

No. 34/2/9-IH(7)-2013/
Chandigarh Administration
Department of Personnel

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Chandigarh, dated the

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-7 JUN 2013

To

All the Administrative Secretaries,
Head. of Departments/Offices/
Boards/Corporations,
Chandigarh Administration.

**Subject: Consolidated instructions relating to action warranted
against Government servants remaining away from duty
without authorisation/grant of leave-Rule position.**

Sir/Madam,

I am directed to address you on the subject noted above and to enclose herewith a copy of letter No. 13026/3/2012-Estt(Leave) dated 28.03.2013 from the Deputy Secretary, Government of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, New Delhi, which is self-explanatory and the same is applicable to the Central Government/All India Services officers working in the Chandigarh Administration. You are requested to kindly bring the contents of the above communication to the notice of all concerned officials/officers working under your control for information and necessary action.

Yours faithfully,

Amrita Baur
Superintendent Personnel,
Chandigarh Administration.

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH

(Hospital Building), Sector 32-B, Chandigarh-160030 (Ph: 0172-2665253-59, Fax: 0172-2609360)

ESTABLISHMENT BRANCH-IV

Endst. No. GMCH-E-IV-EA-1(24/3)-2013/

Dated, Chandigarh the

17 JUN 2013
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A copy is forwarded to the Computer Programmer, GMCH-32, Chandigarh with a request to e-mail the same to Office Superintendents / Estt.-I, II, III, HA-I & HA-II, GMCH - 32, Chandigarh for information and necessary action at their end.

Office Superintendent (Est. IV)

Centr

No. 13026/3/2012-Estt (Leave)

Government of India

Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

Name & Branch

Dy. No.

Dated..

311 (908)
15/04/13

Adviser to the

No.

Dated..

1287

12-4-13

New Delhi, the 28th March, 2013.

RAJ BHAWAN PUNJAB

Diary No.

Date..

164 (908)
9.4.13OFFICE MEMORANDUM

Subject:- Consolidated instructions relating to action warranted against Government servants remaining away from duty without authorisation/grant of leave – Rule position

The undersigned is directed to say that various references are being received from Ministries/Departments seeking advice/post facto regularisation of unauthorised absence. It has been observed that due seriousness is not being accorded by the administrative authorities to the various rule provisions, inter alia under the CCS(Leave) Rules, 1972, for taking immediate and appropriate action against Government servants staying away from duty without prior sanction of leave or overstaying the periods of sanctioned leave. It is reiterated that such absence is unauthorised and warrants prompt and stringent action as per rules. It has been observed that concerned administrative authorities do not follow the prescribed procedure for dealing with such unauthorised absence.

2. In view of this, attention of all Ministries/Departments is invited to the various provisions of the relevant rules, as indicated in the following paragraphs for strict adherence in situations of unauthorised absence of Government servants. It is also suggested that these provisions may be brought to the notice of all the employees so as to highlight the consequences which may visit if a Government servant is on unauthorised absence. The present OM intends to provide ready reference points in respect of the relevant provisions, hence it is advised that the relevant rules, as are being cited below, are referred to by the competent authorities for appropriate and judicious application. The relevant provisions which may be kept in mind while considering such cases are indicated as follows:

(a) Proviso to FR 17(1)

The said provision stipulates that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

(b) FR 17-A

The said provision inter alia provides that where an individual employee remains absent unauthorisedly or deserts the post, the period of such absence shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession and eligibility for appearing in departmental examinations, for which a minimum period of service is required.

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(c) Rule 25 of the CCS (Leave) Rules, 1972

The said provision addresses the situation where an employee overstays beyond the sanctioned leave of the kind due and admissible, and the competent authority has not approved such extension. The consequences that flow from such refusal of extension of leave include that:

- i the Government servant shall not be entitled to any leave salary for such absence;
- ii the period shall be debited against his leave account as though it were half pay leave to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave
- iii wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

With respect to (iii) above, it may be stated that all Ministries/ Departments are requested to ensure that in all cases of unauthorised absence by a Government servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately/ within a specified period, say within three days, failing which he would be liable for disciplinary action under CCS (CCA) Rules, 1965. It may be stressed that a Government servant who remains absent without any authority should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed under the various provisions of CCS (Leave) Rules, 1972 and the disciplinary case should be conducted and concluded as quickly as possible.

(d) Rule 32(6) of the CCS (Leave) Rules, 1972

This provision allows the authority competent to grant leave, to commute retrospectively periods of absence without leave into extraordinary leave under Rule 32(6) of CCS (Leave) Rules, 1972. A similar provision also exists under rule 27(2) of the CCS (Pension) Rules, 1972. It may please be ensured that discretion allowed under these provisions is exercised judiciously, keeping in view the circumstances and merits of each individual case. The period of absence so regularised by grant of extra ordinary leave shall normally not count for the purpose of increments and for the said purpose it shall be regulated by provisions of FR 26(b) (ii).

3. All Ministries/ Departments should initiate appropriate action against delinquent Government servants as per rules.

4. Hindi version will follow.

(Mukesh Chaturvedi)

Deputy Secretary to the Govt. of India

To : All Ministries/ Departments of the Government of India etc. (As per standard mailing list)