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GOVERNMENT OF TAMIL NADU.

ABSTRACT.

Tamil Nadu Leave Rules - Earned Leave - Counting of Earned Leave on Government of India's pattern - Advance crediting of Earned Leave twice a year - Orders Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (PR.III) DEPARTMENT.
(2)
G.O.Ms.No. 157

Dated : 24.6.1994.

Aani 10, Bhava

Thiruvalluvar Aandu 2025.

ORDER:

According to Rule 8 of Tamil Nadu Leave Rules, 1993, a permanent Government servant in superior service shall earn leave at the rate of one-eleventh of the period spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 240 days.

2. According to Rule 20(i) of the above Rules a non-permanent Government servant (Probationer and Temporary) shall earn leave at the rate of one-twenty second of the period spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 30 days.

3. According to Rule 17(1) of the above Rules, a permanent Government servant in Basic Service who has not completed five years of regular service, earns leave at the rate of one-twenty second of the period spent on duty subject to a maximum of 60 days and one who has completed five years of regular service earns leave at the rate of one-eleventh of the period spent on duty subject to a maximum of 240 days. If a Government servant in Tamil Nadu Basic Service is an approved probationer, he shall earn leave as in sub-rule (1) of rule (17) and if he has not completed his probation, he shall earn leave at the rate of one-twenty-second of the period spent on duty subject to a maximum of thirty days. (Rule 20(ii) of TNLR).

4. The Government of India have been adopting a slightly different pattern. According to Rule 26(1)(a) of Central Civil Services Leave Rules, the leave account of every Government Servant (other than a military officer) who is serving in a Department other than a vacation Department, shall be credited with Earned Leave in advance, in two instalments of 15 days each on the first day of January and July of every calendar year and as per sub-rule (1)(b) of the above rule, the leave at the credit of a Government 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 does not exceed the maximum limit of 240 days. As per Rule 27 of CCS (Leave Rules) the earned leave is calculated as below:-

- (1) Earned leave shall be credited to the leave account of a Government servant at the rate of $2\frac{1}{2}$ 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.
- 2.(a) 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 $2\frac{1}{2}$ days per completed calendar month upto the date of retirement or resignation.
- (b) 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 $2\frac{1}{2}$ days per completed calendar month upto the end of the calendar month preceeding the calendar month in which he is removed or dismissed from service or dies in service.
- (3) If a Government servant has availed of extraordinary leave and/or if some period of absence has been treated as dies-non 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 $1/10$ th of the period of such leave and/or dies-non subject to a maximum of 15 days., and
- (4) While affording credit of earned leave, fraction of a day shall be rounded off to the nearest day.
- (5) The question of applying the provisions relating to advance crediting of earned leave to the employees of this Government has been engaging the attention of this Government for quite some time.
- (6) After careful consideration, the Government has decided to follow the pattern adopted by the Government of India they accordingly issue the following orders:
 - (i) The leave account of every permanent Government servant who is serving in a department other than the Vacation Department shall be credited with earned leave, in advance, in two instalments of 15 days each on the first-day of January and first day of July of every calendar year.

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- (ii) The leave at the credit of a permanent Government 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 due for the forth coming half-year do not exceed the maximum limit of 240 days.
- (iii) Earned leave shall be credited to the leave account of a permanent Government servant at the rate of $2\frac{1}{2}$ 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.
- (iv) The credit for the half-year in which a permanent Government servant is due to retire or resigns from the service shall be afforded only at the rate of $2\frac{1}{2}$ days per. completed calendar month upto the date of retirement or resignation.
- (v) When a permanent Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of $2\frac{1}{2}$ days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.
- (vi) If a permanent Government servant has availed of extraordinary leave (with or without Medical Certificate) and/or some period of absence has been treated as dies-non 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 $1/10$ th of the period of such leave and/or dies-non, subject to a maximum of 15 days.
- (vii) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.
- (viii) In the case of non-permanent Government servant, (Probationer and Temporary), earned leave shall be credited to the leave account at the rate of $2\frac{1}{2}$ days for every two completed calendar months of service which he is likely to render in a half-year of the calendar year, subject to a maximum of 30 days.
- (ix) A Government servant in Basic Service shall be entitled for advance credit of earned leave as ordered in item (i) above after completion of 5 years of regular service. Those who have put in less than 5 years of regular service shall be governed by the provision under item (viii) above.

- (x) If a Government servant is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half-year, provided the authority competent to grant leave has reason to believe that the Government servant will return to duty on expiry of leave.
- (xi) Where the earned leave at the credit of Government servant as on the last day of December or June is 240 days or less but more than 225 days, the advance credit of 15 days earned leave on the first day of January or July to be afforded shall, instead of being credited in the leave account, be kept separately and first adjusted against the earned leave that the Government servant takes on surrenders, during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 240 days.
- (xii) In respect of existing incumbents, the earned leave shall be worked out at 1/11th or 1/22nd of duty period as the case may be upto 30.6.94 and the balance number of days shall lapse.
7. These orders shall take effect from 1st July 1994.
8. Necessary amendments to Tamil Nadu Leave Rules, 19 will be issued separately.

/BY ORDER OF THE GOVERNOR/

Sd/- M. AHMED,
SECRETARY TO GOVERNMENT.

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(R. O. C. No. 5206/94/G2)

P. D19.No. 53/1994.

Copy communicated for information and necessary further action.

HIGH COURT, MADRAS.
DATED: 5-7-1994.

ADMINISTRATIVE OFFICER (A/C)
(in-charge)

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2. All the Chief Judicial Magistrates.
3. All Law Officers including the Administrator-General and Official Trustee and the Official Assignee, Madras.
4. The Presiding Officers of Labour Courts at Madras, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Vellore & Cuddalore.
5. The Presiding Officers of City Courts, Madras.
6. The District Judge, Private Colleges Appellate Tribunal, Madras.
7. The Industrial Tribunal, Madras.
8. The Special Tribunal for Co-operative Cases at Madras and Madurai.
9. The State Transport Appellate Tribunal, Madras.
10. The Chairman and Judicial Member, Sales Tax Appellate Tribunal, Madras.
11. The Judicial Member, Sales Tax Appellate Tribunal, (Addl. Bench), Coimbatore and Madurai.
12. The Presiding Officer, Special Court for Essential Commodities Act, Madras, Coimbatore, Salem, Madurai, Thanjavur and Pudukottai.
13. The Presiding Judge, Designated Court under TADA Act, Poonamallee.

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