

This is in supersession of FAQs No. 21011/08/2013-Estt(AL)&No.I-11020/1/2014-Estl(AL) uploaded in DOPT's website on 25.03.2013 & 28.04.2015 in respect of the CCS (Leave) Rules 1972.

Establishment (Leave) Section, DoPT

General entitlement of leave

Sl. No.	Frequently Asked Question	Answer
1.	What is the maximum period of leave of any kind which can be allowed to a Government servant? What is the impact if such limit is exceeded?	No Government servant shall be granted leave of any kind for a continuous period of 5 years {Rule 12(1)}. Normally, absence from duty, with or without leave, for a continuous period exceeding 5 years other than on foreign service, implies that such Government servant has deemed to have resigned from Government service. {Rule 12(2)}
2.	What are the leave entitlements of Govt. servants serving in a vacation Department?	<p>Rule 28 of the CCS (Leave) Rules, 1972, regulates the grant of Earned Leave for persons serving in the Vacation Department. Vide Notification dated 11.12.2018, which came into force w.e.f. 14.12.2018, amendments have been made under Rule 28 & 29. The said rules provide for as follows.</p> <p>“(a) The leave account of every Government servant (other than a military officer) who is serving in a Vacation Department shall be credited with earned leave, in advance in two installments of five days each on the first day of January and July of every calendar year.</p> <p>(b) In respect of any year in which a Government Servant avails a portion of the vacation, he shall be entitled to additional earned leave in such proportion of twenty days, as the number of days of vacation not taken bears to the full vacation, provided the total earned leave credited shall not exceed thirty days in a calendar year.</p> <p>(c) If, in any year, the Government servant does not avail any vacation, earned leave will be as per Rule 26 instead of clauses (a) and (b).”;</p> <ul style="list-style-type: none"> • 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 Vacation Department. • A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a

		<p>portion of a vacation unless he has been required by general or special order of a higher authority to forgo 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.</p> <ul style="list-style-type: none"> • When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave 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. • As per Rule 29(1) The half pay leave account of every Government servant (other than a military officer and a Government servant serving in a Vacation Department) shall be credited with half pay leave in advance, in two installments of ten days each on the first day of January and July of every calendar year.
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Leave Encashment with LTC		
3.	Whether encashment of leave is allowed after LTC is availed?	Sanction of leave encashment should, as a practice, be done in advance, at the time of sanctioning the LTC. However, ex-post facto sanction of leave encashment on LTC may be considered by the sanctioning authority as an exception in deserving cases within the time limit prescribed for submission of claims for LTC.
4.	What is the limit of leave encashment while availing LTC by Government servant, dependents or spouse within the same block year?	The Government servants governed by the CSS (Leave) Rules, 1972 and entitled to avail LTC may encash earned leave up to 10 days at the time of availing both types of LTCs., i.e., 'Hometown' and 'Anywhere in India'. However, when the one and the same LTC is being availed of by the Government Servant and his family members separately in a block year, encashment of leave would be restricted to one occasion only.
5.	Whether leave encashment should be revised on retrospective revision of pay/D.A?	In terms of 38-A of CCS(Leave) Rules, encashment of EL alongwith LTC is to be calculated on pay admissible on the date of availing LTC and DA admissible on that date. If pay or DA admissible has been revised with retrospective effect, going by the rule the Govt. servant would be entitled to

encashment of Leave on the revised rates.

Encashment of Earned Leave

6.	Whether earned leave encashment allowed by the State Governments, PSUs, Autonomous Bodies to Govt. servant prior to his joining the Central Govt. is to be taken into account while calculating ceiling of leave encashment on his superannuation and retirement from Central Govt.?	Encashment of EL allowed by the State Governments, Public Sector Undertakings/Autonomous Bodies for services rendered therein need not be taken into account for calculating the ceiling of 300 days of Earned leave to be encashed as per CCS (Leave) Rules.
7.	Whether cash equivalent of leave salary in case of permanent absorption in PSU/Autonomous Body is permissible?	A Government servant who has been permitted to be absorbed in a Corporation/Company wholly or substantially owned or controlled by Central/State Government shall be suo motu granted cash equivalent of leave salary of earned leave at his credit on the date of absorption subject to a maximum of 300 days (being calculated as per provisions of rule 39) {Rule 39-D) Permanent absorption under the rule shall mean such appointment for which the Government servant applied through proper channel and resigned from Government service for taking up of such appointment – {Note below rule 39-D – Notification No. 13026/3/2011-Estt.(L) dated 28-03-2012)

Leave Encashment on Suspension/Dismissal/Removal

8.	Whether leave encashment can be sanctioned to a Govt. servant on his superannuation while under suspension?	Leave encashment may be allowed in such cases. However, Rule 39(3) of CCS (Leave) Rules, 1972 allows withholding of leave encashment in the case of a Govt. servant who retires from service on attaining the age of superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, if in view of the authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he/she will become eligible to the amount so withheld after adjustment of Government dues, if any.
9.	Whether leave encashment can be sanctioned to a Govt. servant on his dismissal/removal, from service?	A government servant, who is dismissed / removed from service, ceases to have any claim to leave at his credit from the date of such dismissal, as per rule 9(1). Hence he is not entitled to any leave encashment.

Interest on Leave Encashment

10.	Whether interest is payable on delayed payment of leave encashment dues?	No. There is no provision in the CCS (Leave) Rules 1972 for payment of interest on leave encashment.
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Study Leave

11.	What is the maximum amount of study leave which can be availed?	The maximum amount of study leave for other than CHS officers is restricted to twenty four months during the entire service period and ordinarily it can be allowed for upto twelve months at a time. (Rule 51(1)). For CHS officers the ceiling is for 36 months for acquiring PG qualifications. (Rule 51(2)).
12.	Whether study leave can be clubbed with other leave?	Yes. 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 PhD. degree from the regular duties of the Government servant. (Rule 54)
13.	What is the validity period of bond to be executed by the Government servant while proceeding on study leave?	Government servant is required to execute a bond to serve the Government for a period of three years after expiry of study leave. For CHS officers the period is five years. {Rule 50(5)(iii)}.
14.	Whether a Govt. servant who has been granted study leave may be allowed to resign to take up a post in other Ministries/ Department of the Central Govt. within the bond period?	As per rule 50(5) (iii), a Govt. servant has to submit a bond to serve the Govt. for a period of 3 years. As the Govt. servant would still be serving Government in a Department other than parent Department, he may be allowed to submit his resignation to take up another post within the Central Govt. if he had applied for the post through proper channel.

Paternity Leave for Child Adoption/Child Adoption Leave

15.	How is a child defined for the purpose of grant of Paternity Leave for Child Adoption/Child Adoption Leave	As per notes below rules 43AA and 43B "Child" for the purpose will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that of a natural born child'.
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Child Care Leave

16.	Whether women employees of Public Sector undertakings/ Bodies etc. are entitled to CCL?	Orders issued by DOPT are not <i>suo motu</i> applicable to the employees of Central Public Sector Undertakings/ Autonomous Bodies, Banks, etc. It is for the PSUs/ Autonomous Bodies to decide the applicability of the rules/instructions issued for the central Government employees to their employees in consultation with their Administrative Ministries.
17.	Whether Govt. servant can be permitted to leave station/go abroad while on CCL?	Child care leave is granted to a woman employee to take care of the needs of the minor children. If the child is studying abroad or the Government servant has to go abroad for taking care of the child she may do so subject to other conditions laid down for this purpose.
18.	What is the intention behind the instruction that CCL is to be treated like EL and sanctioned as such?	The intention is that CCL should be availed with prior approval of leave sanctioning authority and that the combination of CCL with other leave, if any, should be as per the restriction on EL. ' The restriction of the limit of 180 days at a stretch as applicable in the case of EL will not apply in case of CCL.
19.	What are the prevailing provisions of CCL under CCS (Leave) Rules, 1972 (Rule 43-C).	<p>“(1) Subject to the provisions of this rule, a female Government servant and single male Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.”;</p> <p>“(3) Grant of child care leave to a female Government servant and a single male Government servant under sub-rule (1) shall be subject to the following conditions, namely: -</p> <p>(i) it shall not be granted for more than three spells in a calendar year;</p> <p>(ii) in case of a single female Government servant, the grant of leave in three spells in a calendar year shall be extended to six spells in a calendar year.</p> <p>(iii) it shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of child care leave to the probationer, provided that the period for which such leave is sanctioned is minimal.</p> <p>(iv) child care leave may not be granted for a period less than five days at a time.</p>

		<p>(4) During the period of child care leave, a female Government servant and a single male Government servant shall be paid one hundred percent of the salary for the first three hundred and sixty-five days, and at eighty percent of the salary for the next three hundred and sixty-five days.</p>
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Explanation. –Single Male Government Servant’ means – an unmarried or widower or divorcee Government servant.”;