Manager as Hospital Leave beyond 120 days on full average pay in terms of extant Board's orders on the merit of each case for the intervening period from 1985 to 14-01-93.

The old cases will be regularised with the personal sanction of the General Manager with concurrence of F.A. & C. A. O.

alok tells: President's decision Nos. 2,3 & 4 inserted vide Railway Board's letter No. E(P&A) I-96/JCM/DC-1 dated 15-05-98 i.e. ACS-65/R-I.

555. Quarantine Leave.-

Deleted

alok tells: Rule 555 deleted vide Railway Board's letter No. E(P&A) I-92/CPC/LE-3 dated 04-12-92 i.e. ACS-27/R-I

556. Study Leave.-

Study leave may be granted in accordance with the rules prescribed in Appendix V to railway servants to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Counting of study leave for promotion, pension, seniority, leave and increments.-

(1) Study leave shall count as service for promotion, pension and seniority. It shall also count as service for increments as provided in Rules.

(2) The period spent on study leave shall not count for earning leave other than half-pay leave under the Liberalised Leave Rules.

Miscellaneous

557. Where any doubt arises to the interpretation of these rules it shall be referred to the Ministry of Railways for a decision. No relaxation of these rules shall be made except with the concurrence of the Ministry of Railways.

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FIRST SCHEDULE

(See Rule 503)

AUTHORITIES COMPETENT OF GRANT LEAVE

S.No.

S.No Kind of Leave

Authorities Competent to grant leave

01. Leave on Average 1.Ministry of Railways

Pay, half pay Leave, Commuted leave, Extraordinary leave, Maternity leave, Hospital Leave

2.General Managers
3.Divisional Railway Managers, and any lower authority for whom powers have been delegated by the General Manager, Head of the Department and Divisional Railway Managers

02. Special Disability leave

-do-

03. Study leave

Ministry of Railways, Head of the Department and Divisional Railway Managers in the case of Railway servants under Group C & D.

ANNEEXURE-I

FORM-I

(See Rule 511)

Application for Leave or For Extension of leave

(Except in very urgent cases leave should normally be applied to two months in advance of the date from which it is required)

1. Name of applicant.
2. Leave Rules applicable.
3. Post held.
4. Department/Office/Branch
5. Permanent or Temporary
6. If Permanent, the post & Office where lien is held.
7. Pay, excluding allowances.
8. HRA.CCA., Conveyance or other compensatory allowances drawn in the post.
9. Nature and period of leave applied for and date from which required
10. Grounds on which leave is applied for.
11. Date of return from last leave, and the nature and period of that leave
12. Address during leave period

Station:

Date:

Signature of Applicant

Remarks and/or recommendation of Branch officer/Controlling officer

Signature:

Designation:

Certified that LAP for..... days, LHAP fordays and LWP for days from to..... is admissible. The balance of leave at his credit on will be:

LAP.....days/LHAP.....days

Signature of the verifying authority/ Accounts officer

Date:

*orders of sanctioning authority.

Signature:

Designation.

Date:

Advice memo regarding leave issued on.....

***If the applicant is drawing any Compensatory Allowance, the sanctioning authority should state whether on the expiry of the leave he is likely to return to the same post or to another post carrying a similar allowance.
(The same form may be used by all groups of railway servants. Items not applicable may be scored off)**

ANNEXURE II

[See Rule 530(3)(a)(b)]

Bond for temporary Railway servants granted extraordinary leave for study

KNOW ALL MEN BY THESE PRESENTS THAT WE.....resident of in the district of at present employed as in the Ministry/Office of (hereinafter called "the Obligor") and Shri/Shrimati/Kumari son/daughter of ofand Shri/Shrimati/Kumarison/daughter ofof (hereinafter called "the sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs. (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Government has, at the request of the above-bounden Shri/Shri/Kumari employed as a granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of months days with effect from in order to enable him/her to study at

AND WHEREAS the government has appointed/ will have to appoint a substitute to perform the duties of during the period of absence of Shri/Shrimati/Kumari..... on extraordinary leave.

AND WHEREAS for the better protection of government, the Obligor has agreed to execute this bond with two sureties with such condition as hereunder written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounden, Shri/Shrimati/Kumari failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and service the Government after rejoining for such period not exceeding a period of years as the government may require or refusing to serve the Government in any other

capacity as may be required by the Government on a salary to which he/she would be entitled under these rules, the said Shri/Shrimati/Kumari or his/her heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the obligor Shri/Shrimati/Kumari.....and, or Shri/Shrimati/Kumari and, Shri/Shrimati/Kumari the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act, or omission of the Government or any person authorised by them (whether with or without the consent of knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of..... one thousand nine hundred and..... Signed and delivered by the obligor above-named Shri/Shrimati/Kumari.....in the presence of:

Witness 1.

2.

Signed and delivered by the surety above-named Shri/Shrimati/Kumari.....in the presence of:

Witness 1.

2.

Signed and delivered by the surety above-named Shri/Shrimati/Kumari.....in the presence of:

Witness 1.

2.

Accepted

for and on the behalf of the President of India

ANNEXURE III

Medical certificate for non-gazetted officers recommended leave or extension of leave or commutation of leave

Signature of the Government Servant.....

I after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... whose signature is given above , is suffering from..... and I consider that a period of absence from duty of with effect from is absolutely necessary for the restoration of his/her health.

Authorised medical Attendant
.....Hospital/ Dispensary
or other Registered Medical Practitioner.

Date.....

APPENDIX V
(See Rule 556)
STUDY LEAVE RULES

1. Conditions for grant of study leave.-

(1) Study leave may be granted to a railway servant with due regard to the exigencies of public service to enable him to undergo, in or out of India a special course of study consisting of higher studies or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

(i) for a course of training or study tour in which a railway servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the railway servant; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that-

(a) the particular study tour should be approved by the authority competent to grant leave; and

(b) the railway servant should be required to submit on his return, a full report on the work done by him while on, study leave.

(iii) for the studies which may not be closely or directly connected with the work of a railway servant, but which are capable of widening his mind a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless:-

(i) It is certified by the authority competent to grant leave the proposed course of study or training shall be of definite advantage from the point of view of public interest;

(ii) It is for prosecution of studies other than academic, or literary subjects;

Provided that a Medical Officer may be granted study leave for prosecuting a course of Post-graduate study in medical sciences in India if the Head of Medical department certifies to the effect that such study shall be valuable in increasing the efficiency of such medical officer in performance of his duties. For Post-graduate study in medical sciences abroad, study leave shall be granted if the Director General of Railway

health Services in the Ministry of Railways certifies that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties.

alok tells: Rthe above proviso under Rule 1(3) amended vide Railway Board's letter No. F(E)III/89/LE-1/5 dt.19-02-1990 i.e.ACS-13/R-I

Provided also that a special at or a technical person may be granted study leave, or merits of each case, for prosecution a post graduate course of study directly related to the sphere of his duty in case of the Head of the Department or the Railway Ministry certifies that the course of study shall enable the specialist or the technical person, as the case may be to keep abreast with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Railways.

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

Provided that in releasing foreign exchange to Railway servants proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such Railway servants comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to a Railway servant:-

(i) who has satisfactorily completed period of probation and has rendered not less than five years continuous service including the period of probation under the Government.

(ii) who is not due to reach the age of superannuation from the Government service within three years from the date on which he is expected to return to duty after the expiry of leave:

(iii) who executes a Bond as laid down in Rule 4(4) of Appendix V to the Study Leave Rules-(Ind. Rly. Estt. Code Vol. I/ 1985 edition) undertaking to serve the Government for the period of three years after the expiry of the leave. Accordingly Railway Servant having option to retire will not be permitted to retire unless he serves the Government for three years after the return from the study leave.

alok tells: Sub-Rule 1(5) substituted vide Railway Board's letter No. E(G) III-86/LE-1 dated 07-03-89 i.e. ACS-11/R-I

(6) Study leave shall not be granted to a Railway servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

(7) Study leave shall not be granted to a railway servant who is on deputation to other department or vice versa.

2. Maximum amount of study leave.-

The maximum amount of study leave, which may be granted to a Railway servant, shall be-

(a) ordinarily twelve months at any one time and

(b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules)

3. Applications for study leave.-

(1)(i) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(ii) The course or courses of study contemplated by the Railway servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Railway servant to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he received the approval of the authority competent to grant the study leave for the course.

4. Sanction of study leave.-

(1) A report regarding the admissibility of the study leave shall be obtained from the Accounts Officer:

Provided that the study leave, if any, already availed of by the Railway servant shall be included in the report.

(2) Where a Railway servant borne permanently on the cadre of one Railway is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the Railway to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting leave.

Note.- The Head of the Mission shall be contacted by the Railway servant for issue of any letters of introduction or for other similar facilities that may be required.

(4)(a) Every Railway servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form A or Form B as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Railway servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form C or Form D as the case may be, before the study leave or extension of such leave granted to him commences.

(c) The authority competent to grant leave shall send to the Accounts Officer a certificate to the effect that the Railway Servant referred to in clause (a) or clause (b) has executed the requisite bond.

(5)(a) On completion of the course of study the Railway servant shall submit to the authority which granted him the study leave, certificates of examinations passed and special courses of study undertaken, indicating the date of commencement and termination of the course with the works if any, of the authority in-charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

5. Accounting of study leave and combination with leave of other kinds.-

(1) Study leave shall not be debited against the leave account of the Railway servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty eight months generally and thirty six months for the courses leading to Ph.D. degree and P.G. Degree in medicine from the regular duties of the Railway servant.

Explanation.- The limit of twenty eight months/thirty-six months of absence prescribed in this sub-rule includes the period of vacation.

alok tells: Rule 5(2) amended vide Railway Board's letter No. F(E)III/89/LE1/5 dated 23-06-1998 i.e. ACS-66/R-I.

Explanation below Rule 5(2) amended vide Railway Board's letter No. F(E)III/89/LE1/5 dated 31-07-1998 i.e. ACS-69/R-I.

(3) A Railway servant granted study leave, in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in rule (8) being satisfied drawn study allowance in respect thereof;

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

6. Regulation of study leave extending beyond course to study.-

When the course of study falls short of study leave granted to Railway servant he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to the period of shortfall as ordinary leave.

7. Leave salary during study leave.-

(1) During study leave availed outside India, a railway servant shall draw leave salary equal to the pay (without allowances other than Dearness allowance) that the Railway servant drew while on duty immediately before proceeding on such leave, in addition to the study allowance admissible in accordance with the provisions of rules 8 to 10.

(2)(a) During study leaves availed in India, a Railway servant shall draw leave salary equal to the pay (without allowances other than Dearness allowances) that the Railway servant drew while on duty immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the Railway servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount, if any received by a Railway servant during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment as envisaged in sub-rule (2) shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

8. Conditions for grant of study allowance.-

(1) A study allowance shall be granted to a railway servant who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised 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.

(2) Where a Railway servant has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part-time employment-

(a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Railway servant from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible.

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Railway servant interrupts his course of study to suit his own convenience.

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that-

(a) the Railway servant attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the Authority competent to grant leave, as the case may be, that he has continued his studies during the vacation;

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

9. Rates of study allowance.-

(1) The rates of study allowance shall be as follows.-

<u>Name of country</u>	<u>Study allowance per diem:</u>
Australia	1.00 Sterling
Continent of Europe	1.65 Sterling
New Zealand	1.20 Sterling
United Kingdom	2.00 Sterling
United States of America	2.75 Sterling

(2) The rates of study allowance prescribed in sub-rule (1) may be revised by the Central Government from time to time.

(3) The rates of study allowance to be granted to Railway servant who takes study leave in any country other than the one specified on sub-rule(1) shall be such as may be specially determined by the President in each case.

10. Procedure of payment