

CHAPTER : 14 – LEAVE MATTERS

(14.1)

**Government of Nagaland
(Home Department)
Administrative Reforms (O&M) Branch**

NO.AR-13/14/75

Dated Kohima, the 29th Oct, 1975.

OFFICE MEMORANDUM

SUB:- GRANT OF EARNED LEAVE.

It has come to the notice of the Govt. that the Gazetted Government Servants submit application for Earned Leave in most cases immediately before the date they like to proceed on leave and the Administrative Departments sanction the leave subject to admissibility of leave. This practice has resulted in grant of leave in some cases where no leave was due to the Government servants.

1. To avoid this anomalous situation, the undersigned is directed to request the Administrative Departments to ensure that earned leave is granted to the Gazetted Govt. servants under their control after obtaining leave admissibility report from the Accountant General, Nagaland who maintains the leave accounts of the gazetted govt. servants. The gazetted Govt. Servants may also be instructed to submit the leave application at least fifteen days before the date of availing of the leave so that there is no difficulty in obtaining leave admissibility report from the Accountant General in time. In cases where a Government Servants cannot give 15 days' notice to the leave sanctioning authority due to unforeseen reasons for which leave is needed, the leave sanctioning authority may grant him leave upto $\frac{3}{4}$ of the leave admissible after calculating the amount of leave the gazetted government servant has earned after his return from the last leave and need not wait for the leave admissibility report from the Accountant General.
2. The above procedure should be followed, mutatis mutandis, in cases of grant of earned leave to the non-gazetted government servants also. Since the leave account of such Government servants are maintained by the Heads of Departments/Heads of offices, there should be no difficulty in granting of leave after verifying the leave accounts of the Government servants. They are, therefore requested to ensure that the leave accounts of their staff are properly maintained and always kept upto date and that past records are complete and correct.
3. The receipt of this Office Memorandum may kindly be acknowledged.

Sd/- K.S. PURI
Secretary to the Govt. of Nagaland.

(14.2)

**Government of Nagaland
Home Department
Secretariat Administrative Branch**

OFFICE MEMORANDUM

No. SAB-7/8/76

Dated Kohima, the 11th Oct, 1986.

It has come to the notice of this Department that the staffs of the Nagaland Civil Secretariat are the habit of over staying while on earned leave, commuted leave or casual leave without seeking approval of the competent authorised absence action expiry of leave of any kind is an unauthorised absence which amounts to misconduct on the part of a Government Servant.

The undersigned is therefore, directed to say that henceforth the period of absence after expiry of sanctioned leave will not be regularized by grant of extension of leave if prior intimation is not sent by the officials giving reason for extension of leave. They are, therefore, directed to seek approval of the competent authority for grant of extension of leave giving the ground in which the extension is sought. If it is on health ground, this should be supported by a medical certificate from an authorised Medical practitioner. Further while proceeding on leave the Government Servants should give their full address in the leave application if he intend spending the leave outside the Headquarters. Keys to almirahs should also be handed over to concerned Secretaries. Senior most section officer before proceeding on leave for leave overstayed without prior intimation or in confirmative with above direction shall be liable to be treated as Extra-Ordinary Leave.

The contents of this O.M. may kindly be brought to the notice of all concerned.

Sd/- LALHUMA

Secretary to the Govt. of Nagaland (Home)

(14.3)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

OFFICE MEMORANDUM

NO.AR-2/1/87

Dated Kohima, the 4th December, 1997.

Sub:- Changed procedure for grant of study leave to regular government officials who have previously been on contract service.

1. At present, study leave is being considered only for those Government officials who have put in 5 years or more of regular service. In calculating this period of regular service, the period of contract service is not being counted.

2. It may be pointed out that extended period of service on contract is not a normal situation envisaged under the rules. In fact orders had been issued from time to time by the State Government to avoid contract appointments & instead to go in for regular appointments by following the laid down procedure. However, contract appointments for extended periods had continued in many cases. Consequently, officials since regularised with a number of years of contract service to their credit but with the period of regular service presently less than 5 years, are ineligible for study leave.

3. It has therefore been decided to change, with immediate effect, the procedure for grant of study leave for such officials, and to count the period of their contract service while considering their applications for grant of study leave.

4. Counting of the period of contract service would however be subject to contract service being followed immediately by regular service without a break, i.e., any break in service in between would not enable this benefit to be claimed. Similarly, officials on only contract service would not get this benefit (the reason being that as per the study leave rules, study leave is granted to a Government official with the ultimate objective that it will be of benefit to the Government, and for this purpose, the official has to be a regular and not a temporary i.e. contract Government official, whose service can be terminated at any stage). It is also clarified that for calculating the period of service for grant of study leave, even those cases can be considered where the period of regular service is only one day, as long as the total period of (contract followed immediately by regular) service is five years or more.

5. The above is being brought to the notice of all Departments so that they can henceforth deal with study leave applications as per the revised procedure given above. All Departments are also requested to make the changed procedure known amongst all their offices, including the District Offices, since as contract service has not been counted in the past, individual officials may not even apply for grant of study leave, unless they are made aware of the changed approach.

Sd/- ANIL KUMAR

Commissioner & Secretary to the Govt. of Nagaland

(14.4)

**Government of Nagaland
Health and Family Welfare Department**

NOTIFICATION

Dated, Kohima, the 29th March' 2001.

NO.MED-9/AE/1/99(A):: In pursuance of Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training Office Memorandum NO.13023/17/87-ESTT.(L) Dated 31-8-90 and letter NO.13023/1/98-Estt.(L) dated 25-9-98, the Governor of Nagaland is pleased to enhance the period/duration of study leave from 24 months (2 yrs) to 36 months (3 yrs) to Doctors pursuing Post Graduate course in the field of Medicines with effect from academic year, 1993.

2. This issues with clearance of P & AR Department. vide U.O.NO.79 dated 14-2-2001.

Sd/- V.SAKHRIE

Secretary to the Govt. of Nagaland

(14.5)

NO.11020/02/2003-AIS-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, Dated 14th June, 2004.

To,

The Chief Secretaries of all the State Governments/Union Territories.

Sub:- Grant of Leave for the purpose of study within India under Regulation 3 (4) (ii) of the IAS (Study leave) Regulations, 1960.

Sir,

This Department has been receiving proposals wherein the State Government as well as Ministries of the Central Government have been recommending grant of study leave or other kind of Leave for the purpose of study even incase of those members of the All India Services who will complete 30 years of qualifying service or attain 50 years of age within three years of the date on which they are expected to return to duty after the expiry of the leave.

1. It has, therefore, been decided that the upper age limit as prescribed in Regulation 3 (4) (ii) of the AIS (Study Leave) Regulations, 1960 may be relaxed and Study Leave may be granted to a member of the service who is not due to reach the age of superannuation from Government service within three years from the date on which he is expected to return to duty after the expiry of leave as per provisions of amendment to the regulations (copy enclosed)
2. It has now been decided that the Central Ministries/State Governments should follow the following executive instructions delegating powers for waiver of upper age limit for grant of study leave to Members of All India Service within the country: -
“The powers of waiver of upper age limit for grant of study leave within the country is delegated to the State Governments and to the Ministries/Departments with the concurrence of the State Government, subject to provisions of the AIS (Study Leave) Regulations, 1960 and guidelines for tenure and cooling off prescribed by the EO Division of DOPT from time to time’.
3. It is requested that the aforementioned instructions may please be brought the notice of all Members of the All India Services working in the Central Ministries/ State Governments.

Yours faithfully,

Sd/- AQEEL AHMAD

Deputy Secretary the Government of India

(14.6)

**Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)**

OFFICE MEMORANDUM

NO. AR -2/1/87

/// Dated Kohima, the 9th December, 2009.

Sub: - Relaxation for granting Study-Leave to Government servants

In the interest of public service, the Governor of Nagaland is pleased to relax the eligibility for grant of Study-Leave of the State Government employees from the existing *5 (five) years continuous service* to *2 (two) years continuous service*. This relaxation is subject to the fulfillment of all other existing criteria as stipulated under Rule 50(5) of the Central Civil Services (Leave) Rules, 1972.

Sd/- LALTHARA

Chief Secretary to the Govt. of Nagaland

(14.7)

**No.13026/4/2012-Estt.(Lt)
Bharat Sarkar/ Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training**

New Delhi, the 18th February, 2014

OFFICE MEMORANDUM

Sub: Execution of Bond for availing Study Leave under Rule 53(4) of the CCS (Leave) Rules 1972- regarding.

The undersigned is directed to state that the Government servants are allowed to avail "Study Leave" in terms of the provisions of Rules 50-63 of the CCS (Leave) Rules, 1972. The provisions of Rule 53(4) mandates for execution of a bond by the Government Servant who is granted such leave in the relevant format prescribed for the said purpose i.e., Forms 7-10 of the CCS (Leave) Rules, 1972.

2. The said Bond executed by the Government servant requires putting in specified period of service after expiry of the Study Leave as prescribed by provisions of Rule 50(5) of the said rules.

3. It has come to the notice of this Department that the provisions of the aforesaid bond are being circumvented and officers who have availed Study Leave proceed on prolonged spells of leave due and admissible to them and thus do not put in active service for the requisite period as indicated in the bond executed by them.

4. In view of the above position, the provision of the prescribed format of the Bond have been reviewed in consultation with the Department of Legal Affairs and it has been decided that the prescribed forms 7, 8, 9 and 10 of the CCS (Leave) Rules, 1972 may be revised by incorporating a specific clause confirming commitment of the Government Servant to put in requisite active service after expiry of the Study Leave. The copies of the revised formats are enclosed herewith. The grant of Study Leave shall continue to be regulated in terms of the relevant provisions of the rules as indicated in Para 1 above, Ministry of Home Affairs, etc are requested to ensure that the necessary Bond in respect of grant of Study Leave under the CSS (Leave) Rules, 1972 may henceforth be obtained in the revised formats.

5. These orders are being issued after consultation with the C&AG of India in respect of persons serving in the Indian Audit & Accounts Department.

6. Formal amendments to CSS (Leave) Rules, 1972 are being issued separately.

Sd/-Mukul Ratra
Director (L&A)

(14.8)

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

OFFICE MEMORANDUM

No. AR-3/Gen-204/2009

Dated, Kohima, the 17th June, 2014

Sub:- Review of granting incentives to Government employees who acquire higher qualification by availing Study Leave.

1. Presently, the State Government employees who have put in 2(two) years or more in service are granted study leave as per Central Service Study Leave Rules, 1972 and amended from time to time. And on acquiring higher qualification they are given increments based on their respective Departmental Service Rules, which vary from 1(one) increment to 6(six) increments. Now, the Government of India has issued a notification stipulating that in lieu of increments, some incentives will be given to the employees. As per FR 27(16) government employees who acquire higher qualification by availing study leave will also not be eligible for grant of any incentive.

2. The State Government has now decided to discontinue grant of incentives to the State Government employees who acquire higher qualification by availing Study Leaves. The lumpsum incentive in replacement of the existing increment will now be given to the employees as per provision in the FR 27(16). All the Departments are, therefore, requested to convert the existing increment-based incentive already incorporated in their Service Rules into one time lumpsum incentive as detailed below with immediate effect. This amount will be reviewed as and when the Government of India modifies it.

- (i) One increment : Rs 2,000/- (minimum)
- (ii) Two increments : Rs 4,000/-
- (iii) Three increments : Rs 6,000/-
- (iv) Four increments : Rs 8,000/-
- (v) Five & Six increments : Rs 10,000/- (maximum)

3. The following provisions for guiding the principle of incentives are as follows:

- (i) The incentive will not be available for the qualifications which are laid down as essential or desirable qualifications in the Recruitment Rules for the post. No incentive shall be allowed for acquiring higher education purely of an academic or literary subject. Incentive should be considered only, if the higher qualification will make the official more effective in the present or next higher assignment. Incentives need not be considered for qualifications like MBA or Degree in Humanities.
- (ii) The incentive will not be admissible where the government servant is sponsored by the government or he/she avails of study leave for acquiring the qualification. No stepping up of pay shall be allowed in the case of juniors by virtue of drawing more pay under the scheme of advance increments.
- (iii) The acquisition of the qualifications should be directly related to the functions of the post by him/her or to the functions to be performed in the next higher post. No incentive would be admissible if an appointment is made in relaxation of the educational qualification. No incentive would be admissible if employee acquires the requisite qualification for such appointment at a later date.

4. Any clarification arising out of the provisions of this scheme may be referred to the P&AR Department for decision of the Government. Further, the existing procedure for sending the file to the P&AR Department for granting of Study Leave to the government employees would still continue. Any Department to consider extension of the incentive scheme to qualifications other than those listed in the respective Service Rules should be done only with the prior approval of the P&AR Department.

Sd/- C.J. PONRAJ

Addl. Chief Secretary to the Govt. of Nagaland.