

THE LEAVE RULES, 1934
(updated with different amendments and corrections)
(FOR INFORMATION ONLY)

1. These rules may be called the Leave Rules, 1934. They shall come into force with effect from 1st March, 1934.
2. Subject to the exception hereinafter contained, these rules, shall apply to the following classes of persons employed in a service whose domicile is Asiatic or who, if their domicile is non-Asiatic, have not been specially recruited overseas for service in India and who are under the rule-making control of the Governor of Assam:-
 - (i) all persons who enter or have entered or are or have been employed in Government service, whether in a permanent or other capacity, on or after 1st March, 1934;
 - (ii) persons who were in service whether in a permanent or other capacity on 1st March, 1934, if there is break in their service after that date;
 - (iii) persons who were in service whether in a permanent or other capacity on 1st March, 1934, and who elect within six months from the said date to come under these rules. Such election, when once made shall be final;
 - (iv) persons in Class IV service who were subject to the leave rules in the Fundamental Rules on the 30th September, 1956 and elected these rules with effect from the 1st October, 1956, the leave on average pay to his credit on the 30th September, 1956 shall, subject to the appropriate limits specified in Rule 9, be deemed to be the earned leave to his credit on that date.
3. In these Rules —
 - (i) “Leave” includes earned leave, half pay leave on private affairs and medical certificate, commuted leave, leave not due and extraordinary leave;
 - (ii) “Earned leave” means leave earned as per provisions of Rule 9 of these rules;
 - (iii) “Half pay leave” means leave earned in respect of completed years of service;
 - (iv) “Earned leave due” means the amount of earned leave to the credit of an officer on the 30th September, 1956, under the rules in force on that date plus the amount of earned leave, calculated as prescribed in Rules 9, and 12, as the case may be, diminished by the amount of the earned leave taken after the 30th September, 1956;
 - (v) “Half pay leave due” means the amount of half pay leave calculated as prescribed in Rule 13, for the entire service, diminished by the amount of leave on private affairs, and leave on medical certificate taken before the 1st October, 1956 and half pay leave taken on or after that date;
 - (vi) “Commutated leave” means leave taken under sub-rule (c) of Rule 13;
 - (vii) “Officer in permanent employ” means an officer who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;
 - (viii) “Completed years of service” and “one year's continuous service” means continuous service of the specified duration under the State Government and includes periods spent on duty as well as on leave including extraordinary leave.
4. Leave cannot be claimed as of right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service.
5. Unless the Governor shall otherwise determine, after five years' continuous absence from duty - elsewhere than in Foreign service in India, whether with or without leave, a Government servant shall be removed from service after following the procedure laid down in the Assam Services (Discipline and Appeal) Rules, 1964.

6. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.
7. No leave shall be granted beyond the date on which an officer must compulsorily retire:-

Provided that if in sufficient time before the date of compulsory retirement an officer has been denied in whole or in part, on account of exigencies of public service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as prescribed in Rule 9, so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement, does not exceed the amount of leave preparatory to retirement actually denied, the half pay leave if any, applied for by an officer preparatory to retirement and denied on the exigencies of public service being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was commenced and the date of compulsory retirement;

Provided further that every Government servant —

- (a) who, after having been under suspension is reinstated within 120 days or 180 days, as the case may be, preceding the date of his compulsory retirement and was prevented by reason of having been under suspension from applying for leave preparatory to retirement, shall be allowed to avail of such leave as he was prevented from applying for, subject to a maximum of 120 days or 180 days as the case may be, reduced by the period retirement;
- (b) who retired from service on attaining the age of compulsory retirement while under suspension and was prevented from applying for leave preparatory to retirement on account of having been under suspension, shall be allowed to avail of the leave to his credit subject to a maximum of 120 days or 180 days as the case may be, after termination of proceedings, as prescribed in Rule 9 as if it had been refused as aforesaid, if, in the opinion of the authority competent to order re-instatement, he has been fully exonerated and suspension was wholly unjustified.

Provided further that an officer whose service has, been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date less the leave, if any, taken during the period of extension and in addition such earned leave due in respect of the extension as had been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service. In determining the amount of earned leave due in respect of the extension with reference to Rule 9, earned leave, if any, admissible on the date of compulsory retirement should be taken into account.

8. Subject to the provision of Rules 4 and 7, an officer may at any time be granted the whole or any part of the earned leave due to him.
- 9.1.
 - (a)
 - (i) A Government servant who is serving in a Department other than a Vacation Department shall be entitled to earned leave for 30 days in a calendar year;
 - (ii) The leave account of every Government servant shall be credited with earned leave in advance in two instalments of 15 day each on the first January and July every year.

- (b) The leave at the credit of Government servant at the close of the previous half year shall be carried 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 300 days.
- (c) (i) Where a Government servant not in permanent employ is appointed without interruption of service substantively to a permanent post his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.
- (ii) Where a Government servant had availed of leave on half pay or extraordinary leave since the date of permanent appointment such leave may, subject to the provisions of Rule 6, be converted into earned leave to the extent it is due and admissible as a result or recasting of his leave account.
- (d) 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.
- 9.2.** Subject to the provisions of the rule, the maximum earned leave that may be granted at a time shall be —
- (i) 180 days, in the case of any Government servant employed in India, Provided that earned leave granted as preparatory to retirement shall be subject to a maximum of 240 days; **or**
- (ii) 150 days, in the case of a Government servant mentioned in the Exception to sub-rule (1).
- 9.3.** Earned leave may be granted to Government servant in Class I or Class II Service or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Ceylon, Nepal and Pakistan :
- Provided that where earned leave for a period exceeding 120 days, or 150 days, as the case may be, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limit.
- 9.4.** (a) Earned leave shall be credited to the leave account of a Government servant at the rate of 2½ of days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.
- (b) The credit for the half year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of 2½ of days per completed calendar month up to the date of retirement or resignation.
- (c) When a Government servant is removed or dismissed from service or dies while in service, ' credit of earned leave shall be allowed at the rate of 2½ 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 while in service.
- (d) If a Government servant has taken extraordinary leave in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of the period of extraordinary leave availed of during the previous half year, subject to the condition that the reduction so made is limited to the maximum period of 15 days.
- 9.5.** The order sanctioning earned leave/half pay leave to a Government shall indicate the balance at his credit.

10. deleted.

11. deleted.

12. (a) A Government servant serving in a Vacation Department shall be entitled to 10 (ten) days earned leave in lieu of 20 (twenty) days half Pay Leave as admissible under Rule 13 (a)(i) of the Revised Leave Rules, 1934.

Government servant earned such leave will cease to earn half-pay leave as provided under Rule 13 (a)(i)

(b) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days, or 45 days when governed by the Exception to sub-rule (1) of Rule 9, as the number of days of vacation not taken bears to the full vacation:

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

(c) Whether the earned leave is taken in combination with or in continuation of other leave or not, it shall not exceed the amount of earned leave due and admissible to the officer at a time under Rule 9 :

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

13. (a) (i) The half-pay leave admissible to an officer in permanent and temporary employ in respect of each completed year of service is 20 days.

(ii) No half-pay leave may be granted to a temporary Govt. Servant unless the authority competent to sanction leave has reason to belief that he will return to duty on expiry of leave.

(iii) For the purpose of calculating half-pay leave due, in the case of Government servant eligible for the Department leave under S.R. 136 each completed year of service shall be construed as 12 months of actual duty.

(b) (i) The half-pay leave due may be granted to an officer on Medical certificate or on private affairs.

(ii) Half pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service without production of medical certificate where such leave is utilised for an approved course of study i.e, a course which is certified to be in the public interest by the leave sanctioning authority.

(c) Commuted leave not exceeding half the amount of half pay leave may be granted to a Government servant on medical certificate only subject to the following conditions that-

(i) he has completed one year of service at the time he proceeds on commuted leave;

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

(iii) no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to belief that the officer will return to duty on its expiry.

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

- 14.1.** Extraordinary leave without allowance may be granted to any officer in special circumstances —
- (a) when no other leave is by rule admissible; **or**
 - (b) when other leave is admissible, but the official concerned applies in writing for the grant of extraordinary leave.
- 14.2.** Except in the case of an officer in permanent employ the duration of extraordinary leave on any one occasion shall not exceed the following limits —
- (i) 3 (three) months;
 - (ii) 6 (six) months, in cases where the Government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the rules [including three months extraordinary leave under (i) above and his request for such leave is supported by a medical certificate as required under the rules;
 - (iii) 18 (eighteen) months where the officer is undergoing treatment for —
 - (1) pulmonary tuberculosis in a recognised sanatorium, **or**
 - (2) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon, **or**
 - (3) leprosy in a recognised leprosy institution or by a Civil Surgeon or a specialist in leprosy recognised as such by the State Administrative Medical Officer concerned.
 - (iv) 24 (twenty four) months where the leaves is required for the purposes of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under the rules including three months extraordinary leave under (i) above.
- 14.3.** Where a Government servant who is not in permanent employee fails to resume duty on the expiry of the maximum period extraordinary leave granted to him or where such a Government servant who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under sub-rule (2) he will unless the Governor in view of the exceptional circumstances of the case otherwise determines be deemed to have resigned his appointment.
- 14.4.** The Government servants belonging to the Scheduled Castes / Scheduled Tribes may, for the purpose of attending the pre-examination training at the Centre notified by the Govt. of India from time to time be granted extraordinary leave by Heads of Departments in relaxation of the provisions of sub-rule 2(1).
- 14.5.** The authority empowered to grant leave may commute retrospective periods of absence without leave into extraordinary leave.
- 15.1.** A Government servant who proceeds on earned leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.
- 15.2.** An Officer on half-pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (1)
- 15.3.** An officer on commuted leave will be entitled to leave-salary equal to twice the amount admissible under sub-rule (2).
- 15.4.** An officer on extraordinary leave is not entitled to any leave-salary.

FORM No. 2
[Subsidiary Rule 73]
APPLICATION FOR LEAVE

Note:- Items 1 to 9 must be filled in by all applicant whether Gazetted /or non-Gazetted.
Item 12 applies only in the case of Gazetted Officers.
Items 13 and 14 apply only in the case of non-Gazetted Officers.

1. Name of applicant :
2. Leave Rules applicable :
3. Post held :
4. Department or office :
5. Pay :
6. House Rent Allowance,
Compensatory Allowance or other
compensatory allowances drawn in
the present post :
7. Nature and period of leave
applied for on date from which
required :
8. Ground on which leave is
applied for :
9. Date of return from last leave,
and the nature and period of that
leave :

10. I undertake to refund the difference between the leave-salary drawn during leave on average pay/commuted leave and that admissible during leave on half average pay/half pay leave, which would not have been admissible had the proviso to F.R. 18(b)(ii)/Rule 13(c)(iii) of the Revised Leave Rules, 1934 not been applied in the event of my retirement from service at the end or during the currency of the leave.

Date:

Signature of Applicant

Leave Address:-

11. Remarks
and /or recommendation of
the Controlling Officer:

Date: _____ Signature: _____
Designation: _____

12. Report
of the Audit Officer

Date: _____ Signature: _____
Designation: _____

13. Statement of leave granted to applicant previous to this applicant:

Nature of Leave	In current year	During past year	Total
Privilege on average pay/ earned			
On average pay / on M.C. Commuted			
On half average pay / half pay Not due			
On quarter average pay Extraordinary			

14. Certified that leave on average pay/earned leave / _____
for _____ months and _____ day/days from _____ to _____ is admissible
under Rule _____ of the _____.

Date: _____ Signature: _____
Designation: _____

15. Orders of the sanctioning
authority:

Date: _____ Signature: _____
Designation: _____

TYPES OF LEAVE

Casual Leave:

Earned Leave:

- (i) Government employees are entitled to Earned Leave for 30 days in a calendar year. The maximum accumulation of Earned Leave is allowed upto 300 days;
- (ii) Earned Leave is credited to leave account of employees in two instalments of 15 days each on 1st January and 1st July every year;
- (iii) Government employees serving in vacation departments are entitled to 10 days' Earned Leave in lieu of 20 days Half Pay Leave. The maximum accumulation of Earned Leave for such employees is allowed up to 150 days.

Half Pay Leave:

20 days Half Pay Leave is admissible for every completed year of service to a Government employee in permanent and temporary capacity.

Commutated Leave:

Commutated Leave is granted only on medical grounds not exceeding half the amount of Half Pay Leave to the credit of an employee on the following conditions: -

- (i) He/She has to complete one year of service at the time of proceeding on leave;
- (ii) When Commuted Leave is availed of, twice the amount of such leave shall be debited against the Half Pay Leave

Extraordinary Leave:

Extraordinary Leave may be granted to a Government employee without allowances in the following circumstances:-

- (i) In cases where no other leave is admissible by rule;
- (ii) Although other leave is admissible, the Government employee concerned applies for Extraordinary Leave;

Except in the case of permanent employment, the duration of Extraordinary Leave on any occasion shall not exceed the following limit:-

- (i) 3 (three) months;
- (ii) 6 (six) months in cases where an employee has completed 3 (three) years of continuous service on expiry of leave of any kind due and has requested for such leave supported by a medical certificate;
- (iii) 18 (eighteen) months Special Leave for undergoing treatment for (a) Pulmonary Tuberculosis (b) Leprosy and (c) Cancer.

Special Disability Leave:

120 days Special Disability Leave is admissible to a Government employee who is disabled by injury caused during his duty or in consequence of his official position.

Maternity Leave:

- (i) A female Government 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 135 days from the date of its commencement.
- (ii) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (iii) Maternity leave not exceeding 6 (six) weeks may also be granted to a female Government servant (irrespective of number of surviving children) in case of miscarriage, including abortion on production of Medical certificate.
- (iv) Maternity Leave shall not be debited to the Leave account.
- (v) Maternity Leave may be combined with leave of any other kind.

Study Leave:

24 (twenty four) months Study Leave with leave salary is admissible if duly certified to be in the interest of public service on completion of 5 years' service by the Government employee.

9. Leave Encashment Benefits: Provisions regarding Leave Encashment are as follows:-
(i) Cash payment of unutilized Earned Leave is admissible for 300 days at the time of retirement for all Government employees other than those serving in vacation department;

