

**GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE**

THE PUNJAB CIVIL SERVICES RULES

Volume I

**Rules relating to Pay and Allowances, Leave, Joining Time and
other General Conditions of Services**



PART I – MAIN RULES

(Revised Edition)

(As amended upto 31st January, 2016)

Issued by the authority of Government of Punjab, Department of Finance

CHANDIGARH

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Preface to the Revised Edition

This edition of the Punjab Civil Services Rules, Volume I, Part I incorporates all amendments made upto the 31st January, 2016.

2. Suggestions for making corrections and improvements may kindly be forwarded to the Department of Finance.

Dated Chandigarh,
The 18th February, 2016.

D. P. REDDY,
Additional Chief Secretary,
Government of Punjab,
Department of Finance.

PREFACE

This edition of the Punjab Civil Services Rules, Volume I, Part I incorporates all amendments made up to the 31st March, 1984.

2. Suggestions for making corrections and improvements may kindly be forwarded to the Department of Finance.

DATED CHANDIGARH
THE 15TH MAY, 1984.

G. BALA KRISHNAN,
SECRETARY TO THE GOVERNMENT OF
PUNJAB, DEPARTMENT OF FINANCE.

PREFACE

This is an up-to-date compilation of the Punjab C.S.R. Volume I. All the corrections and amendments made to the various rules up to 1st August 1976 have been incorporated in it and the old leave rules which have become obsolete have been omitted. The policy instructions issued during the last fifteen years regarding the terms of deputation on foreign service etc. have been codified and included in Chapter X. Changes, where required, due to Re-organisation of Punjab, upon the re-designation of posts, revision of the pay scales and replacement of old major Heads of Accounts with the adoption of new budgetary procedure have been suitably incorporated.

2. Suggestions for making this edition more useful, for correction of errors and supplying of omissions, if any, may be sent to the Finance Department.

S.P. BAGLA,
Commissioner for Finance &
Secretary to Government, Punjab,
Finance Department.

PREFACE TO THE FIRST EDITION

The Punjab Civil Services Rules, issued in exercise of the powers conferred by the proviso to article 309 of the Constitution of India, are contained in three volumes:

- (1) Volume I contains rules relating to pay and allowances, leave, passages and other general conditions of service.
- (2) Volume II contains rules relating to pensions and provident funds.
- (3) Volume III contains rules relating to travelling allowances.

Volume I has been further divided into two parts-Part I, covering the main rules, and Part II, the appendices and forms.

2. These rules will apply in respect of Government employees belonging to the categories mentioned at rule 1.2, from the date of issue of this publication.

3. In so far as the Government employees, whose conditions of service are regulated by the rules issued by the late Secretary of State under Government of India Act, 1935 are concerned, the Fundamental Rules, as amended by the President of India, from time to time, will continue to apply. These rules are contained in the Punjab Government Compilation of the Fundamental Rules and the Subsidiary Rules. These rules also do not apply to members of the I.A.S. and I.P.S. serving under the Punjab Government. They will be governed by the rules issued by the President of India in this behalf.

4. The rules in this Volume are based mainly on the existing rules and orders contained in Civil Services Rules (Punjab), Volume I, Part I-Main Rules (First Edition) –1941, modified in the background of the changes resulting from the partition of the Punjab and Constitutional requirements. To avoid over-lapping, Chapters XV and XVI of the Edition referred to above, containing the “Assent” and “Delegation Orders” issued under the various rules, have been brought together in Chapter XV. The Punishment and Appeal Rules, previously contained in Section III of Chapter XIV, are now in the form of an appendix in Part II to this Volume.

5. Correction slips and amendments issued to the various rules upto 31st March 1953, have been included. Amendments notified subsequently may be taken as modifying the corresponding rules in this Volume. They will be re-issued in due course, as correction slips to this Volume.

6. The opportunity has also been taken to include important orders relating to interpretation of rules, in the form of “Notes” or “Illustrations” below the relevant rule.

7. The forms which have been adopted in the rules in this Volume have been given a separate new “Pb. C.S.R.” (Abbreviation for Punjab Civil Services Rules) Series. These will be found in Part II of this Volume.

8. All Government employees who notice any errors or omissions in these rules, are requested to bring them to the notice of their Heads of Departments, who will please submit their proposal to the Finance Department, through the Administrative Department concerned.

E.N. MANGAT RAI,
Secretary to Government, Punjab,
Finance Department.

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THE PUNJAB CIVIL SERVICES RULES

VOLUME I PART I

CHAPTER I

EXTENT OF APPLICATION

1.1. These rules, which have been issued by the Governor of Punjab, under proviso to Article 309 of the Constitution of India (see Appendix 1), may be called the Punjab Civil Services Rules. They shall come into force from the 1st April, 1953.

1.2. (1) Except as otherwise provided in rule 1.4 infra or in any other rule or rules these rules shall apply to all Government employees belonging to the categories mentioned below, who are under the administrative control of the Punjab Government and whose pay is debitible to the Consolidated Fund of the State of Punjab:

- (1) Members of State Services, Group 'A' and Group 'B';
- (2) Members of State Services, Group 'C';
- (3) Members of State Services, Group 'D';
- (4) Holders of Special Posts; and
- (5) any other Government employee or class of Government employees to whom the competent authority may, by general or special order, make them applicable:

Provided that the rules in Part I-Pensions and the Punjab General Provident Fund Rules contained in Volume-II of these rules called the Punjab Civil Services Rules, Volume-II shall not apply to the Government employees who are appointed to the posts mentioned in categories (1) to (5) above on or after the 1st January, 2004. They shall be covered by new 'Defined Contributory Pension Scheme' to be notified by the State Government.

Note 1.—Unless stated to the contrary in any rule or rules or the contrary is apparent from the context, the term "Government employee" includes also a temporary or an officiating Government employee.

Note 2.—The Speaker of the Legislative Assembly has agreed under Article 187 (3) of the Constitution that until a law is made by the Legislature of the State under Article 187 (3) of the Constitution or rules are framed by the Governor in consultation with the Speaker of the Legislative Assembly under clause (3) of Article 187 of Constitution of India, these rules and amendments thereto, if any (after prior consent of the Speaker), shall apply to the Secretariat staff of the Punjab Legislative Assembly.

Note 3.—The Chief Justice of the Punjab High Court has agreed to the application of these rules as amended from time to time in case of officers and employees of the Punjab High Court.

Note 4.—The Chairman, Punjab Public Service Commission has agreed to the application of these rules as amended from time to time, in the case of officers and employees of the Punjab Public Service Commission.

(2) Government employees to whom these rules apply shall continue to be governed by these rules while on temporary transfer to another state Government or Central Government or while on foreign service within India, unless it be otherwise provided in these rules. In the case of Government employees on foreign service outside India (including service with United Nations Agencies within or outside India) or on temporary transfer to the Armed forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

1.3. When in the opinion of the competent authority, special provisions inconsistent with these rules are required with reference to any particular post or any conditions of service, that authority may, notwithstanding anything otherwise contained in these rules, and subject to the provisions of clause (2) of Article 310 of the Constitution of India (see Appendix 1), provide agreement with the person appointed to such post for any matters in respect of which in the opinion of that authority special provisions are required to be made: Provided that in every agreement so made it shall be provided that in respect of any matter for which no provision has been made in the agreement, provisions of these rules shall apply.

1.4. These rules shall not apply to –

- (i) any Government employee between whom and the Government, a specific contract or agreement subsists in respect of any matter dealt with herein to the extent upto which specific provision is made in the contract or agreement (see rule 1.3 above);
- (ii) any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force; and
- (iii) any Government employee or class of Government employees to whom the competent authority may, by general or special order, direct that they shall not apply in whole or in part. One of such classes of Government employees is that employed only occasionally or which is subject to discharge at one month's notice or less. A list of such Government employees is given in Appendix 2.

Note.—Model form of agreement for use in the case of Government employees engaged on contract is given in Form Pb. C.S.R. No.1.

1.5. If any doubt arises as to whether these rules apply to any person or not, the decision shall lie with the competent authority.

1.6. Nothing in these rules shall operate to deprive any person of any right or privilege to which he is entitled by or under any law or by the terms of his agreement.

1.7. Unless otherwise provided in any rule or rules, a Government employee's claim to pay and allowances shall be regulated by the rules in force at the time in respect of which the pay and allowances are earned, to traveling allowance by the rules in force at the time the journeys in respect of which they are made are undertaken, to leave by the rules applicable to him at the time the leave is applied for and granted; and to pension by the rules in force applicable to him at the time when the Government employee retires or is discharged from the service of Government. See also rule 1.1 (b) of Volume II of these rules.

1.8. The power of interpreting, changing and relaxing these rules is vested in the Department of Finance.

Note 1.—Communications regarding the interpretation and alteration of these rules should be addressed to the Department of Finance through the Administrative Department concerned.

Note 2.—Where the Department of Finance is satisfied that the operation of any of these rules regulating the conditions of service of State Government employees or any class of such Government employees, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

The expression 'State Government employees' means all persons whose conditions of service may be regulated by rules made by the Governor of Punjab under the proviso to Article 309 of the Constitution.

CHAPTER II

DEFINITIONS

2.1. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in these rules in the sense here explained.

2.2. Accountant-General means the head of the office of audit and accounts subordinate to the Comptroller and Auditor General of India, who keeps the accounts of the Punjab State and exercises audit functions in relation to those accounts on behalf of the Comptroller and Auditor-General of India.

Note.—This definition covers also the term “Audit Officer”.

2.3. Active service for the purpose of pension, includes besides time spent on duty in India:—

- (i) Leave of all kinds except extraordinary leave other than that extraordinary leave counted towards increment under rule 4.9(b).
- (ii) Omitted.
- (iii) The period of absence from India of a Government employee deputed or detained out of India on duty.

Note.—Disability leave under rule 8.124 is included in “Active Service.”

2.4. Actual Traveling expenses means the actual cost of transporting a Government employee with his domestic servants and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if such is necessary. It does not include charges for hotels or travellers’ bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional domestic servants and the like.

2.5. Age.—The day on which a Government employee retires or is retired or is discharged or is allowed to resign from service as the case may be, shall be treated as his last working day. The date of death shall also be treated as working day:

Provided that in the case of a Government employee who is retired prematurely or who retires voluntarily under sub-rule (1) or sub-rule (2) of rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975, as the case may be, the date of retirement shall be treated as a non working day.

Note 1.—Every person newly appointed to a service or a post under Government should at the time of appointment, be asked to produce birth certificate issued by the Registrar, Birth and Deaths, and in the absence of such a certificate, he should furnish either an attested copy of Matriculation Certificate or an affidavit in proof of correctness of the date of birth. The

actual date or the assumed date determined under Note 2 below should be recorded in the History of Service, Service Book, or any other record that may be kept in respect of the Government Employee's service under Government and once recorded, it cannot be altered except in the case of clerical error, without the previous orders of Government (see also Annexure 'A' to this Chapter).

Note 2.—(a) If a Government employee is only unable to state his exact date of birth but can state the year or year and month of birth, 1st July, or the 16th of the month respectively may be treated as the date of his birth.

(b) If a Government employee is only able to state his approximate age, his date of birth, may be assumed to be corresponding date after deducing the number of years representing his age from his date of appointment.

(c) When a Government employee who first entered as a military employee is subsequently employed in a Civil Department, the date of birth for Civil employment should be the date stated by him at the time of attestation or if at the time of attestation he stated only his age, the date of birth should be deduced with reference to that age, according to the method indicated in sub-para (b) above.

Note 3.—The date of birth given by an employee, in his application form, submitted to a recruiting agency *viz.*, the Punjab Public Service Commission or the Punjab Subordinate Services Selection Board or the Departmental Selection Committee as the case may be, shall be treated as final and no change in it shall be allowed after entry into Government service.

For administrative instructions in respect of alterations in the date of birth, see Annexure 'A' to this Chapter.

2.6. Apprentice means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from the Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department.

2.7. Omitted.

2.8. Omitted.

2.9. Cadre means the strength of a service or a part of a service sanctioned as a separate unit.

2.10. Camp equipage means the apparatus for moving a camp.

Note.—“Camp equipage” is essentially different from “Camp equipment”. The latter form includes everything necessary to a Government employee to enable him to live in a Camp.

2.11. Camp equipment means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of the public service for a Government employee to take with him on tour.

2.12. Omitted.

2.13. Compensatory allowance means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes traveling allowance, dearness allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

Note.— See the explanation and note 1 under rule 2.52.

2.14. Competent authority in relation to the exercise of any power means the Administrative Department concerned of Government acting in consultation with the Department of Finance, or any other authority to which such power may be delegated by or under these rules. A list of authorities which exercise the powers of a competent authority under the various rules is given in Chapter XV.

Note.— Omitted.

2.15. Day means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours, shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

2.16. Duty (a) Duty includes: —

(1) service as a probationer or apprentice, provided that service as a probationer is followed by confirmation; provided further that, in the case of apprentice, on confirmation either in the post for which he was undergoing apprenticeship or in any other post, he cannot count his apprentice period for leave as if it had been service rendered substantively in a permanent post.

(2) Joining time; and

(b) A Government employee is also treated as on duty under the circumstances specified in the schedule to this Chapter (See pages 16 to 19).

Note.—No leave of any kind can be treated as duty for the purpose of any rule unless the contrary is expressly stated therein.

2.17. Family means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step children residing with and wholly dependent upon the Government employee. Except in rules 2.59, 2.82, 2.83, 2.86 and 2.87 of the Punjab Civil Services Rules, Volume III (Travelling Allowance Rules), it includes in addition parents, sisters and minor brothers, if residing with and wholly dependent upon the Government employee and also the widowed sisters residing with and wholly dependent upon the Government

employee: provided their father is either not alive or is himself wholly dependent on the Government employee.

Note 1.—The term “legitimate children” in this rule does not include adopted children except those adopted under the Hindu Law.

Note 2.—The term “child” or “children” used in this rule includes major sons and married daughters including widowed daughters so long as they are residing with and wholly dependent on the Government employee.

Note 3.—Not more than one wife is included in the term family for the purpose of these rules.

Note 4.—An adopted child shall be considered to be a legitimate child, if under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 5.—A person in receipt of a gross pension not exceeding the prescribed minimum pension of Rs. 3500 per mensem plus dearness relief thereon, but otherwise dependent on and residing with the Government employee, shall be considered a member of his/her family for the purposes of rules 5.3 and 5.5 of these rules.

2.18. Fee means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State (including the Punjab State), or the Consolidated Fund of a Union Territory whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include: –

- (a) unearned income such as income from property; dividends, and interest on securities; and
- (b) income from literary, cultural artistic, scientific or technological efforts and income from participation in sports activities as amateur.

2.19. Department of Finance means the Department of Finance of the Punjab Government.

2.20. First appointment includes the appointment of a person not at the time holding any appointment under Government, even though he may have previously held such an appointment.

2.20-A. Omitted.

2.21. Foreign service means service in which a Government employee receives his pay with the sanction of Government from any source other than the revenues of the Union or State Government or a Union Territory.

2.22. Omitted.

2.23. General revenues include the revenues of the Union Government or of State Government and exclude the revenues of a Local Fund.

2.24. Government means the Punjab Government in the Administrative Department.

2.25. Head of Department means the authority shown in column 5 of Appendix-C to the Punjab Budget Manual in respect of the Government employees whose pay is charged to the corresponding head of account in column 2 of that Appendix, with the following exceptions:

- (1) Governor is Head of the Department with respect to himself and his personal staff.
- (2) Commissioners are Heads of Departments with respect to the Government employees other than the members of the Indian Administrative Service and the Punjab Civil Service whose pay is charged to the group heads "Commissioners" and "District Administration."
- (3) The Conservators of Forests are Heads of Departments for all ministerial Government employees, Forest Rangers, Deputy Rangers, Foresters, Forest Guards and Group 'D' Government employees and other employees serving in their circles.
- (4) Any other authority specially appointed by the competent authority to exercise the powers of a Head of Department.

2.26. Heads of Offices means the authorities defined as Disbursing Officers in rule 2.16 to the Punjab Budget Manual or any other Government employee declared to be the head of an office by competent authority.

2.27. The Headquarters of a Government employee are:—

- (a) if he is attached to the Secretariat offices of the Government; the headquarters for the time being of the Government; and
- (b) in other cases, the station which has been declared to be his headquarters by competent authority or, in the absence of such declaration, the station where the records of his office are kept.

2.28. Hill station means any place which a competent authority may declare to be a hill station.

2.29. Holiday means:–

- (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881; and
- (b) In relation to any particular office a day on which such office is ordered, by notification in the Gazette or otherwise to be closed for the transaction of Government business without reserve or qualification.

Note.—This term does not include “local holiday” which may be granted at the discretion of Head of Offices: provided there are no arrears of work, nor such merely discretionary holidays as the last Saturday of each month.

2.30. Honorarium means a recurring or non-recurring payment granted to a Government employee from the Consolidated Fund of India or the Consolidated Fund of a State (including the Punjab State) or the Consolidated Fund of a Union Territory as remuneration for special work of an occasional or intermittent character.

Note 1.—No honorarium should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the Government employees concerned.

Note 2.—It is one of the liabilities of Government employees to have to work outside office hours in exceptional times and circumstances. No honoraria should ordinarily be given on this account, but continuous working out of office hours may justify a claim to honoraria or to special pay.

Note 3.—No honoraria should be paid to Government employees for attending meetings of boards and committees financed wholly or partly from Government revenues.

Note 4.—No honorarium should be granted to Group ‘A’ and Group ‘B’ officers engaged on work in connection with the setting up of companies, corporations, etc. which forms a part of their normal duties even if they work beyond office hours.

2.31. Omitted.

2.32. Joining time means the time allowed to a Government employee in which to join a new post or to travel to or from a station to which he is posted.

2.33. ‘Leave on half pay’ means leave on salary equal to half pay, as regulated by rule 8.122.

2.34. Leave salary means the monthly amount paid by Government to a Government employee on leave as determined in Rule 8.122.

Note 1.—The leave salary of a military officer, who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he given up such quarter before going to leave, be calculated as though he had been drawing during the period of occupation, the lodging allowance to which he would otherwise have been entitled.

Note 2. Omitted.

Note 3. Omitted.

Note 4. Omitted.

Note 5. Omitted.

Note 6. Omitted.

Note 7. Omitted.

Note 8.—For interpretation of the expression ‘pay, which the Government employee would have drawn if on duty in India’, see note 4 below rule 6.2.

Note 9.—A Civil Officer undergoing military training is not a Military Officer as defined in rule 2.39. Consequently, in calculating leave salary in this case, the pay which he would have drawn during the period of training, had he not proceeded on training, should be taken into account. Similarly, a civil Government employee belonging to the Indian Army Reserve of Officers when called to Army Service or such a Government employee belonging to the Indian Territorial Force, while undergoing training with such a force is not a “Military Officer” as defined in rule 2.39 and in his case “pay” as defined in rule 2.44 (a) does not include ‘rank pay’ (received during the period of Service in the Army). In such cases, the pay which the Government employee would have received, if he had not been called to Army service and not the ‘rank pay’ actually drawn during that period should be taken into account for purposes of calculating leave salary under this rule.

Note 10.—Also see rule 8.122 and note thereunder.

2.35. Lien means the right or title of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence.

2.36. Local Fund means:—

- (a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters such as the sanctioning of their

budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

- (b) the revenues of any body which may be specially notified by the competent authority as such.

2.37. Omitted.

2.38. Military Commissioned Officer means a commissioned officer other than a departmental officer. It does not include a warrant officer.

2.39. Military officer means any officer falling within the definition of Military Commissioned Officer, or included in rule 2.38 above, or any warrant officer.

2.40. Ministerial employee means a Government employee belonging to State Service Group 'C', whose duties are entirely clerical and any other class of Government employees specially defined as such by general or special order of the competent authority.

Note.—Those members of Group 'B' service whose duties are predominantly clerical shall be classed as Ministerial employees for the purpose of this rule.

2.41. Month means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months should be calculated and the odd number of days added thereto. Illustrations;

- (a) to calculate 3 months and 20 days on and from the 25th January the following method should be adopted:—

	Y	M	D
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	<u>0</u>	<u>3</u>	<u>20</u>

- (b) the period commencing on 30th January and ending with the 2nd March, should be deemed as 1 month and 4 days as indicated below :—

	Y	M	D
30th January to 31st January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
	<u>0</u>	<u>1</u>	<u>4</u>

2.42. Officiate.—A Government employee officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority may, if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.

2.43. Omitted.

2.44. “pay” means—

(a) the basic pay, that is the amount drawn monthly by a Government employee in the scale of pay of the post held by him, or to which he is entitled by reason of his position in a cadre; and

(b) includes any other emoluments which may specifically be classed as part of pay by the competent authority.

2.45. Pension.—Except when the term, “pension” is used in contradistinction to “Gratuity”, pension includes Gratuity.

2.46. Permanent post means a post carrying a definite rate of pay and sanctioned without limit of time.

2.47. Personal pay means additional pay granted to a Government employee:—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

Note.—No case will be entertained which is not of an entirely exceptional character; and in submitting cases for the grant of personal pay, this should be carefully borne in mind.

2.48. Presumptive pay of a post.—When used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, on consideration of which the special pay was sanctioned.

2.49. Probationer means a Government employee employed on probation in or against a substantive vacancy in the cadre of a department. This term does not, however, cover a Government employee who holds substantively a permanent post in a cadre and is merely appointed “on probation” to another post.

Note 1.—The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

Note 2.—No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

Note 3.—The provisions of this rule and note 2 above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government employee should be regarded as a probationer, or so merely ‘on probation’ irrespective of whether he is already a permanent Government employee or is merely a Government employee without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post. There is nothing in this rule to prevent a Government employee substantive in one cadre from being appointed (either through selection by a departmental committee or as a result of competitive examinations through the Punjab Public Service Commission) as a probationer in or against a post born on another cadre, when definite conditions of probation such as the passing of departmental examinations are prescribed. In such a case the Government employee should be treated as a probationer and (subject to specific rules, if any, to the contrary) allowed only as initial and subsequent pay the rates of pay prescribed for the probationary period, irrespective of whether these rates are actually included in or shown separately from the time-scales of the services concerned. The case of Departmental candidates of the same department promoted by selection is, however, different. If the Department of the Government of Punjab concerned consider it expedient, these ‘promoted’ men may properly be put ‘on probation’ for a period to see if they make good in the actual work of the post to which they are promoted and have liens retained for them on their former posts meanwhile to provide for their possible reversion; whatever the departmental arrangements be to test their capacity etc., during the ‘on probation’ period their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

2.50. Public conveyance means a train, steamer or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of passengers. Cabs, cars and horses are not regarded as public conveyances.

2.51. Omitted.

2.52. Special pay means an addition, of the nature of pay, to the emoluments of a post or of Government employees, granted in consideration of:—

- (a) the specially arduous nature of duties;
- (b) a specific addition to the work or responsibility and includes non-practising allowance granted to doctors in lieu of private practice.

Explanation.—The circumstances which justify the grant to a Government employee of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference emphasised in the definition of

those terms embodied in rules 2.13 and 2.52. These definitions should be strictly construed and an exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance. There is no necessary inter-dependence between special pay and compensatory allowance. It is not the intention of the rules either that where the cost of living would justify the grant to a Government employee of a compensatory allowance, he should be rendered ineligible for such allowance, because he has already been granted special pay in recognition of the duties and responsibilities of his post, or that if the attachment of special pay to a post is justified under the terms of the rules, it should be subject to reduction because for reasons essentially different, a compensatory allowance as defined in rule 2.13 is subsequently granted.

Note 1.—The reasons for the grant of a special pay and compensatory allowance should be recorded in the sanctioning order so that their classification may be duly watched in audit. In cases in which an official record in an open letter is considered undesirable, it should be possible to communicate the reason confidentially to the Accountant-General.

Note 2.— Omitted.

Note 3.—A provision in the contract of a Government employee appointed to a particular post that he should “also do all things that may be required of him” does not contemplate his being required to perform onerous additional duties in another post without remuneration.

2.53. Sphere of duty of a Government employee is the local area outside which he cannot travel without the special orders of competent authority. The sphere of duty of Heads of Department other than Commissioners is the Punjab; of Commissioners their respective divisions; and of other Government employees as may be ordered by competent authority.

2.54. Subsistence grant means a monthly grant made to a Government employee who is not in receipt of pay or leave salary.

2.55. Substantive pay means the pay, other than special pay, personal pay or emoluments classed as pay by the competent authority under rule 2.44 (b), to which a Government employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

Note 1.—Substantive pay includes the pay drawn by a probationer in a post to which he has been appointed on probation.

Note 2.—Substantive pay does not include overseas pay.

2.56. Omitted.

2.57. Omitted.

2.58. Temporary post means a post carrying a definite rate of pay sanctioned for a limited time. Such a post can be held in an officiating capacity.

Note.—An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when the grant of leave involves no expense to Government, but improper in the absence of this condition.

2.59. Tenure post means a permanent post which an individual Government employee may not hold for more than a limited period.

2.60. (a) Time-scale pay means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay previously known as progressive.

(b) Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class, and not by the facts he holds that post.

Note.—Two time scales of pay should be treated as identical within the meaning of Rule 2.60 (b) even though the scales may differ in the matter of provision of efficiency bars.

2.61. Transfer means the movement of a Government employee from one headquarters station in which he is employed to another such station, either:—

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

2.62. Travelling allowances means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

SCHEDULE

[Referred to in Rule 2.16 (b)]

I. A Government employee is treated as on duty under the following circumstances:—

- (i) When he is following out a duly authorised course of training or instruction in India.

Note 1.—The period of Military training of Civil Government employees admitted to the Army in India, Reserve of Officers or the Indian Territorial Forces is treated as duty.

Note 2.—The period spent by Civil Government employees, whether paid from the Defence Services Estimates or Civil Estimates on training of pre-cadet provincial school with the permission of the Head of Office is treated as duty. This concession is also admissible to temporary Government employees only for so long as they would have continued in service but for their training.

Note 3.—The authorities competent to appoint the Government employee to the post for which the training is essential are empowered to treat the period of training or instruction in India of Government employee as duty for the purpose of rule 2.16 subject to the following conditions:—

- (a) The training or instruction should be in India;
- (b) The training or instruction should be in public interest and connected with the post which the Government employee is holding at the time of placing him on training or instruction and should cover such a course where a Government employee does not secure any academic degree or diploma or does not become eligible for securing admission to a course leading to the award of such degree or diploma;
- (c) It is obligatory on the part of the Government to send the persons for such training or instruction;
- (d) The training should not be in professional or technical subjects which are considered in public interest and which are normally covered under the provisions relating to study leave, such as a course by which a Government employee secures academic degree or diploma or becomes eligible for securing admission in a course leading to the award of such degree or diploma; and
- (e) The period of training should not exceed one year.

The cases which do not fall in the above category shall be rejected summarily but in cases in which the course is considered of great public importance, there is dearth of Government employees trained in it and ordinarily Government employees are not enthusiastic to undergo such a course

of their own volition, Government may sponsor names of Government employees for training in such a course only with the prior consent of the Department of Finance.

Exception.—Teachers in Government service who are untrained or who being trained are desirous of undergoing a further course of training shall not be regarded as on duty during the course of training. They may be granted leave there for under the ordinary rules with such leave salary as may be admissible.

The provisions of the above Exception do not apply to the following cases:—

- (a) women teachers required to undergo a duly authorised course of training approved by competent authority;
- (b) teachers in Intermediate Colleges required to undergo S.S.T.C. or B.T. training at a Training College;
- (c) teachers and Block Education Officers required to attend a course in physical training; and
- (d) Physical Training Supervisors in Government Colleges required to attend the Elementary Library Routine Class conducted by the Punjab University.
- (e) Women teachers from the Government Industrial School for girls or from Government Travelling Demonstration Parties required to undergo industrial training at the Industrial Teachers Training Class for women.
- (ii) Period or periods spent by an employee of the Punjab Government in A.R.P. Training and A.R.P. duty during normal working hours with the permission of the head of his office shall be treated as duty for the purpose of rule 2.16.
- (iii) In the case of a Government employee who has been substantively appointed to a post or cadre in a Government service during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the competent authority.
- (iv) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University College or School during the interval between satisfactory completion of the course and his assumption of duties, unless in any case, it be otherwise provided in the terms of his appointment.
- (v) On the first arrival in India of Government employees appointed outside India, who do not, before they report themselves at the seat of the Government of the Punjab, receive orders to take charge of a specified post

during the interval between the date of such report and the date on which they take charge of their duties; provided that the interval between the receipts of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government employee entitled to joining time under the rules in Chapter IX.

- (vi) The period of compulsory waiting by a Government employee returning from leave for orders of Government posting him to a particular post.
- (vii) During the period occupied in attending obligatory examinations including the time reasonably necessary for the journeys to and from the place of examination.
- (viii) During the period occupied in attending optional examinations at which a Government employee is permitted to appear by competent authority and during the time reasonably necessary for the journey to and from the place of examination.
- (ix) Omitted.
- (x) The period spent by newly appointed Engineer Officers from the day they report for duty to the day they complete taking over charge of posts involving verification and inspection of stores, etc. It is not necessary to create new posts to accommodate the direct recruits since treating the period as duty is by itself sufficient sanction in this regard.
- (xi) In all cases of enforced halts occurring en route on tour journeys temporary transfer or training, necessitated by break down of communications due to blockade of roads on account of floods, rains, heavy snowfall, landslides, or delayed sailings of ships or awaiting for air lift etc.

II. Government employee is not on duty during any time he may spend beyond his sphere of duty except in the following circumstances: –

- (1) Under the conditions laid down in clause I above.
- (2) If a Police Officer, acting with his legal power.
- (3) If an Excise and Taxation Officer, Assistant Excise and Taxation Officer, Excise Inspector, Taxation Inspector or Excise Sub-Inspector acting under the orders of (i) The Excise and Taxation Commissioner, or (ii) Deputy Excise and Taxation Commissioner, or (iii) The Collector.

- (4) A Tehsildar, or Naib-Tehsildar serving in a mahal, a settlement or a colony post who proceeds under the orders of the Deputy Commissioner, Settlement Officer, or Colonisation Officer, as the case may be, beyond his sphere of duty but inside the district, or who proceeds under the orders of the Commissioner beyond the districts to which he is posted.
- (5) If authorised by competent authority, by general or special order.
- (6) If a ministerial Government employee or a peon, accompanying a recessing officer to his recess station.

Clarification:—It is not the intention of the rule to keep an employee returning from leave waiting for his posting orders for an inordinately long period and to place an avoidable burden on the State Exchequer. Action should be initiated for the posting of an employee expected to report for duty well in advance and formal posting orders should invariably be issued well before the date of return of the employee to duty.

ANNEXURE 'A'

(Referred to in Rule 2.5 and Note 3 thereunder)

1. In regard to the date of birth, a declaration of age made at the time of or for the purpose of entry into Government service shall, as against the Government employee in question, be deemed to be conclusive. The employees already in the service of the Government of Punjab on the date of coming into force of the Punjab Civil Services (First Amendment) Rules, Volume-I, Part-I, 1994, may apply for the change of date of birth within a period of two years from the coming into force of these rules on the basis of confirmatory documentary evidence such as Matriculation Certificate or Municipal Birth Certificate, etc. No request for the change of date of birth shall be entertained after the expiry of the said period of two years. Government, however reserves the right to make a correction in the recorded age of a Government employee at any time against the interests of the Government employees when it is satisfied that the age recorded in his service book or in the History of service of a Gazetted Government employee is incorrect and has been incorrectly recorded with the object that the Government employee may derive some unfair advantage therefrom.

2. When a Government employee, within the period allowed, makes an application for the correction of his date of birth as recorded a special enquiry should be held to ascertain his correct age and reference should be made to all available sources of information such as Certified Copies of entries in the municipal birth register, University or School age Certificate, Janam Patris or horoscopes. It should, however, be remembered that it is entirely discretionary on the part of the sanctioning

authority to refuse or grant such application and no alteration should be allowed unless it has satisfactorily been proved that the date of birth as originally given by the applicant was a bonafide mistake and that he has derived no unfair advantage therefrom.

3. The result of every such enquiry should, in the case of gazetted, non-gazetted Government employees be briefly stated in their service cards, service books and if a correction is sanctioned, the fact should be reported to the Accountant-General.

CHAPTER III
GENERAL CONDITIONS OF SERVICE
CONDITIONS REGARDING HEALTH AND AGE

(i) Medical Certificate of Fitness on First Entry into Government Service

3.1. Except as provided in rules 3.2 and 3.3, no person may be appointed in India to a post, in Government service without medical certificate of health, in the following form: –

“I hereby certify that I have examined _____, a candidate, who is male/female/transgender, for employment in the _____ Department, whose signature is given above, and could not discover that _____ has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except _____, which I do not consider any disqualification for employment in the office of _____. His/her age, according to his/her own statement is _____ years and by appearance about _____ years _____ has been vaccinated within the last 12 months or has been re-vaccinated within the last 12 months, or has already had small-pox and shows obvious scars thereof.”

Photo of the candidate duly attested under the seal
and signature of Competent Medical Authority
issuing the certificate.

Marks of identification _____.
Impressions of the left hand
thumb and fingers.

Signature of Applicant.

Signature of Competent Medical Authority.

In the case of candidates for Group ‘C’ and ‘D’ Services, a declaration in the Form, appended as an Annexure at the end of this Chapter, shall be obtained from the candidates at the time of medical examination required by this rule, or on re-employment to Government service. This declaration form should be filled in by the candidate concerned in the presence of the medical officer.

Explanation:–The person belonging to Transgender sex shall be treated as a male.

Exception 1:–The Administrative Department may authorise the drawal of pay and allowances for a period not exceeding two months in respect of fresh recruits to Government service without a medical certificate of health, subject to the condition that if the person concerned is subsequently found medically unfit his services should be terminated after the expiry of the period of one month from the date of

communication to him of the findings of the Medical Officer/Board if no appeal for second medical examination is made by him during this period or after the case for second medical examination is finally decided if such an appeal, is made and accepted. This condition should be clearly stated in the initial letter of appointment.

The Administrative Department shall, however, exercise this power sparingly and in exceptional circumstances only, e.g., when it is considered necessary in the public interest that a selected person should be appointed immediately in anticipation of his medical examination.

Exception 2:—The Administrative Department may authorise the drawal of pay and allowances without production of fitness certificate in respect of Government employees, other than those covered by clauses (a) and (b) of Note 2 (iv) below rule 3.4 who are promoted to hold Group ‘A’ or Group ‘B’ posts and who are required to undergo medical examination by the appropriate medical authority, for a period not exceeding two months subject to the condition that if the person concerned is subsequently found medically unfit, he should be reverted to the lower post from which he had been promoted, after the expiry of one month from the date of communication to him of findings of the examining medical authority if no appeal for a second medical examination is made by him during this period or after the case for second medical examination is finally decided if such an appeal is made and accepted. This condition should clearly be stated in the relevant orders of promotion to the Group ‘A’ or Group ‘B’ post.

Note 1.—In the case of literate persons who can sign in English, Punjabi or Hindi, it will be sufficient if the examining Medical Officer or Board obtains on the Medical Certificate only the signature of the candidate in his or its presence which should be verified by the Head of Office by comparison with that in the Service Book.

Note 2.—A certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government employee should be furnished to the Audit Office as under :—

(i) In respect of Group ‘A’ and ‘B’ employees, certificate furnished by the competent authority to whom the medical certificate has been submitted, should be attached to the first pay bill.

(ii) In respect of Group ‘C’ employees the drawing and disbursing officers should furnish certificate alongwith the first pay bill of the Government employee concerned.

(iii) Where the competent authority under ‘exception’ below rule 3.1 authorises the drawal of the pay and allowances of a newly appointed Government employee for a period not exceeding two months without a medical certificate of health, a certificate to this effect should be furnished in the first pay bill.

(iv) Where an officer is declared temporarily unfit by the competent medical authority and retained in service the period for which the officer has been declared temporarily unfit should be intimated to audit.

Note 3. Omitted.

Note 4.— The fee to be charged for medical examination of candidates selected for fresh appointment to the posts in connection with the affairs of the State, shall be notified by the Government from time to time. The entire amount of fee shall be credited into the Government Treasury.

Note 5.—(1) The fee to be charged for appeals against Medical Examination of Government employees who have been declared unfit by the Principal Medical Officer or Assistant to Civil Surgeon/Standing Medical Board shall be notified by the Government from time to time.

(2) Omitted.

(3) The fee for the second appeal in case of rejection on account of visual acuity which is permissible in doubtful cases will be same as the fee in case of first appeal.

(4) There should be no additional charges for the inclusion of second Ophthalmologist in the special Medical Board in case of appeals against rejection on account of visual acuity. It is the responsibility of the Government to constitute the special Medical Board with two Ophthalmologists and it is an internal arrangement as to where the second Ophthalmologist is called from.

(5) The successful appellant may be refunded the fee of appeal and also be paid travelling allowance by his department for his attendance before the Board on the analogy of the practice in case of appeal against invalidment. The Travelling Allowance should be granted equal to actual railway fare (of class of accommodation to which they are entitled) without any allowance for incidental expenses and daily allowance for the journey to be undertaken to appear before the Medical Board which is constituted to have another opinion about fitness.

3.2. A competent authority may, in individual cases, dispense with the production of a medical certificate and may, by general order, exempt any specified class of Government employees from the operation of rule 3.1.

Note.—Once a person is asked to produce a Medical Certificate of fitness for entry into Government service and has actually been examined and declared unfit, it is not open to the competent authority to use its discretion to ignore the certificate.

3.3. Except where the competent authority by general or special order directs otherwise, the following classes of Government employees are exempted from producing a Medical Certificate of health:—

(1) A Government employee appointed by the High Commissioner for India.

- (2) A qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College Course.
- (3) A Government employee appointed in a temporary vacancy for a period not exceeding six months.
- (4) A temporary Government employee who has already been medically examined in one office if transferred to another office without a break in his service. The person concerned should, however, obtain a certificate from the Head of office from which he is transferred to the effect that he had already produced the requisite medical certificate of Health.
- (5) A retired Government employee re-employed immediately after retirement.
- (6) An ex-serviceman disabled in war operation.—In his case, however, the certificate of fitness granted by the Demobilisation Defence Services Medical Board for Civil Service may be considered valid for service under the Punjab Government:

Provided that the above certificate is not found to be inconsistent with the minimum standard otherwise prescribed for the post of service to which the appointment is to be made:

Provided further that in case where period of not less than one year has elapsed since the release of the disabled ex-serviceman from the Army, or it is otherwise considered necessary, the appointing authority shall have the power to get such ex-serviceman examined by the Civil Surgeon/Principal Medical Officer concerned.

Note 1.—The production of a Medical certificate is necessary when:—

- (i) A Government employee is promoted from a non-qualifying service paid from a local fund to a post in superior Government service.
- (ii) A person is re-employed after resignation or forfeiture of past service.

Exception: A person re-employed after resignation shall be exempted from producing a medical certificate of fitness if the resignation was for taking up another appointment under Government or quasi-Government body for which he applied with the approval of and through the appropriate authority; provided that he was medically examined by the Competent Medical Authority and declared fit according to the medical standards not lower than those in his new post.

Note 2.—In the case of Government employees referred to in clause (3) of the rule; the appointing authorities should, in any case, satisfy themselves that the candidate is protected against smallpox.

3.4. (1) (a) Except in the case of Members of the Punjab Home Guards, the Medical Certificate of health shall be signed by a Medical Board in the case of a Group 'A' or Group 'B' Government employee, and by a Principal Medical Officer or an Assistant to Civil Surgeon or a Medical Officer of equivalent status in the case of a Group 'C' Government employee.

(b) In the case of the members of the Punjab Home Guards who are primarily governed by the Punjab Home Guards Act, 1947 and the Punjab Home Guards' Rules 1963, the medical certificate of health shall be signed by a Principal Medical Officer or Assistant to Civil Surgeon in the case of Group 'A' and Group 'B' employees and by a Senior Medical Officer or a Medical Officer of equivalent status in the case of Group 'C' and Group 'D' employees, and the medical examination shall be held in accordance with the standard laid down by the Commandant-General, Punjab Home Guards.

(2) (a) In the case of a female candidate appointed to a Group 'A' or Group 'B' post, the medical certificate shall be signed by a Medical Board consisting of a woman doctor possessing medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) as one of its members, and

(b) In the case of a female candidate appointed to a Group 'C' or Group 'D' post, the medical certificate shall be signed by a registered female medical practitioner possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956).

(3) In the case of Group 'D' Government employees, the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) and where there is no such Authorised Medical Attendant by a Government Medical Officer of the nearest dispensary or hospital possessing such qualification.

(4) A candidate who is likely to be employed in a temporary capacity continuously for a period exceeding three months shall produce either before or within a week from the date of employment, the certificate from the competent medical authority as prescribed in this rule. When, however, a Government employee initially employed in an office in a temporary capacity for a period not exceeding three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for a

period exceeding three months he shall produce such a certificate within a week from the date of orders sanctioning his retention in that office or joining the new office.

Note 1.—(i) A person who is appointed to Government service afresh after a break in service not exceeding one year should be treated as in continuous service for the purpose of these orders, the period of break not being counted. If, however, the period of break exceeds one year, he should be regarded as a fresh entrant to Government service.

(ii) A person who is in continuous service but in different posts should be deemed for the purpose of these orders to have been in continuous service in the same post.

Note 2.—(i) Except as provided in para (4), a Government employee, holding under Punjab Government:—

- (a) a Group 'C' or Group 'D' post when appointed to another Group 'A' or Group 'B' post, or
- (b) a Group 'A' or Group 'B' post when appointed to another Group 'A' or Group 'B' post, either by transfer or on promotion in the same line or in a different line through open competitive examination, need not be required to undergo medical examination by the Medical Board, if he has already been declared fit on medical examination by the Civil Surgeon at the time of his entry into Government Service.

(ii) A permanent Government employee holding a Group 'A' or Group 'B' post in Centre or under any other State Government when appointed to a Group 'A' or Group 'B' post under the State Government need not be subjected to a fresh medical examination by a Medical Board ;

(iii) A permanent Government employee holding a Group 'C' or Group 'D' post in the Centre or under any other State Government when appointed to a Group 'A' or Group 'B' post under the Punjab Government will be required to undergo a fresh medical examination by a Medical Board, but when appointed to a Group 'C' or Group 'D' post, no Medical examination will be necessary ; and

(iv) In cases where the rules for recruitment to new appointment prescribe a fresh medical examination in respect of all candidates, all directly recruited/selected candidates irrespective of the fact whether they are already in permanent or quasi-permanent Government service in the same or in other departments or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority; provided that a fresh medical examination will not be necessary in the case of —

- (a) a person who is already in permanent or quasi-permanent employ of the Government and has already undergone a medical examination by a standard and by a medical authority which are recognised by the appointing authority as equivalent to those prescribed for the new appointment for which he is recruited/selected ; and

- (b) a person who is already in permanent or quasi-permanent employ in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

Note 3. Omitted.

Note 4.—The Group ‘A’ and Group ‘B’ employees posted at Delhi are permitted to produce certificates of health and age signed by the Medical Board, Delhi.

Note 5.—A candidate recruited to the P.C.S. (Executive Branch) from Register A-I (Tehsildars and Naib-Tehsildars) and Register A-II (Ministerial Government employees) should not be required to undergo medical examination if he was medically examined and declared fit on appointment to Government Service.

3.5. When a Government employee in whom a defect has been noticed by the examining surgeon, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the Principal Medical Officer or Assistant to Civil Surgeon or other medical authority referred to in rule, 3.4 has, at the written request of the Head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the Government employee.

3.5-A. The appointing authority shall have power to require a Government employee to appear before a Medical Board to test his physical fitness for the efficient discharge of the duties of his post, whenever, it has reason to believe that Government employee is not physically fit to carry out his duties satisfactorily. The Government employee concerned shall, however, have a right of appeal to an appellate Medical Board, against the decision of the first Medical Board.

(ii) Age of entry into Government Service.

3.6. The age limit for persons to be appointed to the posts and services in connection with the affairs of the State of Punjab shall be such as may be specified by the Government from time to time.

Note.—See rules 5 and 5-A of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 and rule 5 of the Punjab State (Group ‘D’) Service Rules, 1963.

3.7. Omitted.

3.8. Omitted.

(iii) Vaccination and re-vaccination.

3.9. Every Government employee shall get himself vaccinated and re-vaccinated at any time when so directed by the Government by general or special order.

WHOLE TIME OF A GOVERNMENT EMPLOYEE AT THE DISPOSAL OF GOVERNMENT

3.10. Unless in any case it be otherwise distinctly provided, the whole time of a Government employee is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority, without claim or additional remuneration, whether the services required of him are such as would ordinarily be remunerated from Union or State revenues, or from the revenues of a local fund.

SUBSTANTIVE APPOINTMENT AND LIEN

3.11. Omitted.

3.12. (1) A Government employee confirmed on a post acquires a lien on that post. If such a Government employee is appointed by direct recruitment or by transfer in another department or in a different cadre in the same department, as the case may be, he shall give an option to acquire the lien on the post, presently held by him within a period of six months after the completion of his probation period, and on exercise of such an option, he shall cease to hold the lien on the post in the parent cadre or department, as the case may be, from the date he is confirmed against the post presently held by him. If such an option is not exercised by him within the aforesaid stipulated period, he shall be reverted back to the parent cadre or department, as the case may be.

(2) In the case of a temporary Government employee, who is appointed by direct recruitment or by transfer in another department or in a different cadre in the same department, he shall not be allowed to retain any lien on the post held prior to this his new appointment after the expiry of a period of two years from the date of his joining against the new post.

Note.—If a Government employee, who is confirmed against a post in a department, has been appointed by direct recruitment or by transfer in another department or in a different cadre in the same department and has also completed his probation period, but has not been confirmed on the new post upto the date of publication of the Punjab Civil Services Rules (First Amendment) Rules, Volume-I, Part-I, 1997, in the Official Gazette, he shall give an option to acquire lien on the post presently held by him within a period of six months from the date of publication of the said rules. If such an option is not exercised by him within the aforesaid stipulated period, he shall cease to hold the lien on the post in the parent cadre or post or department, as the case may be, from the date he is confirmed against the new post presently held by him.

3.13. Omitted.

3.14. Omitted.

3.15. A Government employee's lien on a post, shall, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien on any post.

3.16. Omitted.

3.17. (a) Government may transfer a Government employee from one post to another; Provided that except—

- (1) on account of inefficiency or misbehaviour; or
- (2) on his written request;

a Government employee shall not be transferred substantively to or, except in a case covered by rule 4.22, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien.

(b) Omitted.

Note 1.—In cases covered by clause (a) (2) above the Government employee will have his initial pay fixed under rule 4.4 and, if necessary, under rule 4.10.

Note 2.—Permanent transfer from a higher to a lower scale in anticipation of the abolition of a post is not transfer within the meaning of this rule.

Note 3.—In cases in which it is desired to give to a Government employee an extension of service on the condition that he voluntarily agrees to accept a post in a lower grade, so as not to interfere with the legitimate expectations of his juniors to promotion; the only method is to create a temporary post. Such a step can only be permitted under most exceptional circumstances. It must be regarded as the normal course of events that an extension of service involves delay of promotion to juniors and no proposal for the creation of a temporary post to satisfy legitimate expectations will be considered unless it has been submitted to the competent authority before the extension of service is granted.

SUBSCRIPTION TO PROVIDENT FUNDS

3.18. A Government employee may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the competent authority may by order prescribe.

DATE OF RECKONING PAY AND ALLOWANCES

3.19.(1) Subject to any exceptions specifically made in these rules, a Government employee commences or ceases to be entitled to the pay and allowances of a post with effect from the date he assumes or relinquishes charge of the duties of

that post, if he assumes or relinquishes charge of those duties in the forenoon of that date; otherwise from the following day.

Note.—This rule does not apply to cases in which it is the recognised practice to pay a Government employee at higher rate for more important duties performed during a part only of a day.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

3.20. The pay of personnel recruited by Government overseas who receive free passages, other than 1st class passages, on their first appointment, should commence from the date of embarkation for India: Provided that pay for the period from the date of embarkation for India up to the date of joining their posts will be admissible only on the condition that they join their appointments without unnecessary delay. The pay of personnel who receive first class passages should commence from the date of disembarkation in India: unless it is provided otherwise in his agreement or contract, or Government specially allow pay from any earlier date in any individual case. When they are prevented from proceeding at once from the Port of disembarkation in India to take up their appointments, they should be granted leave not due under rule 8.119 (d), as the circumstances of the case may require.

Note.—The phrase “without unnecessary delay” occurring at the end of the first sentence of this rule should be interpreted with reference to the joining time rules. This stipulation should be regarded as fulfilled if the officer reports for duty within the period allowed by the joining time rules with only one day (instead of six days) for preparation at the port of disembarkation and any excess over that number of days should be treated as “leave not due”. The minimum of the officer’s time scale of pay (including overseas pay) or if there be no time scale but fixed pay, the fixed pay may be treated as his pay for the purpose of calculating half pay for the period of “leave not due”.

The phrase ‘without unnecessary delay’ should be taken as referring only to the delay on the part of the officer in reporting himself for duty (either at the headquarters of Government or at the actual place of duty, as the case may be) and not delay in actually taking up his duties thereafter.

3.21. Omitted.

CHARGE OF OFFICE

3.22. Except as provided in rules 3.23, 3.24 and 8.25 to 8.33, the charge of an office must be made over at its headquarters; both the relieving and relieved Government employees being present.

Note 1.—Every relieving Government employee is responsible for informing the Government employee to be relieved, at the earliest possible moment of the date when he will

be in a position to receive charge and it is the duty of the Government employee to be relieved to be in readiness to deliver charge on that date.

Note 2.—When more than one day is occupied in making over charge, the last date should be entered in the Charge Report and an explanation should be submitted.

3.23. A competent authority may permit the provisions of rule 3.22 to be relaxed either as to the place of making over charge or the condition that both Government employees shall be present, or both: Provided –

- (a) both Government employees must be present unless the transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) if the Government employee relieved departs before the arrival of his relief, his early departure shall not entail a correspondingly early transfer from another station of a Government employee to perform his duties ; and
- (c) if the Government employee relieving arrives or returns from leave after the departure of the Government employee relieved, the delay in his arrival or return shall not involve a corresponding delay in the transfer to another station of the Government employee who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

Explanation:—In deciding whether the absence of a Government employee involves the transfer of a Government employee from another station for the purpose of the provisos (b) and (c) of this rule, account should be taken only of the substitute who takes the place of the absent Government employee, not of all Government employees, in the chain of arrangements arising from one Government employee's absence on leave.

Note 1.—For rules regarding the prefixing and affixing of holidays and vacation to joining time and leave see rules 8.26 to 8.33.

Note 2.—In cases involving transfer and charge of an office elsewhere than its headquarters, the exact nature of the reasons should be expressed on the face of the orders for the information of the Audit Officer.

3.24. On condition that the departing Government employee remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 3.23 is not applicable to any particular case.

Note.—The handing over of a permanent advance is not a transfer of money, but the Government employee going on leave continues to be responsible for the money till the formal assumption of charge by his successor.

CONTINUOUS ABSENCE FROM DUTY

3.25. (1) Unless the competent authority in view of the exceptional circumstances of the case, otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where a Government employee does not resume duty after remaining on leave for a continuous period of five years, or where a Government employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which, together with the period of the leave granted to him, exceeds five years, he shall, unless, the competent authority, in view of the exceptional circumstances of the case, otherwise determine, be removed from service after following the procedure laid down in the Punjab Civil Services (Punishment and Appeal), Rules, 1970.

Note.—This rule does not relate to cases where a Government employee is restrained from resuming duty by an order placing him under suspension. Sanction of the competent authority in terms of this rule in such a case is not, therefore, necessary. It is essential, however, in the interests of Government as well as of the concerned officer that disciplinary proceeding against an officer under suspension should be expedited and final orders passed as soon as possible.

RETIREMENT

3.26. (a) Except as otherwise provided in this rule, the date of retirement of a Government employee shall be as follows, namely:—

- (i) fifty-eight years in the case of Group ‘A’, ‘B’ and ‘C’ employees; and
- (ii) sixty years in the case of Group ‘D’ employees;

Provided that if the State Government is of the opinion that it is necessary and expedient so to do in public interest, the Service of a Government employee or a class of Government employees, may be extended for a period of two years on yearly basis, subject, however, to giving an option within a period of three months before the date of retirement by the Government employee, who seeks extension:

Provided further that a Government employee, who is already on extension, shall also give fresh option within a period of one month from the date of publication of these rules:

Provided further that no Government employee, shall be retained in Service, after the completion of his extended period of Service. However under exceptional circumstances, if the State Government considers it necessary and expedient so to do in public interest, it may extend the Service of a Government employee beyond the aforesaid limit, for the reasons to be recorded, in writing.

(b) Notwithstanding anything contained contrary in these rules or any other rules for the time being in force, during the extended period of Service under clause (a), the Government employee shall be entitled to pay equal to the pay last drawn by him, on attaining the age of fifty-eight years or sixty years including an employee, who is already on extension, as the case may be:

Provided that the Government employee, whose Service is extended, shall not be entitled to, –

- (i) promotion;
- (ii) the benefit of Assured Career Progression;
- (iii) an annual increment; and
- (iv) any revision of pay made by the State Government:

Provided further that the pay of the Government employee already on extension, who has been given promotion or the benefit of Assured Career Progression during the extended period till the issue of this notification, shall be protected and he shall be given the retiral benefits on the basis of his protected pay.

(c) A member of the Punjab Civil Services (Judicial Branch) or the Superior Judicial Service shall be required to retire on attaining the age of sixty years if High Court is satisfied of his continued utility to the judicial system, subject to evaluation of his potential by making an objective assessment of his work, conduct and integrity and also keeping in view the reputation acquired by him as a Judicial Officer and has passed an order in this regard, otherwise the Judicial Officer will retire at the age of fifty eight years.

Explanation:–The decision to enhance the age of superannuation for the officers of the Punjab Civil Services (Judicial Branch) and of Superior Judicial Service has been taken in pursuance of decision of the Supreme Court dated the 24th August, 1993 in Review Petition No. 249 of 1992 in Writ Petition No. 1022 of 1989 and shall be applicable in consonance with guidelines laid therein.

(d) Notwithstanding anything contained in this rule a Government employee whose date of birth falls on any day of month other than the first of that month, shall on attaining the age of superannuation determined in accordance with the provision of clause (a), (b) or (c) as the case may be, retire on the last day of that month, which will be a working day.

Explanation.–A Government employee whose date of birth is the first of the month shall retire on the afternoon of the last day of the preceding month.

Note 1.– Omitted.

Note 2.—Military Officers serving in Civil employ shall cease to be in such employ on reaching the age of 58 years.

Note 3.—Clauses (a) and (b) of this rule apply to all Government employees to whom these rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government employee holding a permanent post substantively is officiating in another post, this rule should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

Note 4.—Omitted.

Note 5.—Regarding the day of attaining a specified age, see rule 2.5.

Note 6.—This rule is applicable to re-employed personnel and the rules in Chapter VII of Volume II of these rules are subject to the conditions laid down in this rule. Rule 7.17 of Volume II of these rules, however, from the nature of its concession and conditions puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside this rule and subject to the conditions stated in that rule itself which must be observed with every renewal of sanction.

3.27. Notwithstanding anything contained in rule 3.26, the date of retirement of a Government employee (other than a Group ‘D’ employee), who is suffering from any of the disabilities viz., blindness or low vision, hearing impairment, locomotor disability or cerebral palsy, shall be the date on which he attains the age of 60 years instead of 58 years:

Provided that whenever an appointing authority has reason to believe that such a Government employee is mentally or physically unsuitable to discharge the duties of the post held by him, it shall require him to appear before a Civil Surgeon for a medical check-up and his continuance in the Government service beyond the age of 58 years, shall be subject to being declared fit on such medical check-up.

Explanation 1.— (i) The term “disabilities” used in this rule shall have the same meaning as defined in Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996); and

(ii) The expression “a Government employee, who is suffering from any of the disabilities” means a Government employee who is suffering from not less than forty per cent of any of the disabilities mentioned in this rule as certified by the medical authority specified by the Government.

Explanation 2.—(i) A Government employee whose date of birth falls on any day of month other than the first of that month, shall on attaining the age of 60 years, retire on the last day of that month, which will be a working day; and

(ii) A Government employee whose date of birth is the first of the month shall retire on the afternoon of the last day of the preceding month.

ANNEXURE

(Referred to in rule 3.1)

CANDIDATE'S STATEMENT AND DECLARATION

The candidate must make the statement required below prior to his Medical Examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below: –

1.	State your name (in full in block letters)	
2.	State your age and place of birth	
2A.	State your sex: (Male/Female/Transgender)	
3.	(a) Have you ever had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, heart disease, lung disease, fainting attacks, rheumatism appendicitis? OR	
	(b) any other disease or accident requiring confinement to bed and medical or surgical treatment ?	
4.	When you were last vaccinated?	
5.	Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy, or insanity?	
6.	Have you suffered from any form of nervousness due to overwork or any other cause?	
7.	Have you been examined and declared unfit for Government service by a Medical Officer/Medical Board, within the last three years?	

8	Furnish the following particulars concerning your family :		
Father's age if living and state of health	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages at death and cause of death
Mother's age if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at death and cause of death
9.	Please state whether you have deposited the Medical Examination Fee in the Government Treasury under head "0210-Medical and Public Health-80-General-800-Other Receipts-02-Examination and License Fees" according to the status of the post against which you have been appointed. If so, state the amount and the Treasury receipt No. and date.		

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received a disability certificate pension on account of any disease or other condition.

Candidate's Signature _____

Signed in my presence

Signature of Medical Officer

Note.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to Superannuation allowance or gratuity.

CHAPTER IV

PAY

GENERAL

4.1. (1) Subject to the rules contained in this Chapter, a competent authority may fix the pay of a Government employee, but his pay shall not be so increased as to exceed the pay sanctioned for his post without the sanction of the authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased:

Provided that the Government employee except a member of service of the Punjab Civil Service (Judicial Branch), specialist doctors and the employees covered under clause (a) of rule 4.4, shall be entitled to receive the fixed monthly emoluments, during the period of his probation:

Provided further that when the services of a Government employee, who was receiving fixed monthly emoluments during the period of probation are confirmed, the period spent on probation by him, shall not be treated to be the time spent on the time scale applicable to his post.

Explanation.—The expression “fixed monthly emoluments” means the amount drawn monthly by a Government employee equal to the minimum of the pay band of the service or post to which he is appointed and shall not include grade pay, special pay, annual increment or any other allowance, except travelling allowance drawn with reference to the grade pay of the relevant service or post. It shall also not include any other emoluments which may be specifically classed as part of pay by the competent authority, as provided in rule 2.44(b).

(1A) The provisions of sub-rule (1), shall have effect notwithstanding anything inconsistent therewith contained in these rules or other rules for the time being in force.

(2) Notwithstanding the restriction referred to in or imposed by clause (1) above, a competent authority may grant to any Government employee:—

- (i) personal pay as defined in clause (a) of rule 2.47, or
- (ii) special pay as defined in rule 2.52 or
- (iii) both personal pay and special pay.

Note 1. Omitted.

Note 2. Omitted.

Note 3.— (a) The following principles should be strictly observed for the grant of personal pay as defined in rule 2.47:—

No application for the grant of compensatory personal pay should be entertained unless—

- (i) the Government employee's service has consistently been of exceptional merit;
- (ii) the Government employee is fit for promotion, but there is no normal avenue of promotion within his line, and
- (iii) the Government employee has been at least 5 years on the same pay, or if his pay is progressive, on the maximum pay of his post and that he must have put in 20 years of continuous Government service.

(b) The mere fulfilment of the conditions mentioned above should not be regarded as securing a personal pay to a Government employee as a matter of course, the purpose of the conditions being to enable obviously weak claims to be summarily rejected.

(c) Individual cases of Government employees who hold isolated posts which form a cadre by themselves in a particular office, will not be covered normally under this rule.

4.2. Omitted.

4.3. In respect of any period treated as duty under rule 2.16 (b), a Government employee may be granted such pay as the competent authority may consider equitable but in no case exceeding the pay which the Government employee would have drawn had he been on duty other than duty under rule 2.16 (b).

Explanation 1. Omitted.

Explanation 2. Omitted.

Note. Omitted.

FIXATION OF INITIAL PAY

4.4. The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay is regulated as follows:—

- (a) If he holds a lien on a permanent post, other than a tenure post—
 - (i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 4.13) than these attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;
 - (ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay plus personal pay equal to the difference; and in either case will continue to draw that pay until such time as he would have

received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum of the time-scale of the new post is higher than his substantive pay in respect of the old post he will draw that minimum as initial pay;

- (iii) when appointment to the new post is made on his own request under rule 3.17 (a) and maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Note. Omitted.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale, on appointment in Government service in the case of member of Punjab Civil Service (Judicial Branch), specialist doctors and on completion of probation in other cases:

Provided both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), that if he either –

- (1) has previously held substantively or officiated in –
 - (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale, or
 - (iii) a permanent post other than a tenure post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale; or
- (2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the competent authority under rule 2.44(b), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government employee in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for grant of these increments shall unless otherwise

ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below:—

- (i) The Government employee should have been approved for appointment to the particular grade/post in which the previous service is to be counted;
- (ii) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the department itself or elsewhere, and at least one junior was holding a post in the Department carrying the scale of pay in which the benefit is to be allowed; and
- (iii) the service will count from the date his junior is promoted and the benefit will be limited to the period the Government employee would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

The previous service rendered in the same post on identical time scale or a post having identical two/three/four tier scales of pay or in which time bound placements or grant of higher pay scales are provided as in the new post in a Government Department shall, in addition to the protection of pay actually drawn in the corresponding scale under the rule, count his previous service in the cadre of transferee Department for the purpose of Assured Career Progression Scheme as per instructions issued by the Punjab Government from time to time. This benefit is allowed to the junior employee as a measure personal to him and without creating any right for the senior employee to claim equality in pay and pay scale with junior who receives higher pay/pay scale due to his previous service and such employee will not be entitled to take benefit of his previous service towards seniority.

(c) (i) Notwithstanding anything contained in these rules, where a Government employee holding a post in a temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above his pay drawn by him in the lower post provided it is certified by the Head of the Department in which the Government employee was holding the lower post that he would have continued to officiate in the lower post but for his promotion/appointment to the higher post:

Provided that if a Government employee either –

- (a) has previously held substantively or officiated in –
 - (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale, of
 - (iii) a permanent post other than a tenure post, or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale ; or
- (b) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated ;
then proviso to rule 4.4 (b) shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

(ii) The provisions of sub-rule 2 of rule 4.14 shall also be applicable in any case where the initial pay is fixed under this clause. In cases, where a Government employee is, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed in the same manner as provided in sub-clause (1) above.

Explanation.—Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purpose of this rule.

Note.—For the purposes of rule 4.1 and 4.4, a specialist doctor shall mean a M.B.B.S. doctor, who possesses a Post Graduate degree in any medical speciality, or a Post Graduate diploma in the specialities of Radiology, Anaesthesia, Paediatrics, Gynaecology and Psychology.

Note 1.—When a Government employee is appointed to a higher post on the date on which his increment in the lower substantive post falls due, his substantive pay for the purpose of fixing his initial pay in the higher post shall be inclusive of his increment accruing on that date.

Note 2. Omitted.

Note 3.—When the next increment in the time-scale of either the new or old post falls due, the Government employee should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay allowed under clause (a) (ii) of this rule and all connections with the time-scale of his old post. The personal pay is given to a Government employee only for the purpose of initial pay and not any subsequent stage in the new time-scale in which the Government employee might draw less pay than he would have drawn had he remained in the old time-scale.

Note 4. Omitted.

Note 5.— See also notes 3 and 4 under rule 4.6.

Note 6.—Under rule 4.4 and 4.13, it is necessary for the purpose of fixing the initial pay of a Government employee transferred from one post to another on a different scale of pay in a substantive or officiating capacity, to determine the degree of responsibility attaching to the two posts. A declaration as to the relative degree of responsibility shall, therefore, be necessary and will be given by the competent authority. Such declarations will, however, be necessary only in cases where there is some doubt as to the relative degree of responsibilities attaching to the two posts.

Note 7.—The intention underlying the restrictive sub-clause of the proviso to clause (b) of this rule is to prevent men, who were given enhanced rates of pay when competition in the labour market was keen and qualified men scarce, from carrying the inflated pay with them after those conditions had abated to any other posts to which they might be appointed. Accordingly this sub-clause applies even in the case of a temporary Government employee who is appointed to another temporary post on the abolition of his previous temporary post or for other reasons. In the latter case, however, when the transfer has been made in the interest of public service, the restriction in question may be relaxed by the authority competent to create the post.

The word “minimum of the scale” appearing in the restrictive sub-clause of the proviso should be taken to mean the minimum of the previous post in which the advance increments were granted.

Note 8.—It is permissible to post-date the substantive promotion of a Government employee to a higher post up to a date when it will be to his benefit to be promoted under the operation of this rule. This date may be selected at the option of the Government employee concerned, which must be exercised within six months from the date of order making the promotion and when once exercised must be final. No compensation will be given for any consequences which may follow from the exercise of this option. When the option has been exercised, an entry should be made to this effect in the service book of the Government employee concerned and attested by the Head of the Office.

These orders will apply to promotions in the same class of appointments and not to cases where there is complete change in the nature of the appointment and they should be confined to departments or establishments divided into grades.

For so long as the promotion is deferred under the orders in paragraph 1 above, the place in the employee grade will remain vacant, but promotions can be made in the place of the Government employee who would have been promoted from the date, the vacancy originally occurred as if the promotion had actually taken place on that date. All that would happen is an excess appointment in the lower grade against a vacancy left unfilled in the higher grade and this is permissible under rule 7.15 of the Punjab Financial Rules, Volume I.

Note 9. Omitted.

Note 10.—In those cases, where there is some doubt as to the relative degree of duties and responsibilities attaching to the two posts, the same shall be determined by keeping in view the following factors:—

(i) the relative degree of duties and responsibilities of two posts shall be determined with reference to the entry scale of the post held by an employee. The higher scale or higher grade pay granted to an employee on such post under an Assured Career Progression Scheme or otherwise, shall not be taken into account;

(ii) a post having the lower minimum of the entry scale of pay or lower grade pay, shall generally be considered the lower post as compared to a post carrying higher minimum of time scale or higher grade pay; and

(iii) where the entry pay scales of both the higher and lower posts are identical, the higher and lower posts shall be determined by the Administrative Department in consultation with the Department of Finance.

FIXATION OF INITIAL PAY UNDER THE REVISED PAY STRUCTURE

4.4-A. Subject to the provisions of rule 4.4, the initial pay of a Government employee, who is governed by the revised pay structure, is regulated as follows:—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching to the old post on which he holds a lien, his initial pay shall be fixed by granting him the benefit of one increment and the grade pay of the new post;

(ii) when appointment to the new post does not involve duties and responsibilities of greater importance he shall draw as initial pay, which is equal to the substantive pay in respect of the old post. However, the higher grade pay, if any admissible under this clause shall be absorbed at the time of grant of benefit of fixation of pay under an Assured Career Progression Scheme; and

(iii) when a Government employee is appointed to a post carrying lower grade pay on his own request under rule 3.17(a), his initial pay shall be fixed equal to the pay-in-pay band drawn by him in the old post plus the grade pay of the new post. However, if the maximum of the pay band in the time scale of lower post is less than his substantive pay in respect of the old post, his initial pay shall be fixed equal to the maximum of the pay band plus the grade pay of the new post.

Explanation.—The expression “revised pay structure” means the pay structure consisting of running pay bands and grade pay which came into force with effect from the 1st day of January, 2006 under the provisions of the Punjab Civil Services (Revised Pay) Rules, 2009.

Note.—The pay of the Government employees, who are promoted in the higher grade, shall continue to be regulated in accordance with the provisions of rule 11 of the Punjab Civil Services (Revised Pay) Rules, 2009.

4.5. The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay which has been reduced for reason other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 4.4: Provided, in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (a) or clause (b) of that rule if he either –

- (1) has previously held substantively or officiated in –
 - (i) the same post prior to reduction of its time-scale, or
 - (ii) a permanent or temporary post on the same time-scale as the unreduced time scale of the post, or
 - (iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time scale of the post, such temporary post being on the time-scale as a permanent post, or

(2) is appointed substantively to a tenure post, the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it, and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post, then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the competent authority under rule 2.44(b), which he would have drawn under rule 4.4 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasion: Provided that service rendered on pay at a stage in a time-scale which is less than the minimum of the revised scale shall not count for increment in that scale.

Note 1. Omitted.

4.5-A. (1) Notwithstanding anything contained in these rules, the following provisions shall govern the pay of a Government employee who is appointed as a probationer in another Service or cadre, and subsequently confirmed in that Service or cadre –

(a) during the period of probation he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be:

Provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government employee shall be fixed in the time-scale of the Service or post in accordance with the provisions of Rule 4.4.

(2) The provisions contained in sub-rule (1) shall apply *mutatis mutandis* to cases of Government employees appointed on probation with definite conditions against temporary posts in another Service or cadre where recruitment to permanent posts of such Service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in clause (b) of sub-rule (1) shall be done under Rule 4.14 of these Rules immediately on the expiry of the period of probation and on regular officiating appointment to a post, either permanent or temporary in the Service or cadre.

(3) Notwithstanding anything contained in these rules, a Government employee appointed as an apprentice in another Service or cadre shall draw –

(a) during the period of apprenticeship, the stipend or pay prescribed for such period provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien, should at any time be greater than the stipend or pay fixed under this clause he shall draw the presumptive pay of the permanent post;

(b) on satisfactory completion of the apprenticeship and regular appointment to a post in the Service or cadre, the pay as fixed in the time-scale of the Service or post under Rule 4.4 or 4.4 (c) or 4.14 of these Rules.

4.6. The holder of a post the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; subject to such restrictions as the competent authority may in each case lay down.

Note 1.—This rule applies to an officiating as well as to a substantive holder of a post.

Note 2.—If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under rule 4.4 (a) (ii) and not under rule 4.4 (a) (i) even though he may be holding the post substantively. See also note 4 below.

Note 3.—For the purpose of rules 4.4 and 4.6 a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on the same or a different rate of pay is not the “same post” as the permanent post even though the duties remain the same. In other words in view of rule 2.58, the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post, is thus entitled only to the pay of permanent post if it is on a fixed rate of pay or to the minimum pay of the time scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under proviso (i), (ii) and (i), (iii) to rule 4.4. Consequently, service in a temporary post, created on a certain scale of pay when converted into a permanent post on a different scale or pay, will not count for increments in the latter scale.

Note 4.—The orders in note 3 above do not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post. Nor do they debar service in a temporary post, created as an addition to a cadre, and on the same time-scale, from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished.

INCREMENTS

4.7. An increment shall ordinarily be drawn as a matter of course, unless it is withheld. An increment may be withheld from a Government employee by a competent authority if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

Note.—In the case of an officer/official who does not fulfil the basic condition laid down in the respective Service Rules regarding the minimum number of years of service, in the lower rank and who is promoted to a higher post by invoking an alternative provision in the relevant rules specifying the extent of relaxation of the basic condition, referred to above, the initial pay in his case would be the minimum of the post to which he is promoted/appointed till he fulfils the condition of completing the basic minimum period of service prescribed and the first annual increment will be granted after one year of the date of completion of the minimum length of qualifying service/experience, necessary for appointment to the service, cadre or the post. In other words for the purpose of 1st increment his appointment shall be deemed to have started on the date on which he completes the minimum qualifying service/experience, as is necessary for appointment to the service, cadre or the post concerned. This restriction will however not apply in cases where the officer/official was drawing pay more than the minimum of the higher post. In such cases pay shall be fixed in accordance with the provisions of rule 4.4 of these rules. The first annual increment in such a case also will, however, be granted after one year of the date of completion of the minimum length of qualifying service/experience.

ASSURED CAREER PROGRESSION SCHEME

4.8. A Government employee is entitled to the benefit of fixation of pay under the Assured Career Progression Scheme notified by the Government from time to time subject to such terms and conditions, as may be specified:

Provided that grant of benefit of such Scheme, shall also be subject to the following general terms and conditions:—

- (a) a Government employee, who forgoes promotion offered to him, shall not be eligible for benefits under the Assured Career Progression Scheme; and
- (b) only the Service which counts for seniority and increments in a cadre against a post, shall be reckoned for the grant of benefit under the Assured Career Progression Scheme.

4.9. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

(a) All duty in a post on a time-scale counts for increments in that time-scale: provided that, for the purpose of arriving at the date of the next increment in that time-scale the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment.

Note 1.— See also clause (e) of this rule.

Note 2.—In the case of a Government employee who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty while under training, these periods of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction for which he is allowed the pay of the officiating post during such period.

Exception 1.—The period of training at Phillaur of probationary Inspectors and Sub-Inspectors of Police during which time they draw pay below the minimum rates in the time-scale of pay counts towards increments in the time-scales applicable to them.

Exception 2.—The period of training spent by Probationary Inspectors of Police in districts, during which time they draw pay below the minimum rates of the time-scales applicable to them, counts towards increments in such time-scales.

Note 3.—A period of overstayal of leave does not count towards increments in a time-scale unless under rule 8.121 (b) it is converted into extraordinary leave and under the proviso to clause (b) below, the extraordinary leave is specially allowed to count for increments.

Note 4.—If a probationer, other than a probationer receiving fixed monthly emoluments, is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments, which but for his probation he would have received in the ordinary course. This provision is applicable only to cases where the normal probationary period itself is more than twelve months and not to the type of cases where the normal probationary period of a probationer is extended on account of his failure to pass the departmental examination within the time limit prescribed for the purpose. In other words, in cases where the normal probationary period is itself more than twelve months, on confirmation the officer may be given the increments which he would have drawn but for his probation, and arrears in this regard may also be allowed to the officer. On the other hand, in cases where the period of probation is extended on account of failure to pass the departmental examination while there is no objection to the pay and increments being regulated on confirmation at the end of the extended probationary period on the basis of what the officer would have drawn but for his probation no arrears on this account should be allowed to him for the period prior to the date of confirmation. This would mean that the increment of the officer is withheld without cumulative effect for failure to pass the departmental examination and cannot be considered as a penalty within the meaning of Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

(b) (i) Service in another post other than a post carrying less pay referred to in clause (a) of rule 3.17, whether in a substantive, or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate count for increments in the time-scale applicable to the post on which the Government employee holds a lien.

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a Government employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India:

Provided that the competent authority may in any case in which it is satisfied that the extraordinary leave was taken for any cause beyond the Government employee's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under clause (i) or (ii).

Note 1.—The period of annual holidays with wages corresponding to earned leave will count towards increments in the case of temporary workmen governed by the Factories Act in grades in which the appointing authority will in each case certify that the workman concerned would have actually continued to work in that grade, but for his proceeding on leave and the period of leave will count for increments only to the extent it is covered by the certificate. A permanent workman working in a higher grade in an officiating capacity may also count such leave towards increments in that higher post subject to the certificate in the case of temporary workmen.

Note 2.—In the case of Group 'C' and Group 'D' Government employees, whenever the requisite certificate under this rule is issued by the Administrative Authority, a very concise entry such as "Certificate under rule 4.9 (b) (ii) of the Punjab Civil Services Rules, Volume I, Part I issued for the period from _____ to _____ should be recorded after the entry regarding leave in the service book.

Note 3.—In the case of Government employees engaged on contract who are governed by the leave terms mentioned in appendix 16 in Part II of this Volume, certificate under rule 4.9(b)(ii) may be dispensed with where such officers are appointed on contract to specific posts and proceed on leave from these posts.

Note 4.—In the case of officers who are given contracts without specifying any particular posts and other contract officers, who, though appointed initially in specific posts, are transferred in an officiating capacity to other posts, and who proceed on leave thereafter, the certificate under rule 4.9 (b) (ii) will be necessary to count the period of such leave for increments in the posts which they hold in an officiating capacity immediately prior to proceeding on leave.

Note 5.—In the case of a Government employee proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Government employee is likely to return to the same post after leave, the certificate that he would have actually continued to

officiate in the post but for his proceeding on leave shall be issued by the leave sanctioning authority at the time of grant of leave.

In all other cases, the certificate shall be issued by the appointing authority.

Exception.—The above certificate in respect of all the employees of the Punjab Vidhan Sabha should be issued by the Secretary and in respect of the Secretary Punjab Vidhan Sabha by the Speaker, Punjab Vidhan Sabha.

Note 6.—In the case of temporary/officiating Government employees, a certificate that Government employee concerned would have continued to officiate in that post but for his proceeding on extraordinary leave is necessary and the period of extraordinary leave would count for increment only to the extent covered by the certificate.

Note 7.—Quasi permanent Government employees will be treated in the same way as permanent Government employee in respect of the specified post in which they have been declared quasi-permanent, but in respect of other posts in which they may be officiating the certificate of continued officiation as envisaged in clause (b) (ii) would be necessary as in the case of temporary Government employees.

(c) (i) If a Government employee, while officiating in a post or holding a temporary post on a time-scale pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post, shall, if he is re-appointed to the lower post or is appointed or reappointed to a post on the same time scale of pay count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government employee would have officiated in the lower post but for his appointment to the higher.

This clause applies also to a Government employee who is not actually officiating in the lower post, at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same scale of pay had he not been appointed to the higher post.

(ii) If a Government employee on reversion from an ex-cadre post to the parent cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the same time-scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increments in the time-scale applicable to the cadre post subject to the conditions as are laid down for cases falling under proviso (i) (iii) to Rule 4.4 (b).

Note 1.—For the purpose of clause (c) of this rule, the officiating and temporary service in higher post will also include the periods or all leave, except extraordinary leave taken otherwise than on medical certificate, provided it is certified by the appointing authority that

the Government employee would have actually officiated in the lower post but for proceeding on leave while officiating in the higher post.

Note 2.—These benefits shall also be extended to State Government employees officiating in higher posts or holding higher temporary posts under the Central Government.

- (d) Foreign service counts for increments in the time-scale applicable to,—
- (i) the post in Government service on which the Government employee concerned holds a lien, and
 - (ii) any post in the parent cadre on a lower scale of pay to which the Government employee is appointed on reversion from the ex-cadre post subject to the fulfilment of the conditions mentioned in proviso (1) (ii) to Rule 4.4 (b).
 - (iii) the post in Government service in which the Government employee was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service.
- (e) Joining time counts for increment,—
- (i) If it is under clause (a) or clause (c) of Rule 9.1, in the time-scale applicable to the post on which a Government employee holds a lien as well as in the time-scale applicable to the post, the pay of which is received by a Government employee during the period; and
 - (ii) If it is under clause (b) of rule 9.1 in the time-scale applicable to the post/posts in which the last day of leave before the commencement of the joining time counts for increment.

4.9-A. Notwithstanding anything contained in the foregoing rule, the annual increments shall be allowed with effect from the first day of the month in which they fall due under the normal rules regulating increments.

Note 1.—The increment of an employee on leave due on the first day of the month will be drawn from the date of resuming his duty on return from leave, because during leave the employee gets leave salary only.

Note 2.—In cases in which there is postponement due to employees proceeding on leave without pay which is not counted for increment, normal increment will be granted from the first day of the month in which the postponed increment, as worked-out under the existing rules and orders, falls.

Note 3.—In a case where the date of appointment of an employee is 19th December, 1975, he will be given increment on 1st December, 1976 before completing 12 months service.

Similarly, when he is promoted to a higher grade on 19th December, 1976 he will get increment on 1st December, 1977 before completing 12 months service in officiating grade.

Note 4.—The periods of service at the same stage count for increment. In regard to the point whether increment is to be allowed on the specific date when the employee completes one year's service at the same stage or on the first day of the month, when by counting those broken periods the date of next increment falls on a date later than the first day of the month the increment will be payable from the first day of the month in which the next increment falls due, after counting the broken periods equal to one year, provided the Government employee has also been holding the post from the first day of that month to the date it falls due. In case he is not holding the post on the first day of the month, the increment will be granted from the date it falls due.

Note 5.—Where the normal increment is withheld for specific period and the period of such penalty expires after first day of the month, increment will be granted or restored from the date of the penalty ceases.

Note 6.—This rule is not applicable to advance or enhanced increments which are allowed as a result of passing of certain examinations. Such increments, if possible, will be governed by separate rules and orders.

4.10. Subject to any general or special orders that may be made by the competent authority in this behalf, an authority may grant a premature increment.

Note 1.—A proposal to grant an increment in advance of the due date should always be scrutinized with special jealousy as it is contrary to the principle of a time-scale of pay to grant an increment before it is due. Such a grant should not be made or advised except in very rare circumstances which would justify a personal pay to a Government employee whose pay is fixed.

Note 2.—The expression “scale of pay” represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

Note 3.—The grant of premature increments to members of the Provincial Civil Medical Service is governed by the rules in Appendix XI to the Punjab Medical Manual.

Note 4.—In the case of increments granted in advance, it is usually the intention that the Government employee should be entitled to increments in the same manner, as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments, as a Government employee, who has so risen.

TRANSFER FROM A HIGHER TO A LOWER GRADE OR FROM A HIGHER STAGE TO A LOWER STAGE

4.11. The authority which orders the transfer of a Government employee as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper:

Provided that the pay allowed to be drawn by a Government employee under this rule shall not exceed the pay which he would have drawn by the operation of rule 4.5 read with clause (b) or clause (c), as the case may be, of rule 4.9.

4.12. (1) If a Government employee is reduced as a measure of penalty to a lower stage in his time-scale, the authority, ordering such reduction shall state the period for which it shall be effective and whether, on restoration the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Government employee is reduced as a measure of penalty to a lower service, grade or post, or to a lower time-scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments, and if so, to what extent.

Note 1.—Having regard to the principle underlying rule 4.12, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the order of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

Note 2.—If the reduction to a lower post or grade is for an unspecified or indefinite period, the pay of the Government employee, on re-appointment to the higher post or grade shall be regulated under the normal rules and not under rule 4.12.

Note 3.—(a) Every order passed by the authority imposing on a Government employee the penalty of reduction to a lower stage in a time-scale should indicate –

- (i) the date from which it will take effect and the period (in term of years and months) for which the penalty shall be operative;
- (ii) the stage in the time-scale (in terms of rupees) to which the Government employee is reduced; and
- (iii) the extent (in terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a Government employee is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

(b) The question as to what should be the pay of a Government employee on the expiry of the period of reduction should be decided as follows:—

- (i) If, the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government employee should be allowed the pay which he would have drawn in the normal course but for the reduction.
- (ii) If the order specifies that the period of reduction was to operate to postpone future increments for any specified period the pay of the Government employee shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.
- (c) In order to ensure, that the object underlying Rule 4.12(1) of not allowing increments during the period of reduction is achieved, every order passed by a competent authority imposing on a Government employee the penalty of reduction to a lower stage in a time scale should invariably specify that stage in terms of rupees to which the Government employee is reduced as in the following form :—

The _____ has directed that Shri _____ should be reduced to a pay of Rs. _____ for a period of _____ with effect from _____.

4.12-A. Where an order of penalty of withholding of increment of a Government employee or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government employee shall, notwithstanding anything contained in these Rules, be regulated in the following manner:—

- (a) if the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;
- (b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation:—If the pay drawn by a Government employee in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

Note.—In respect of cases falling under clause (a) of this rule, service rendered by the Government employee in the lower service, grade or post or lower time-scale or lower stage in the time-scale or at the stage the increment was withheld, from the date of imposition of such penalty by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty. In respect of cases falling under clause (b) of this rule, such service from the date of imposition of the penalty by

the disciplinary authority to the date on which the order is modified by the appellate or reviewing authority, shall be counted for the purpose of increment or for other purposes in the post which he was holding immediately before the imposition of the penalty or any other post which he would have held but for the order of penalty, to the extent, the modified order permits of such counting. For example, if an officer of a Group 'A' Service in the higher scale of pay of Rs. 15600-39100+5400 Grade Pay is reduced to a Group 'B' Service in the pay scale of Rs. 10300-34800+4400 Grade Pay, for a period of, say, two years, and if after six months, the order is modified by the appellate authority as reduction to the Group 'A' Service in the lower scale of Rs. 10300-34800+5000 Grade Pay, the period of six months shall count for increment in the lower scale. If, on the other hand, the order of penalty is modified as reduction to a lower stage in the time-scale of Rs. 15600-39100+5400 Grade Pay, for a specified period or withholding of increment in that time-scale for a specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.

Administrative Instruction.—A permanent post vacated by reduction of a Government employee to a lower service, grade or post or to a lower time scale, should not be filled substantively until the expiry of a period of one year from the date of such reduction.

Where on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

PAY OF OFFICIATING GOVERNMENT EMPLOYEES

4.13. (1) Subject to the provisions of rules 4.22 to 4.24, a Government employee who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one enumerated in the schedule to this rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post on which he holds a lien:

Provided that the competent authority may exempt from the operation of this rule, any service which is not organised on a time-scale basis and in which a system of acting promotions from grade to grade is in force at the time of the coming into force of these rules:

Provided further that the competent authority may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the competent authority may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide and may thereupon be granted the same pay (whether with or without any special pay, if any, attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien, or on a scale of pay identical therewith.

Note 1.—The words ‘duties’ and ‘responsibilities’ used in this rule are to be interpreted in a wide sense as including besides the works to be performed the general responsibilities and liabilities incidental to being member of a particular service. See also note 7 below rule 4.4.

Note 2.—Omitted.

Note 3.—With reference to the 2nd proviso in clause (1) of this rule it has been decided not to issue a list of the posts of the kind referred to therein, but to deal, on its merits, with each case as it arises. In each case so dealt with, adequate safeguards should be laid down so as to prevent the tenure of posts outside the ordinary line of a service by unduly senior Government employees which might cause undue expense and be in other ways contrary to public interest and also to prevent Government employee from receiving the rate of pay attached to selection posts which they would have been regarded as unfit to hold if present in the ordinary line. This point should be carefully kept in view by the authority recommending a case for the declaration by the competent authority.

Note 4.— (i) Punjab Government have sanctioned the adoption of the following guiding principles for purpose of clarifying the position and for the working of the convention usually known as the “next below rule”:-

- (1) A Government employee out of his regular line should not suffer by forfeiting officiating promotion which he would otherwise have received, had he remained in his regular line.
- (2) The fortuitous officiating promotion of some one junior to a Government employee who is out of the regular line does not in itself give rise to a claim under the next below rule.
- (3) Before such a claim is established, it should be necessary that all the Government employees senior to the Government *employee who is out of the regular line have been given officiating promotion.*
- (4) It is also necessary that the Government employee next below him should have been given promotion, unless in any case the officiating promotion is not given because of inefficiency unsuitability or leave.

(5) In the event of one or more of the three bars mentioned above, of being applicable to the Government employee immediately below the Government employee outside his regular line, the same Government employee even more junior should have received officiating promotion and the Government employees, if any, in between that should have been passed over for one of these reasons.

(ii) The holders of special (interim) posts such as Secretaryship to a Governor or a State Government should be ready to accept loss of officiating promotion in a higher scale or grade to higher posts in the ordinary line for short periods, not exceeding three months, in consequence of their incumbency of special posts, and that when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotions the proper course would be to make arrangements to enable them to be released from the special post rather than to compensate them for the loss of officiating promotion under the next below rule.

(iii) In cases where an officer is deprived of officiating promotion to a higher paid post owing to it being impracticable for the time being to release him from the special post outside the ordinary line no compensation shall be granted in respect of the first three months of his retention in the lower paid post unless the conditions of the next below rule as satisfied.

(iv) In cases where the period for which officiating promotion is lost exceeds three months the officer concerned may be granted the pay of the higher paid post for the excess period but arrangements should be made wherever possible to avoid depriving officers of lengthy period of officiating promotions.

(v) Save in exceptional circumstances, no officer to whom the next below rule would apply should be retained in a lower paid post for more than six months beyond the date on which he becomes entitled to officiate continuously in a higher post.

(vi) The expression "*posts outside the ordinary line of a service*" in the second proviso to rule also includes, besides ex-cadre posts, special posts outside the ordinary line, which are borne on the cadre of a service. Holders of such posts can be given the benefit of a declaration under that rule provided that the conditions precedent to the applicant of the next below rule are fulfilled in their case.

(vii) Cases of those holders of posts in the ordinary line, who may suffer loss of officiating promotion owing to it being impracticable to release them from their posts, can also be dealt with under the second proviso to rule 4.13 if the conditions precedent to the application of the next below rule are satisfied in any case.

(viii) In the case of officers, who in the public interest have to be deprived of officiating promotions whether they are serving outside the ordinary line or in the ordinary line and in which case the conditions laid down in the next below rule are not satisfied, the instructions contained in clauses (iii) and (iv) above will apply.

(ix) The benefit of officiating promotion under the *next below rule should be allowed subject to the fulfilment of the conditions only against promotions in a cadre in vacancies of more than 90 days duration*. In other words, the initial vacancy as well as subsequent

vacancies on the basis of which the benefit is to be continued should each be of more than 90 days duration. The benefit should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 90 days.

ORDERS OF THE PUNJAB GOVERNMENT

In some instances claims have been supported for the protection of more than one officer in respect of a single officiating appointment in cases where a consecutive series of two or more officers in a cadre are on deputation to posts outside the regular line, and the officer next below them is promoted to officiate in a higher post in the cadre. In order to eliminate any doubt in the matter, it has been decided by Government that one officer and one officer only, namely, the most senior fit officer who is not debarred by the conditions prescribed for the application of the rule should be allowed the benefit under the “next below” rule.

In may happen that the senior most officer serving outside the regular line does not require to be protected under the ‘next below’ rule by his belonging to one or other of the types indicated below:—

- (i) An officer serving outside the ordinary line holds a post carrying a scale of pay identical with that of an administrative post in the ordinary line, and is, by virtue of a declaration in terms of the exception below rule 4.13; eligible for the pay and incremental benefits of the higher post in the ordinary line.
- (ii) An officer outside the regular line holds a post (generally temporary) carrying better pay than the “identical” scale.

In such cases, the protection under the “next below” rule in respect of any one vacancy occurring in the regular line may go to the next senior most fit officer of the series serving outside the cadre who is not independently protected in respect of pay increment or pension by belonging to one or other of these types.

Note 5.—In the case of ministerial and other establishment in which there are no grades the proviso in clause (1) of this rule is intended to cover, where necessary, all cases of the grant of officiating allowances from one fixed rate of pay to another without change of duty.

Note 6.— (i) It is not intended that the phrase “outside the ordinary line of service” in the second proviso to clause (1) of this rule should be rigidly interpreted either as “outside the cadre of a service” or as “outside the ordinary time-scale.” The form of words adopted in this rule gives discretion to the competent authority in regard to a case where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(ii) The specification of a post under this proviso will enable a Government employee to count service in that post for increment in the grade in which he would have officiated, had he not been holding the specified post.

Note 7.—The pay of a Government employee officiating in a post the pay of which is subject to increase upon the passing of an examination or on the completion of a service is the pay which he would, from time to time, receive if he held the post substantively.

Note 8.—The pay of a Government employee officiating in a post the pay of which has been reduced from the next succession thereto is the reduced pay.

Note 9.—It is not the intention behind rule 4.14 under which the title to presumptive pay is always subject to the provisions of this rule that the presumptive pay of the post as determined by rule 4.4(a) (ii) be allowed as a matter of course. According to rule 4.13, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance it is not permissible for the Government employee to draw pay higher than his substantive pay (if any) in respect of a permanent post. In other words, while the Punjab Civil Services Rules are not prohibitive in respect of officiating promotions in such circumstances they, undoubtedly restrict the officiating pay to the substantive pay from time to time of the Government employee concerned.

The case of a Government employee without a permanent post and, therefore, having no substantive pay in respect of such a post, is however, different. Rule 4.13 being inapplicable in such cases, he is entitled to have his pay regulated exclusively under rule 4.14 read with rule 4.4 (b) but to check any extravagance in officiating pay in such cases, it is always open to the competent authority to take resort to the provisions of rule 4.16.

Note 10. Omitted.

Note 11.—A declaration by Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government employee appointed to the post from another post in the same cadre.

Note 12.—Normally no pay higher than the substantive pay is admissible on an officiating appointment to a selection grade post which does not involve assumption of duties or responsibilities of greater importance except where such a post has been included in the Schedule to rule 4.13 of Punjab Civil Services Rules, Volume I, Part I. It has now been decided in relaxation of the provisions of rule 4.13 *ibid* that –

- (i) officiating appointments to the Selection Grade may be permitted in such cases;
- (ii) the pay in such cases may be fixed in the Selection Grade under the provisions of rule 4.4 (a) (ii) of the Punjab Civil Services Rules, Volume I, Part I, and that
- (iii) the benefit of the “Next Below Rule” may be extended in such cases, subject to all the conditions of that rule being satisfied.
- (iv) Pay of a Government employee, who on the date of his placement in the selection grade, was drawing pay, –
 - (i) at the maximum of the ordinary scale; or
 - (ii) at the maximum of the ordinary scale plus *ex-gratia* biennial increment, shall be

regulated as follows, namely:—

- (a) pay shall be fixed at the next stage in the selection grade where pay at the maximum of the ordinary scale plus ex-gratia biennial increment, as the case may be, has been drawn for one year or more than one year;
- (b) period of service amounting to less than one year rendered at the maximum of the ordinary scale or at the maximum of the ordinary scale plus ex-gratia biennial increment, as the case may be, shall be counted for the purposes of increment in the selection grade; and
- (c) the next increment in the selection grade shall accrue after rendering the requisite qualifying service in the selection grade.

SCHEDULE

District and Sessions Judge, Selection Grade

4.14. (1) Subject to the provisions of Rules 4.13 and 4.16 a Government employee who is appointed to officiate in a post shall draw the presumptive pay of that post.

(2) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government employee shall be re-fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage.

Note 1.—See also notes 7 and 8 below rule 4.13.

Note 2.—In the case of a Government employee whose officiating pay on re-fixation under clause (2) of this rule carries his pay above the efficiency bar stage in the time-scale of the officiating post, the Government employee concerned should be deemed to have automatically crossed the efficiency bar at the time of relaxation of officiating pay and the question of application of efficiency bar shall not arise. In the case of a Government employee officiating in a post and whose pay had been re-fixed under clause (2) of this rule, if he is confirmed in that post from a retrospective date, the re-fixation of pay done under clause (2) above after the date of his confirmation will have to be revised and consequently over payments, if any, should be recovered.

Note 3.—In the case of a person proceeding on leave, if the period of leave counts for increment in the officiating post under rule 4.9 (b) subject to the fulfilment of the conditions and production of the necessary certificates, his officiating pay may be re-fixed under rule 4.14(2) from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of re-fixation of pay.

If, however, the period of leave does not count for increment, in the officiating post, the Government employee loses all connection with that post during that period and he will be

entitled to get his officiating pay fixed only from the date he returns from leave in which case the next increment will fall due only after completion of the prescribed period of duty from the date of resuming charge unless he becomes entitled to refixation of pay under rule 4.14 (2) once again from an earlier date.

Note 4.—Where the increment of a Government employee in the post in which he is officiating has been withheld under rule 4.7 without any reference to the increments that will accrue to him in the post held by him substantively, the provisions contained in sub-rule (2) of this Rule shall not apply before the date from which the orders withholding the increment finally cease to be operative. However, the Government employee may be allowed during the period of penalty of withholding of increment, his substantive pay from time to time if the same happens to be more than the officiating pay.

These provisions shall also apply in respect of a Government employee whose pay in the post held by him in an officiating capacity has been withheld at a particular stage or the efficiency bar stage of the time-scale of that post for failure to pass a departmental examination.

Note 5.—The pay of the Government employee who was not actually officiating at the time of enhancement of his substantive pay, but would have officiated under the ‘next below rule’, but for his deputation to some other post/officiating appointment to a still higher post, shall be re-fixed under clause (2) above notionally in the post in which he would have continued to officiate but for his deputation to some other post/appointment in an officiating capacity to a still higher post. As and when the Government employee reverts to that post, from deputation/higher post, the actual pay to be given to him on the date of reversion will be arrived at with reference to such notional pay.

4.15. When a Government employee officiates in a post, the pay of which has been fixed at a rate personal to another Government employee, the competent authority may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

Note 1.—This rule prescribes the initial rate of pay only. If the pay personally fixed is on a time-scale it is not intended that an officiating incumbent should be debarred from drawing increments in that time-scale according to the ordinary rules.

Note 2. Omitted.

4.16. A competent authority may fix the pay of an officiating Government employee at an amount less than that admissible under these rules.

Note 1.—One class of cases falling under this rule is that in which a Government employee merely holds charge of the current duties and does not perform the full duties of the post.

Note 2.—When a Government employee is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under this rule he must

not be treated as having effectually officiated in that post within the meaning of rule 4.4 or having rendered duty in it within the meaning of rule 4.9.

Such a Government employee, on confirmation, should have his initial pay fixed under rule 4.4 (b) and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

Note 3.—The power conferred by this rule is not exercisable save by a special order passed in an individual case and on a consideration of the facts of that case. A general order purporting to oust universally the operation of rule 4.14 would be *ultra vires* of this rule. Although, the practice of passing ostensibly special order on every individual case would not be *ultra vires* of this rule it would constitute the grossest possible fraud thereon.

4.17. A competent authority may issue general or special orders allowing acting promotions to be made in the place of Government employees who are treated as on duty under rule 2.16 (b).

Note.—Acting promotions have been permitted under this rule in place of Government employees who are treated as on duty under item 1 (i), of the Schedule to Chapter II.

PERSONAL PAY

4.18. Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, shall cease as soon as his pay is increased by an amount equal to his personal pay.

4.19. Omitted.

PAY OF TEMPORARY POSTS

4.20. When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

4.21. When a temporary post is created which will probably be filled by a person who is already a Government employee, its pay shall be fixed by the competent authority with due regard to –

- (a) the character and responsibility of the work to be performed; and
- (b) the existing pay of Government employees of a status sufficient to warrant their selection for the post.

Note 1.—Under these rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government employee then rules 4.20 and 4.22 will apply.

Note 2. Omitted.

Note 3.—(1) Temporary posts may be divided into two categories, viz., posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and isolated posts created for the performance of special tasks unconnected with the ordinary work which a service is called upon to perform. An example of the latter type of post would be a post on a Commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of posts should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post; while the latter class of temporary posts should be considered as unclassified and isolated ex-cadre posts.

(2) Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service, ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pays. If the posts involved decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction special pay in addition. Such special pay may only be allowed with the approval of the competent authority.

(3) For isolated ex-cadre posts, it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a service, it will ordinarily be preferable to create the post in time-scale of the holder's service. The observations contained in paragraph 2 above will apply with equal force to the grant of special pay over and above the ordinary time-scale.

COMBINATION OF APPOINTMENTS

4.22. The competent authority may appoint one Government employee to hold substantively, as a temporary measure or to officiate in, two or more independent posts at one time. In such cases, the Government employee shall draw the highest pay to which he would be entitled if his appointment to one of the posts stood alone:

Provided that the employee must fulfil the requisite qualifications and conditions for services for both the posts.

4.23. When a Government employee holds charge of the current duties of a post after being relieved of those of his substantive post, he officiates in that post. If it is not considered that he is entitled to the full officiating pay of the post, his pay may be fixed under rule 4.16. This should be done whenever the Government employee is not carrying out the full duties of the post.

Note. Omitted.

4.24. When a Government employee holds current duty charge of another post, in addition to that of his own substantive post, he does not officiate in the former post and as such is not entitled to any additional remuneration.

CHAPTER V ADDITIONS TO PAY

I-COMPENSATORY ALLOWANCES

General

5.1. Subject to the provisions of rules 5.2 to 5.8 and to the conditions that the amount of compensatory allowance is so regulated that it is not on the whole a source of profit to the recipient, a competent authority may grant such an allowance to any Government employee.

Unless in this section it be in any case otherwise expressly provided and subject to the provisions of rule 4.22 a compensatory allowance attached to a post will be drawn in full by the Government employee actually performing the duties of that post and will not be drawn in whole or in part by anyone else. Save as provided by the rules in this part, a compensatory allowance attached to a post will cease to be drawn by a Government employee when he vacates the post.

Note 1.—Compensatory allowances to the personal staff of the Governor (including the Military Officers, if any), are regulated by the States Reorganisation (Governor's Allowances and Privileges) Order, 1957.

Note 2.—The grant of T.A. (which is also a compensatory allowance, vide rule 2.13) is regulated by the rules in Volume III of these rules.

5.2. In this section –

- (a) 'Leave' means total leave of all kinds, including extra ordinary leave, for a period not exceeding 180 days and leave preparatory to retirement not exceeding 300 days, but does not include terminal leave.

The title to compensatory allowance will remain intact—

- (i) when the original leave not exceeding 180 days is not subsequently extended, or if extended, the total does not exceed 180 days, throughout the period;
- (ii) when the original or extended leave not exceeding 180 days, referred to in sub-clause (i) is subsequently extended and the total period exceeds 180 days—up to the date of expiry of the original or extended leave not exceeding 180 days or the date of sanction to the first subsequent extension which causes the total period of leave to exceed 180 days, whichever is earlier.

- (b) ‘Temporary Transfer’ means a transfer to duty in another station which is expressed to be for a period not exceeding 90 days. For the purpose of this section it includes deputation. Subject to the limit of 90 days, the title to compensatory allowance, if the temporary duty is subsequently extended beyond 90 days in all, will remain intact upto the date of the orders of extension.

Note 1.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of 90 days provided in this rule.

Note 2.—When vacation is combined with leave, the entire period of vacation and leave should be taken as one spell of leave for the purpose of clause (a) of this rule.

Note 3.—Omitted.

Compensatory allowances, other than a house-rent allowance.

5.3. An allowance granted owing to the expensiveness of living, other than a house-rent allowance, may be drawn—

- (a) during ‘leave’ at the same rate at which the employee was drawing before proceeding on leave without the production of a certificate prescribed in sub-clause (ii) ;
- (aa) during leave exceeding 180 days, but not exceeding 240 days—
- (i) in case the employee suffers from T.B., Cancer or other ailments and furnishes a medical certificate in the form prescribed under rule 8.13. The question whether the allowance may be paid to an employee suffering from T.B., Cancer or other ailments during leave, on medical certificate exceeding 240 days will be decided on merit by the Administrative Department concerned in consultation with the Department of Finance ; and
- (ii) in case the employee certifies that he or his family or both resided for the period for which allowance is claimed at the station from which he proceeded on leave or at another station he will be entitled to similar allowance.

Where an employee does not join duty after the expiry of leave, whether on medical grounds or otherwise and resigns, he shall not be eligible for the allowance for the entire period of such leave and the allowance sanctioned earlier will be recovered before the resignation is accepted : Provided that in case of an employee who is granted leave but does not join duty after expiry of such leave, owing to death

or invalidity during such leave, the recovery of allowance sanctioned earlier will not be effected.

Note 1.—The provisions of this clause do not apply to the case of industrial or other employees whose leave terms are governed by special orders and not by the Revised Leave Rules. In such cases, the compensatory allowance should be granted only during holidays or leave with pay. For this purpose, a weekly holiday, where admissible, will be treated as a holiday with pay except when it forms a part of spell of leave without pay or holiday without pay.

Note 2. Omitted.

(b) during temporary transfer, if –

- (i) the authority sanctioning the transfer certifies that the Government employee is likely on the expiry of the temporary duty to return to the station from which he is transferred ;
- (ii) the Government employee draws no allowance of the same kind in the post to which he is transferred ; and
- (iii) the Government employee certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.

5.4. Omitted.

HOUSE RENT ALLOWANCE

5.5. (1) A house rent allowance may be drawn by a Government employee during leave or transfer in the circumstances specified in clause (a) or (b) of rule 5.3.

(2) The eligibility for the grant of the House Rent Allowance to a Government employee, shall be determined with reference to his place of posting.

(3) A Government employee shall, ordinarily, be required to reside within a radius of twenty-five kilometres from the headquarters. However, a competent authority may permit a Government employee to reside at a place beyond twenty-five kilometres from the headquarters:

Provided that the Government employee attends to his duties punctually and without detriment to his efficiency.

(4) Where a Government employee entitled to rent-free accommodation under rule 5.35, is not provided with such accommodation, he shall be entitled to draw an additional house rent allowance at the rate of five percent of his emoluments subject to

the condition that he resides in a rented house within a radius of three kilometres from the place of duty.

Clarification: The house-rent allowance being a compensatory allowance may be allowed to be drawn by a Government employee under suspension like other compensatory allowances, subject to the conditions laid down in rule 7.2 (b), being satisfied. In the case of an employee whose period of suspension is treated as having been spent on leave, the grant of house-rent allowance will be regulated under the relevant provisions of rules 5.3 to 5.9 as in the case of other compensatory allowances.

Note 1.—The competent authority to permit residence of a Government employee beyond twenty-five kilometers of his headquarters, shall be the same as defined in the entries against Serial No. 2 of the Table below rule 15.1.

Note 2.—A Government employee who, on transfer, has been permitted to retain Government accommodation at the old station will be eligible for house-rent allowance, in respect of the new station, if otherwise admissible, without regard to the fact whether he has been permitted to retain the Government accommodation at old station on payment of normal rent or penal rent.

Note 3.—The word “emoluments”, in this rule has the same meaning as defined in rule 5.33.

CONVEYANCE ALLOWANCE

5.6. An allowance granted on condition that a conveyance is maintained, may be drawn during leave, if –

- (i) the authority sanctioning the leave certifies that the Government employee is likely, on the expiry of the leave, to return to the post from which he proceeds on leave, or to be appointed to a post in which the possession of the conveyance will be advantageous from the point of view of his efficiency; and
- (ii) the Government employee certifies that he continued to maintain the conveyance and that he spent the amount claimed on its upkeep during the period for which the claim is submitted,

For periods of temporary duty, it can only be drawn with the sanction of competent authority.

Note 1.—See note 1 below rule 5.3.

Notes 2, 3 and 4 Omitted.

Note 5.—When a conveyance allowance of a Government employee has been reduced during leave by the competent authority under this rule and the Government employee is transferred immediately on the expiry of leave to another post carrying a similar allowance

then during joining time the allowance shall be granted at the rate at which it was drawn during leave.

5.7. A conveyance allowance to which the obligation of maintaining a conveyance is not attached is not admissible during leave or temporary transfer.

OTHER COMPENSATORY ALLOWANCES

5.8. A compensatory allowance other than an allowance for the regulation of which provision is made in any of the rules 5.3 to 5.7 may be drawn during leave or temporary transfer if –

- (a) the authority sanctioning the leave or transfer certifies that the Government employee is likely on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and
- (b) the Government employee certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

Note 1.—See note 1 below rule 5.3.

Note 2.—With reference to clause (b) of this rule, a Government employee, who desires to avail himself of the benefit of the rule, should submit his claim with a statement of the relevant expenses to the authority sanctioning the leave or transfer. That authority should then decide, having regard to the provisions of rule 5.1 and 5.2 how much of the allowance should be drawn and communicate his decision to the Accountant-General with a copy of the statement of expenses referred to above. The copy of the statement of expenses may be sent to the Accountant-General, in a confidential cover, if this is considered desirable. It will then be open to the Accountant-General, either to accept the decisions or to challenge such of them as reveal any manifest breach of the canons of financial propriety.—vide P.F.R. 2.10. The provisions of this rule do not apply to Government employees in receipt of the compensatory local allowance sanctioned for Amritsar in whose case the provisions of clause (b) of the rule will be applicable. In regard to the drawal of similar and other hill compensatory allowances during leave, it will suffice if it is certified by the Government employee concerned that he or his family or both resided at the hill station concerned for the period for which the allowance is claimed.

COMPENSATORY ALLOWANCE DURING JOINING TIME

5.9. A Government employee on joining time under rule 9.1 (b), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates.

If the Government employee in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clauses (a) and (b) of rule 9.1: Provided that if the rates differ in the two posts, he may draw the lower rate only.

5.10 to 5.12. Omitted.

II – RENT OF GOVERNMENT RESIDENCES

GENERAL

5.13. The following rules govern the allotment to Government employees for use by them as residences of such buildings owned or leased by Government or such portions thereof as may be made available for the purpose.

Note.—When a Government employee of a government, other than the Punjab Government, occupies by official arrangement a residence provided by the Punjab Government or *vice versa*, rent shall be recoverable from the Government employee in accordance with the rules in Appendix 4 to the Punjab Financial Rules.

5.14. Nothing contained in these rules shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those Government employees who have been exempted from such payment under the provisions of law or to affect the amount of rent or charges payable by those Government employees in whose case the amount so payable is prescribed by law for the time being in force.

Capital Cost of Buildings and Assessment of rents

(i) Capital Cost of a Residence.

5.15. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either –

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or when this is not known,
- (b) the present value of the residence:

Provided that, where it is so directed by general or special order, the value of the site and the cost of its preparation shall be included in the capital cost, and the cost of sanitary, water-supply and electric installations may be excluded. If the cost of sanitary, water-supply and electric installations is ordered to be excluded rent for such installations shall be levied at the rates specified under rule 5.23 (d).

Note 1.— For cases in which the above proviso will apply, see paragraph 3.27, Punjab Public Works Department Code, 2nd Edition.

Note 2.—The cost of restoration or special repairs shall not be added to capital cost or present value unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

5.16. For the purpose of rule 5.15—

- (i) expenditure incurred on works such as—
 - (a) raising, levelling and dressing sites;
 - (b) construction of revetments and retaining walls, unless when incurred in connection with the provision of a tennis court;
 - (c) storm-water drains; and
 - (d) boundary pillars;

shall be considered as expenditure on preparation of a site; and

- (ii) expenditure incurred on works such as —
 - (a) compound walls, fences and gates;
 - (b) approach roads, culverts and paths within the compound;

shall be included in the capital cost of the residence for the purpose of assessment of standard rent.

5.17. When the present value of a residence and of the site on which it stands is unknown,—vide clause (b) of rule 5.15, the value of the residence and of the site shall be estimated separately by the Divisional Officer, who shall, if the estimated value of either does not exceed an amount to be specified by the Government, submit the estimate to the Superintending Engineer who shall determine the present value. If the Divisional Officer's estimate of either the site or the residence exceeds the amount so specified, he shall submit it to the Superintending Engineer, who shall forward it to the Chief Engineer, who shall determine the value of the residence and of the site. The Divisional Officer's estimate shall, in both cases be accompanied by a report of the Chief Civil Officer of the district in regard to the value of the land and also the value of the building with reference to the market value of similar building in the vicinity.

5.18. A competent authority may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under rule 5.17 above, and may revise the capital cost of any or all such residences on the basis of such revaluation.

Note.—The intention of this rule is to authorise revaluation of a residence or residences in accordance with rule 5.17 even when the factors specified in clause (a) of rule 5.15 are known.

5.19. The capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant, other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges.

Note.—Full departmental charges should be levied in cases referred to in note (1) below rule 5.15.

5.20. Renewals of a building or of its subsidiary works, such as out-houses, roads, drains, culverts, etc., or new construction such as retaining walls, necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity will be chargeable to the capital cost, but on completion a competent authority will decide what amount should be written off the original capital cost. When a portion of a building required to be dismantled to make room for alterations and additions, the capital value of the dismantled portion should be dealt with under the rules in the Public Works Department Code applying to buildings generally.

5.21. A competent authority may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence –

- (1) When a portion of the residence must be set aside, by the Government employee to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business; or
- (2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided.

Note.—See also rule 5.39.

5.22. In assessing the cost or value of the sanitary, water supply and electric installations and fittings (vide rule 5.15), the following shall be regarded as comprising the installations and fittings: –

Electric Supply

- (1) Wiring, including the supply line from the main and all connected apparatus such as fuse boxes and switches.
- (2) Fixed lamps (bracket and pendant) including shades, holders but excluding shades and bulbs.

- (3) Walls plugs of table lamps, table fans, and electric and water heaters.
- (4) Fan points (excluding ceiling fans and regulators).
- (5) Lightning interceptors.
- (6) Metres when supplied by Government.

Sanitary and water-supply

- (1) Pipe, including service pipe from the main;
- (2) Apparatus for hot water supply;
- (3) Cistern, taps and other necessary equipment;
- (4) Baths, basins, and lavatory fittings;
- (5) Metres when provided at the cost of Government;
- (6) Drains, including the main connection with the sewer; and all connected apparatus such as gulleys, channels, traps and vent pipe for the disposal of house wastes and sewage.

Note 1.—The inclusion of these articles in this rule does not bind Government to provide all or any of them in a residence.

Note 2.—When table lamps, table fans or other electrical appliances not included under “Electric Supply” above, have already been supplied, the cost should be included in the capital cost of the residence, but on their becoming unserviceable they should not be replaced, the capital cost of the residence being reduced accordingly.

(ii) Standard Rent

5.23. The standard rent of a residence shall be calculated as follows:—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an allowance for meeting during the period of lease the probable cost of charges for –
 - (i) both ordinary and special maintenance and repairs of the residence as may be a charge on Government including maintenance and repairs of any additional work done at Government expense;
 - (ii) capital expenditure on additions and alternations as may be a charge on Government;
 - (iii) interest on capital expenditure referred to in (ii) above; and
 - (iv) the rates or taxes in the nature of house or property tax, if any, payable under any law or custom by the owner to a municipality or other local body (but not recoverable from the Government employee to whom the residence is allotted).

The allowances for meeting such capital expenditure on additions and alterations as may be a charge on Government and the interest and depreciation in connection therewith, shall be as laid down in paragraph 3.22 (3) of the Punjab Public Works Department Code (Second Edition).

- (b) In the case of residence owned by Government the standard rent shall be calculated on the capital cost of the residence, and shall be either –
- (i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by competent authority plus an addition for municipal and other taxes in the nature of house or property tax in respect of the residence payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rule 5.28; or
 - (ii) Seven and half per cent per annum of such capital cost, whichever is less. The restriction of seven and a half per cent per annum shall not apply in the case of residences the capital cost of which is calculated under the proviso to rule 5.15.

(c) In both cases mentioned in clauses (a) and (b) above standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above subject to the proviso that, in special localities or in respect of special classes of residences, a competent authority may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a competent authority takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 5.48 below bears to one year.

(d) When sanitary, water-supply and electric installations as defined in rule 5.22 are not included in the capital cost of residence rent shall be assessed on the capital value of such installations at the following percentages: –

	Interest	Maintenance	Depreciation
Sanitary Installations	} As per sub-rule (b)(ii) of this rule.	6½ percent (ordinary 5 per cent and special 1½ per cent)
Water Supply installations			
Electric Installations	Ditto	4 percent	5 percent

Note 1.—Municipal taxes which by local rule or custom are levied on the occupant will be payable by the occupant in addition to the rent payable to Government under these rules.

Note 2.— See also rule 5.40 infra.

Note 3.—For the purpose of clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under rule 5.19, above. Full departmental charges should, however, be levied in cases referred to in note (1) below rule 5.15.

5.24. (a) When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased subject to the following conditions:—

- (i) the total cost of such additions and alterations shall not exceed 5 per cent of the capital cost on which the standard rent was last calculated ; and
- (ii) such additions and alterations shall be made within five years after the last calculation on the standard rent.

(b) When by reasons of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st of April, next following or from the date upon which a new tenant becomes liable for the payment of rent whichever is earlier.

(c) Subject to the provisions of clause (b) the standard rent of a residence shall be recalculated on the expiry of five years from the date of last calculations and the recalculations shall take effect from the 1st of April next following or from such other date as the competent authority may direct.

(d) When the portion of a capital cost of a residence is written off under the orders of a competent authority the rent should be recalculated forthwith.

Note 1.— It is the duty of the Executive Engineer to give timely notice to the tenant concerned of the increase in rent. Omission, however, on his part to give such intimation in any case will not constitute a reason for the enhancement of rent taking effect from a date later than that on which it is due under the above rule.

Note 2.—In the case of substantial additions or alterations to a residential building, pending sanction of the revised standard rent by the competent authority, its rent should be provisionally fixed so as to allow an adequate margin to cover rent in respect of the estimated expenditure of such additions or alterations and unforeseen charges, and recovery of rent from the tenant should be effected at that rate. If the provisional rent is more than the revised standard rent, the amount recovered in excess shall be refunded to the tenant.

Note 3.—The rental value, viz. Standard-Rent, Market-Rent and Economic-Rent of the Government owned property (Buildings etc.) and those of Government employees who live in their self-owned houses or houses owned by their parents or children and are claiming House-

Rent-Allowance therefor may be re-assessed after an interval of every 5 years. If an employee becomes entitled to claim higher rent of his property and consequential gain in House-Rent Allowance as a result of the general appreciation in the market value of properties or due to inflation; he will also draw proportionately less House-Rent, resulting thereby in reduction of House-Rent-Allowance, should there be a depression in the general market due to economic or other causes.

5.25. If a building is actually occupied prior to the closing of the accounts of expenditure on its construction, acquisition or equipment, rent is nevertheless chargeable from the date of occupation and should be fixed provisionally with the sanction of the competent authority. The rent, thus fixed provisionally while the accounts are open, is subject to revision with retrospective effect when they are closed and no remission of rent on this account can be made save with the sanction of the competent authority.

Note.—The provisions of note 2 below rule 5.24 also apply *mutatis mutandis* to newly constructed buildings.

5.26. Omitted.

5.27. The average annual cost of maintenance and repairs will consist of two parts—special and ordinary charges as explained below: —

- (i) Special charges will be those incurred in the renewal of floors of roofs or on other special repairs or replacements occurring at long intervals. Provisions for such charges should be made in the form of percentages on the capital cost of each building. These percentages will vary for different classes of buildings and are laid down in rule 5.28. When repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such special repairs should be shown separately in the Capital and the Revenue Accounts under Revenue Charges during the year, and should not be included in the total charges or taken into account as a basis for the revision of the rent.
- (ii) Ordinary charges will include the cost of ordinary annual repairs together with a proportional share of the expenditure that may be required quardrennially or at other short intervals. The amount of these charges as regards buildings constructed or acquired by the Irrigation Branch is estimated as laid down in rule 5.28. For buildings constructed or acquired by the Buildings and Roads Branch these will be estimated within the limits laid down in rule 5.28 by the Executive Engineer of the Division and approved by the Superintending Engineer.

Note.— See also rule 5.20.

5.28. The following percentages of cost will be assessed on account of ordinary and special repairs in calculating the standard rent under rule 5.23 (b) (i) :-

(1) When acquired or constructed through the agency of the Public Works Department, Irrigation Branch-

Class of buildings	Description	Assessable percentage on the Capital cost of the Building Excluding value of site	
		Special repair.	Ordinary repairs.
A	Those in good order built by the Works Department in a semi-permanent style, i.e. with pucca foundation Kutch-pucca outside walls, lime pointed pucca parapets and chimneys terraced jack arch or wooden karri roofs over steel girders.	$\frac{1}{2}$	$1\frac{1}{2}$
B	Those of a similar style of construction but not in good condition either built by the Public Works Department or purchased from private individuals and added to and altered after purchase.	$\frac{3}{4}$	2
C	Temporary buildings i.e. those with walls of mud masonry with a roof of thatch or tiles or wooden karries.	1	

(2) When acquired or constructed through the agency of the Public Works Department, Buildings and Roads Branch –

Class of Buildings	Description	Assessable Percentage on the Capital cost of the Building Excluding value of site	
		Special repairs.	Ordinary repairs.
A	Those in good order built by the Public Works Department in a semi-permanent style i.e. with pucca foundation Kutchapucca outside walls, lime pointed parapets and chimneys terraced jack arch or wooden Karri roof over girders.	$\frac{1}{2}$	1 to 3
B	Those of a similar style of constructions, but not in good conditions, either built by the Public Works Department or purchased from private individuals and added to or altered after purchase.	$\frac{3}{4}$	3 to 5
C	Temporary buildings, i.e., those with walls of mud masonry with thatched or tiled roof.	$1\frac{1}{4}$	5 to 7

(3) A charge of $4\frac{1}{2}$ per cent of the capital cost will be made in addition to the above to cover the maintenance of water-supply, sanitary and electric installations, where such exist.

Note.—With reference to the minimum and maximum rates fixed above for annual ordinary repairs Superintending Engineers of the Public Works Department, Buildings and Roads Branch, should arrange to communicate to the Accountant-General such percentages as are actually applied in fixing the standard rent in each individual case, so that the rents fixed may be susceptible of scrutiny.

(c) Conditions of Tenancy and Rent payable by Government employees.

5.29. When Government supplies a Government employee with a residence leased or owned by it, the following conditions shall be observed: –

(a) the scale of accommodation supplied shall not, except at the Government employee's own request exceed that which is appropriate to the status of the occupant;

- (b) unless otherwise expressly provided in these rules, he shall, except where the residence meant for one Government employee is shared by more than one Government employee, pay—
 - (i) rent calculated at the rate of five per cent of his monthly emoluments; and
 - (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

Note 1.—Government employees who have been allotted (without their having asked for such allotment) accommodation of a lower category than to which they were entitled and if that accommodation carries standard rent less than five per cent of their emoluments shall be charged only standard rent for that accommodation. This note shall not apply in a case where a Government employee has himself asked for an accommodation of a lower category than to which he was entitled.

Note 2.— Shared accommodation has been categorised as follows: —

- (a) where the portions do not have independent amenities like kitchen, bath room and lavatory, etc., as in the case of sharing being done at Chandigarh; and
- (b) where a big residential building has been converted into independent portions provided with essential amenities like bath room, lavatory and kitchen etc.

Note 3.—In cases falling under category (a) of Note 2 above, —

- (1) at Chandigarh, where accommodation is shared by —
 - (i) two Government employees, each Government employee shall be charged rent at the rate of 2 ½ per cent of his monthly emoluments; and
 - (ii) Three Government employees, each Government employee shall be charged rent at the rate of 1⅔ per cent of his monthly emoluments.
- (2) at places other than Chandigarh, where the accommodation can be equally shared by two or three Government employees the principle of charging rent applicable in Chandigarh shall apply and where accommodation cannot be equally shared the rent shall be charged proportionately to the accommodation shared.

Note 4.—In cases falling under category (b) of Note 2 above, the residential accommodation shall be allotted to suitable category of Government employees according to norm of cost and space (to be calculated on the basis of Chandigarh norm and rates) and Government employees shall be liable to pay five per cent of their emoluments irrespective of the Standard rent.

Note 5.—The Government employees living in cheap (Katcha) houses or in sheds, which do not provide the minimum residential amenities, shall be charged standard rent or five per cent of their emoluments, whichever is less.

Note 6.—The leased accommodation shall be treated at par with the Government owned accommodation in the matter of charging of rent and the Government employees shall be charged at the rate of five per cent of their emoluments irrespective of the rent paid for it by the Government to the owner.

5.30. Notwithstanding anything contained in clause (b) of rule 5.29 above, Government may—

- (i) at any time, after the standard rents have been calculated, under the provision of rule 5.23 above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled: —
 - (1) that the basis of assessment is uniform; and
 - (2) that the amount taken from any Government employee shall not exceed five per cent of his monthly emoluments;
- (ii) by the general or special order provide for taking a rent in excess of that prescribed in rule 5.29 (b) above from a Government employee —
 - (1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him; or
 - (2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him; or
 - (3) who, is in receipt of a compensatory allowance granted on account of dearness of living; or
 - (4) who is permitted to sub-let the residence supplied to him; or
 - (5) who sub-lets without permission the residence supplied to him; or
 - (6) who does not vacate the residence after the cancellation of allotment.

Note 1.—Under clause (ii) of this rule rent may be recovered in excess of five per cent of a Government employee's emoluments but not in excess of the standard rent as defined in rule 5.23.

Note 2.— If the rent of a building allotted to a Government employee is enhanced from a previous date, nothing shall prevent Government from effecting the recovery at the enhanced rate with retrospective effect.

5.31. A Government employee who, at his own request, is supplied with a residence owned or leased by Government of a class higher than that for which he is eligible or affording accommodation in excess of that which is appropriate to his status, shall unless otherwise decided by the competent authority, be charged the full standard rent as calculated under rule 5.23 et seq and shall not be given the benefit

of the five per cent concession afforded by rule 5.29 (b).

5.32. Omitted.

5.33. For the purposes of clause (b) of rule 5.29 above “emoluments” means:–

- (i) Basic Pay and Non-Practising Allowance, wherever applicable;
- (ii) Payment from Government revenues and fees if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;
- (iii) Omitted.
- (iv) Omitted.
- (v) Pension, other than a pension drawn under the provisions of Chapter VIII of Volume II of these rules or compensation received under the Workmen’s Compensation Act, 1923, as subsequently amended;
- (vi) In the case of a Government employee under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government employee is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

Note 1.–The emoluments of Government employee paid at piece-work rate shall be determined in such manners as the competent authority may prescribe.

Note 2.– The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 3.– The amount of pension to be taken into account will be the amount originally sanctioned i. e. before commutation if any.

Note 4. Omitted.

Note 5.– Under clause (ii) above, fees received by a Government employee in the shape of a fixed addition to monthly pay and allowances as a part of the authorised remuneration of a post count as emoluments for the purposes of clause (b) of rule 5.29, where under rule 5.58 a part of any fee is required to be credited by the Government employee concerned to Government revenues and the remaining fees is retained by him, only that portion of the fees received by a Government employee which he is allowed to retain under the rules, will count as “emoluments” for the purpose of clause (b) of rule 5.29.

5.34. The Government employee to whom a residence is allotted,—vide rule 5.46 et seq is responsible for the rent recoverable under the rules during the period of allotment unless exempted by competent authority under the provisions of rule 5.35.

Rent shall be recovered monthly in arrears for the period of allotment.

- (d) Rent-free accommodation and waiving or reducing the amount of rent.

5.35. In special circumstances, for reasons which should be recorded, a competent authority—

- (a) may, by general or special order, grant rent-free accommodation to any Government employee or class of Government employees; or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any Government employee or class of Government employees; or
- (c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any Government employee or class of Government employees.

Note 1.—The following are types of cases in which such exemption or reduction may be sanctioned:—

- (a) When a Government employee is performing the duties of a post, in addition to those of his substantive post and already pays rent for a house.
- (b) When a Government employee, in addition to the duties of a post, carries on those of another post which preclude him from occupying the house.
- (c) When a Government employee has been promoted or transferred to a post in the same station and it is not considered necessary that he should change his residence.
- (d) Omitted
- (e) When a Government employee officiating in a post for a period not exceeding two months is actually prevented from occupying the house provided for him by circumstances which the competent authority considers sufficient to warrant an exception being made in his favour.

Note 2.—When rents are fixed in accordance with rule 5.23 and when one or more Government employees supplied with residence in the particular areas are granted a house free of rent or at reduced rent, the proper course is to apply rule 5.23 that and rule 5.35 afterwards that is the ordinary rent of the occupant of each house should be fixed under rule 5.23 and any reduction necessary should then be made under this rule.

Note 3.—A list of Government employees who have been granted rent free accommodation under this rule is given in Appendix 7.

5.36. When, under clause (a) of rule 5.35, a Government employee is provided with quarters free of rent the exemption from rent shall, in the absence of any orders of Government to the contrary, be considered to be complete, i.e., no additional charge shall be made in respect of the rent of special services, i.e., sanitary, water-supply and electricity, in the building the cost of which has been included in the capital cost of the building.

The concession of rent-free quarters does not carry with it the free supply of water and electric energy, the cost of which must be defrayed by the Government employee himself. The rent of water and electric-meters the cost of which has not been included in the capital cost of the building is also payable by the Government employee.

Note 1.—The occupants of staff quarters and other buildings appurtenant to Government House are exempt from payment of charges for electricity consumed. As regards water charges see the “Exception” below the section “Water Charges” in rule 5.44.

Note 2.— See also rule 5.44

5.37. Omitted.

5.38. A competent authority may sanction remission of rent due for the occupation of a Government building when building is rendered uninhabitable by reason of extensive repairs being in progress, or from any other cause : Provided that if the occupier finds that the house has become uninhabitable he shall at once report the matter to the Executive Engineer in charge of the building, who will immediately inspect it and forward a report on the subject to the Superintending Engineer. The latter will take such steps in the matter as he considers necessary, reporting his action to the competent authority, who will then decide whether partial or total remission of rent is to be allowed.

Note.—Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant remission of rent which should be granted only when extensive structural repairs justifying in the opinion of the competent authority in vacation of the building, are carried out.

5.39. When a building is occupied partly as a residence and partly as an office the capital value of the portion occupied as a residence should be separately estimated for the purpose of rule 5.23. The cost of maintenance of the residential portion should also be separately estimated and accounted for. This is usually done on the basis of plinth area.

Note.—When (a) separate office accommodation is provided for the occupant, and (b) the use of part of his residence for office or business purposes is optional, no deduction

from the rent is permissible on this account. Where, however, a Government employee though provided with office accommodation elsewhere than in his residence is, in the opinion of the competent authority, obliged to set apart a portion of his residence, for the reception of visitors both official and non-official on business, a deduction from the rent is permissible on this account to the extent of half the assessed rent of the accommodation so used.

5.40. In leasing, acquiring or constructing an official residence for any one of the Government employees mentioned in column 2 of the statement in rule 5.42, Government will arrange to provide accommodation for visitors in the shape of a waiting room, and for a Commissioner or Deputy Commissioner-quarters for a police guard. The accommodation so provided plus half of the room set apart for the reception of visitors will not be taken into account in calculating the standard rent fixed for such residence under rule 5.23.

Note 1.—Where waiting rooms have been set apart for visitors in residences of Group ‘A’ and Group ‘B’ Government employees entitled to rebate of rent under this rule, rebate will also be allowed for the portion of verandahs, if any, attached to the waiting rooms.

Note 2.—The guards quarters and visitors waiting room, with visitors Book shed, and half of the room set apart for the reception of visitors in the residence of the Honourable Chief Justice of the High Court are to be treated as non-residential portions for purpose of calculation of rent. Rebate of rent will be granted in respect thereof.

5.41. A rebate of rent will be allowed to the Deputy Collectors of the Irrigation Department for the room in their residential quarters occupied by peons when administrative requirements necessitate their living in the room provided in the quarters and it is not used for Deputy Collector’s private purposes.

5.42. In the case of privately-owned buildings hired directly by the Government employee mentioned in column 2 of the statement below for use as residences, the following concessions will be admissible when suitable accommodation (other than a mere open verandah) for visitors or in the case, of Commissioner or Deputy Commissioner for a police guard, as the case may be, is set aside to the satisfaction of the authority mentioned in column 3 of the statement: –

- (i) The rent of the waiting room and half the rent of the room in which visitors are received and the rent of the quarters for the police guard will be borne by Government;
- (ii) The portion of the rent which is, thus, to be borne by Government on account of the waiting and reception rooms and quarters for the police guard will be assessed by the Executive Engineers concerned on the value

of the accommodation in question. Its amount will bear the same proportion to the rent of the premises occupied as the space occupied by the accommodation provided bears to the total plinth area of the building.

- (iii) The portion payable for the waiting and reception rooms will be paid by the Executive Engineer to the landlord. He will also arrange with the Police Department for the portion payable for the quarters for the police guard being paid by that Department as a police contingent charge direct to the Government employee occupying the building.

STATEMENT

1	2	3
1.	Commissioners ...	} Commissioner of Division concerned.
2.	Deputy Commissioners ...	
3.	Settlement officers, Assistant Settlement Officers, Colonization and Assistant Colonization Officers.	
4.	Members of the I.A.S or P.C.S. in charge of Sub-Divisions.	
5.	Principal, Agricultural College.	...Director of Agriculture.
6.	Registrar, High Court of Judicature.	...Honourable Judges of the High Court.
7.	Inspector-General of Police, all Deputy Inspectors-General of Police, and all Superintendents of Police (except the Principal, Police Training School, the Personal Assistant to the Inspector-General of Police and the Assistant to the Inspector General, Special Branch)	Inspector-General of Police.
8.	Deputy Superintendent of Police placed in charge of Sub-Division.	Ditto.

5.43. Constant changes in the accommodation to be set apart for visitors are depreciated on principle, but so long as these changes are necessary and are made for sound reasons, Government employees concerned can set apart different rooms during summer and winter on condition that the accommodation set apart –

- (a) is to the satisfaction of their superiors;
- (b) is not less in area than that for which Government waives rent; and

- (c) if in excess of that originally reserved, Government is not called upon to waive a large portion of the rent than that already fixed.

RENT FOR SPECIAL SERVICES

5.44. If a residence is supplied with services other than water supply, sanitary, or electric installation and fittings such as furniture, fans, tennis courts or garden, the cost of which is not taken into account in calculating the standard rent of the residence under rule 5.23 and which are maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under rules 5.29 to 5.32. The tenants will also be required to pay the cost of water, electric energy, etc. consumed. The additional rents and charges will be fixed and recovered in full as below. A competent authority may, however, in very special circumstances and for reason which should be recorded, waive or reduce the additional rent and charges for any of the special amenities referred to above.

Note 1.—The value of the site shall not be taken into account in calculating the rent of special services under this rule.

Note 2.—Where however, it is so directed by general or special order: —

- (a) The value of the site, and the cost of its preparation, shall be included in the capital cost of tennis courts and gardens.
- (b) Departmental charges shall be included in the capital cost of furniture, ceiling fans, tennis courts and gardens as well as their maintenance, depreciation and storage charges. The percentage rates for maintenance, depreciation and storage shall not be levied on the capital cost after the addition of departmental charges but before such addition. Interest shall, however, be calculated on the capital cost including departmental charges.
- (c) The cost of sanitary, water-supply and electric installation may be excluded from the capital cost of tennis courts and gardens.

Should the cost of sanitary, water-supply and electric installations be ordered to be excluded, rent for such installations shall be levied at the rates specified under rule 5.23 (d).

For cases in which the above provision will apply see paragraph 3.27 of the Punjab Public Works Department Code under furniture.

(a) FURNITURE

The rent shall be recovered at the rate of 15 per cent per annum on the capital cost as detailed below: –

	Rs.
(a) Maintenance	.. 4 per cent
(b) Interest	.. 5 per cent
(c) Depreciation including renewals and replacements	.. 6 per cent
	.. 6 per cent
Total	.. 15 per cent
	.. 15 per cent

Note.—Free furniture is provided in the quarter of the Private Secretary to the Governor, Punjab, at Raj Bhawan, Chandigarh.

CEILING FANS

The rent shall be recovered at the rate of 17 per cent per annum on the capital cost as detailed below and shall be recovered during the whole of the year –

	Rs.
(a) Interest	.. 4 per cent
(b) Depreciation	.. 6½ per cent
(c) Maintenance	.. 4½ per cent
(d) Storage Charges	.. 2 per cent
Total	.. 17 per cent
	.. 17 per cent

(b) TENNIS COURT

Rent to be recovered for a tennis court should cover both interest on the capital outlay involved at the rate prescribed by the competent authority for the purpose of rule 5.23(b) and average actual maintenance charges for the past three years. The charges which may be incurred in connection with the provision and maintenance of tennis court are: –

A. In regard to courts in the plains –

- (1) construction of the court and of retaining walls where necessary;
- (2) surfacing of the court with bajri, grass, cement, etc., at the time of construction.

B. In regard to courts in the hills –

- (1) and (2) as in section A above;
- (3) provision and erection of posts and wire-netting for the purpose of enclosing the court and of permanently fixed posts for suspending lawn-tennis nets;
- (4) provision and erection of fixture and appurtenances for hanging screens; and
- (5) maintenance of items 3 and 4 only.

Note 1.—The cost of providing and renewing tennis-sets, the marking of courts, the provision of screens, the maintenance of the surface of the courts and also the maintenance of items (3) and (4) in section B above, in so far as they relate to the courts in the plains, should, on no account, be admitted as a charge against the State.

Note 2.—For the purpose of these rules the maintenance charges shall be revised after every three years.

Note 3.—See also note under the head “Garden” below:—

(c) GARDEN

Both interest on the outlay incurred at the rate prescribed by the competent authority for the purposes of rule 5.23 (b) and actual maintenance charges should be recovered.

The cost of planting shade trees, shrubs and hedges in the compounds of residential buildings, of transporting soil in a portion of the compound meant for a garden, if the nature of the existing surface soil renders such transportation necessary in order to form a garden, of grassing plots, or sinking a well and of providing irrigation channels may be debited to public funds as capital expenditure on the residence and included in the capital cost thereof for the purpose of assessment of standard rent. The maintenance of shrubs and hedges and of grass plots shall be a liability of the tenant. The sale proceeds of timber shall be credited to Government.

Note.— If the capital outlay on the tennis court/gardens is not known, it may be determined by the Divisional Officer with reference to the market value of similar tennis-court/gardens in the vicinity.

(d) WATER CHARGES

Charges for water supplied to tenants of Government residential buildings are assessed as follows:—

- (a) Every official occupying a Government quarters with a separate water connection must pay water charges including the meter rent as fixed by a municipality, District Board or the Public Health Department. No exception shall be granted in such cases.
- (b) Where quarters have not been provided with separate water connections and the occupants have to use outside, and technically public taps; no water charges should be recovered from them.
- (c) Where water tax as distinct from water charges is levied such tax is payable by tenants.

Exception.—This rule does not apply to Secretariat and Raj Bhawan employees occupying staff quarters and other buildings appurtenant to Raj Bhawan, Chandigarh.

CLASSIFICATION OF RESIDENCES

5.45. Government buildings intended for occupation as residences are divided into two classes:—

- Class I. Buildings which will ordinarily be occupied by Government employees liable to pay the full standard rent subject to the limit of five per cent of their emoluments.
- Class II. Buildings from which recovery of the full standard rent is not expected, that is, buildings which will ordinarily be occupied by Government employees who are entitled to accommodation rent free or at reduced rents under the sanction of competent authority.

Note 1.—The fact that a building in class I is occasionally occupied by a Government employee who is entitled to accommodation rent free, or at reduced rents, will not justify its removal from class I to class II, and similarly a building in class II should not be transferred to class I whenever it is occupied by a Government employee who may be required to pay the full standard rent (subject to five per cent of emoluments). Buildings should be transferred from one class to the other only when there is a permanent change in the conditions under which they will ordinarily be rented. Transfers should be made under the orders of the competent authority, and should have effect in all cases from the commencement of a financial year.

Note 2.—When a building in class II is occupied by any person who is not entitled to quarters rent free, the rent to be paid shall be fixed by the competent authority in general in accordance with the rules in this chapter.

Note 3.—In the Forest Department, Group ‘A’ and Group ‘B’ Government employees not entitled to rent-free accommodation are permitted to occupy quarters meant for free occupation on payments of rents to be assessed by the Public Works Department under the rules in this Chapter.

GENERAL RULES AND INSTRUCTIONS REGARDING ALLOTMENT OF RESIDENCE

5.46. The expression “allotted” means “provided” and a Government employee residing in a Government residence before definite allotment may be regarded as having been allotted that residence. Subject to the provision of rule 5.51-A, an incumbent, permanent or temporary, of a post for whose benefit a residence has been constructed, bought or leased is allotted that residence.

Note.—A residence will not be held to have been allotted to a Government employee who shares it by private arrangement with another Government employee to whom it has been allotted.

5.47. A Government employee shall not be considered to be in occupation of residence when he proceeds on leave unless the competent authority otherwise directs.

5.48. The period of allotment is determined as follows:—

- (a) If the house has been constructed, purchased or leased for the benefit of a particular post, it is the period of incumbency, permanent or temporary, of each Government employee in that appointment except in the case provided for in rule 5.51-A.
- (b) Otherwise it is for twelve months at a time, but terminates on his transfer from the place where he is stationed.

5.49. When during a twelve months tenancy, a Government residence is vacated owing either to the occupant’s appointment having been altered or to his proceeding on leave, the residence should, when this is possible and always when occupation of the residence is a condition of the tenure or the appointment, be allotted to his successor in office and rent recovered accordingly.

When a Government employee takes over charge of an office entitling him to occupy a Government residential building, he should, apart from the usual charge certificate on assumption of office, sign a supplementary certificate stating that he becomes responsible for the rent of the building from a given date. The relieved Government employees should similarly state that his responsibility has ceased. A copy of this certificate should be sent to the Accountant General and the Executive Engineer concerned to enable the former to exercise a check on the prompt recovery of rent and the latter to complete his records, etc. A Government employee will be held responsible for the rent until such date as he vacates the building and:—

- (a) after informing the Executive Engineer of the division in which the house is situated of the vacation, hands over the key to him; or
- (b) in the case of relief by another official, furnishes the Executive Engineer concerned with the certificate referred to above.

If an office does not carry with it any responsibility for the rent of a building, the supplementary certificate will be blank and will be signed with a line drawn across it.

5.50. A Government employee in occupation of a residence may sub-let it subject to the following conditions:—

- (a) the lessee shall be approved by the Chief Engineer, Public Works Department, incharge of the building;
- (b) the sub-tenancy shall not be recognised by Government;
- (c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear;
- (d) the sub-tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted;
- (e) the rent payable by the lessee shall not, except with the previous sanction of Government, exceed the rent payable to Government by the lessor;
- (f) the rent payable to Government by the lessor shall be the rent payable by him, if he has not sub-let the residence or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher;
- (g) in the case of sub-letting of a Government residence when the lessor is not entitled to rent-free quarter or house-rent allowance in lieu but the lessee is so entitled, the rent payable by the lessor, should be the rent payable by him, if he had not sub-let the residence or the rent payable by the lessee, if

the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher;

- (h) when a Government residence is sub-let and the lessee and the lessor are, or the lessor is, entitled to rent-free quarters or house-rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent:—
 - (i) when both the lessor and the lessee are entitled to rent-free quarters or house rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house-rent allowances; and
 - (ii) when the lessor is entitled to rent-free quarters or house-rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent to the house-rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

Note 1.—Whenever a residence cannot be allotted to the incumbent of the post to which it is attached or to a Government employee of the class for which it was constructed it may be let to a Government employee not holding the particular post or not belonging to that class subject to the conditions that –

- (i) the allotment ceases within two months of a Government employee for whom the residence is intended becoming available at the station as a tenant, and
- (ii) the rent to be recovered under the rules from the temporary tenant is not less than two-thirds of the standard rent of the house.

A competent authority may relax the provisions of this note as a special case if considered necessary.

Note 2.—Where only a part of the residence is sub-let, the rent payable by the lessee shall not exceed the rent calculated on the basis of the plinth area occupied by him.

5.51. Omitted.

5.51-A. If a Government employee to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from two months after the date of his death, dismissal or retirement as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated whichever is earlier. In such cases the recovery of rent should be governed by rule 5.29(b) i.e., while the original allotment subsists, rent should be charged at the same concessional rate as was being paid by the Government employee before his death, dismissal or retirement as the case may be. Similarly the concession of rent-free quarters, if it was granted in any case, should continue during the period of grace.

5.52. In the case of residences under the control of the Forest Department these rules should be read as if the words “Public Works Department”, “Chief Engineer, and Executive Engineer” were “Forest Department”, “Chief Conservator of Forests” and “Divisional Forest Officer”, respectively.

III-COMPENSATIONS

5.53 to 5.54. Omitted.

IV-HONORARIA AND FEES

HONORARIA

5.55. Subject to the condition prescribed in rule 5.56, a competent authority may grant or permit a Government employee to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the competent authority and its amount has been settled in advance.

Note 1.—In a case where an honorarium is to be granted to a Government employee there must first be an order of competent authority permitting acceptance of the honorarium by the Government employee, and there must also be an order sanctioning the grant of the honorarium. In a case where an honorarium is to be granted to a Government employee belonging to a department other than the one which is to pay it there should, therefore, be two sanctions, one for the payment of the honorarium by the department in which the expenditure is to be incurred and the other for the acceptance of the honorarium which must be issued by the department to which the Government employee belongs. In order to avoid duplication of work in having to give two different sanctions, one single sanction should be given both to the grant and acceptance of the honorarium and this sanction should be given by the department paying the honorarium after obtaining the concurrence of the department in which the Government employee happens to be serving.

Exception.—A Government employee under the Punjab Government may accept remuneration up to any amount for work connected with an examination or examinations conducted by the Union Public Service Commission and up to the limit of Rs. 10,000 during a financial year for work connected with an examination or examinations conducted by the Punjab Public Service Commission or Subordinate Services Selection Board, Punjab, or the Director, Technical Education and Industrial Training, Punjab, without the sanction of the authority competent to permit the acceptance of a fee or honorarium by him. For the acceptance of honorarium in excess of Rs. 10,000 in the case of work connected with the examination or examinations conducted by the Punjab Public Service Commission or Subordinate Services Selection

Board, Punjab or the Director Technical Education and Industrial Training, Punjab, sanction of the Punjab Government in the Administrative Department under which the Government employee concerned is serving is necessary.

Note 2.—The sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in rule 3.10 and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

Note 3.—Note 2 above requires that the reasons for the grant should be recorded in writing as it is intended that the grant of an honorarium should be carefully controlled by Government and scrutinized by audit and that audit should be given an effective opportunity of comment if it be deemed necessary. Accountant-General may, therefore, require that the reasons for the grant of an honorarium should be communicated to him in each case.

Note 4.—The amount of an honorarium must be fixed with due regard to the value of the service in return of which it is given.

Note 5.—Temporary increase in work due to the holding of special conferences under the auspices of a department or subordinate authority or of inter-departmental committees are normal incidents of Government service and form part of the legitimate duties of Government employee according to the general principle enunciated in rule 3.10. Those so employed have, therefore, no claim to extra remuneration.

Note 6.—The grant of honorarium to the heirs of a deceased Government employee for work done by him is unobjectionable in audit.

Note 7.—No honorarium should be granted to Group ‘A’ and Group ‘B’ officers engaged on work in connection with the setting up of companies, corporations, etc. which forms a part of their normal duties even if they work beyond office hours.

5.56. When the service rendered falls within the course of the ordinary duties of the Government employee performing it, the test of special merit prescribed in rule 5.55 must be very strictly applied.

Note.—The expression “within the course of the ordinary duties” has been defined as follows:—

A service rendered by a Government employee is said to be within the course of the duties of that Government employee when it is of the same nature as that for which his regular employment exists. The test that should be applied in deciding any particular case is to determine whether the service rendered is such as the Government employee habitually performs in the course of his ordinary duties. A service does not cease to be within the course of the duties of the Government employee because it has been rendered for an object not concerned with the usual operations of his department or involves an unusual expenditure of labour.

FEES

5.57. Subject to rules under which a fee may be received by a medical officer of Government for services other than professional attendance (see note 5 below) or an expert witness summoned in a criminal court (see note 6 below) and subject to rules 5.58 to 5.60, a competent authority may permit a Government employee, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of service for a private person or body or for a public body including a body administering a local fund and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

Note 1.—The sanctioning authority must make it clear that sanction under this rule to perform work does not involve sanction to the acceptance of fee in excess of his own power of sanction under this rule.

Note 2.—Acceptance of fees by medical officers of Government for professional attendance is regulated by the rules in Chapter VI of the Punjab Medical Manual.

Note 3.—Government employees of the Education, Agriculture and Animal Husbandry (including Fisheries) and Health Department and the teaching staff of the Punjab Engineering College are authorised to undertake work of examining and setting papers in respect of University and Engineering and other examinations and to accept remunerations therefor : Provided the total sum so drawn by an individual does not in the case of Agriculture and Animal Husbandry (including Fisheries) Department Examinations exceed Rs. 5,000 and in the case of the Education, Health and Engineering Department Examinations Rs. 10,000 in a financial year.

The teaching staff of the Department of Agriculture and Animal Husbandry (including Fisheries) is permitted to retain fees up to Rs. 5,000 in a financial year for working as Supervisors, Superintendents, Deputy Superintendents, Invigilators, etc. at the University examination: provided the work is undertaken outside the normal hours of duty. The officials besides teaching work, doing research work are not permitted to undertake this work. Government employees of the Education Department are permitted to retain fees upto Rs. 10,000 for working as Supervisors or Superintendents at University Examinations provided the work is undertaken outside the normal hours of duty. For the acceptance of fees in excess of this sum the sanction of the competent authority should be obtained. In order to watch the above-mentioned limits the Heads of Departments concerned should obtain annually from the Government employees of their respective department, who receive remuneration under this note, a statement showing the amount received by each Government employee in the preceding financial year.

Note 4.—Notes 2 to 4 under rule 5.55 apply *mutatis mutandis* in the case of fees also.

Note 5.—The rules prescribing the conditions and limits subject to which a fee may be received by medical officers of Government other than professional attendance are contained in Appendix 8 of the Punjab Civil Services Rules, Volume I, Part II.

Note 6.—The rules for the payment of fees to expert witnesses summoned in Criminal Courts are contained in Appendix-8A of Punjab Civil Services Rules, Volume I, Part II.

Note 7.—The Personal Assistants/Private Secretaries/Stenographers, etc. attached to the officers nominated as Chairmen and Members of the Board of Directors of certain Corporations and Companies should not be allowed any additional remunerations from Corporations or Companies, when the officers with whom they are attached are allotted duties on the Board of Directors of Corporation or Companies as part of their normal functions.

5.58. Unless the competent authority by special orders or otherwise direct one-third of any fees in excess of Rs. 5,000 or if, a recurring fee, of Rs. 2,500 a year, paid to Government employee shall be credited to general revenues; provided that the fee to be retained by the Government employee concerned will not be reduced below Rs. 5,000 if non-recurring, or Rs. 2,500 a year if recurring and provided further that where a fee is paid for work done during the time which would otherwise be spent in the performance of official duties, the entire fee must be credited to Government, unless the competent authority for special reasons which should be recorded, directs otherwise.

Note 1.—Fees received by Government employees for giving expert evidence on technical matters before a court of law should also be governed by this rule.

Note 2.—Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose of crediting one-third to general revenues under this rule. In the case of the former, the limit of Rs. 5,000 prescribed in this rule should be applied in each individual case and in the case of the latter the limit of Rs. 2,500 should be applied with reference to the total recurring fees for the financial year.

Note 3.—The fees received by Government employees from the following institutions are exempted from the operation of this rule:—

- (1) Society for the Prevention of Cruelty to Animals.
- (2) Indian Roads Congress.
- (3) India Cattle Show Committee.
- (4) Inter-University Board.
- (5) Inter-Provincial Board for Anglo-Indian Education.
- (6) Indian Red Cross Society.
- (7) Bharat Scouts and Guides, Punjab (Exemption relates only to fees received by Government employee for doing clerical work)
- (8) Child Activity Centres.
- (9) Bharat Sewak Samaj.

Provided the work for them is done during the time which will not be otherwise spent in the performance of official duties.

Note 4.—The fees referred to in note 3 below Rule 5.57 in excess of Rs. 5,000 in the case of Government employees of Agriculture and Animal Husbandry (including Fisheries) Department and Rs. 10,000 in the case of Government employees of the Education and Health Departments and the Punjab Engineering College during a financial year shall be shared between the Government employees and the Government in the ratio of 2 :1, i.e. one third of the amount in excess of these limits should be credited to Government. These orders will, however, not be applicable to the fees received by Government employees of the Health Department for acting as Examiners of the Punjab University, Punjabi University or Kurukshetra University or the Punjab State Medical Faculty. In their case, the orders regarding the sharing of fees would apply only to the fees received by them for acting as examiners of the outside Universities and bodies.

When a Medical Officer conducting examination/inspection on behalf of an Indian University other than the Universities of the Punjab and the Medical Council of India does not take regular/casual leave for the purpose he shall credit the entire fee received by him to the Punjab Government Revenues. In case however, the period of his absence is treated as regular/casual leave, the orders of sharing the fees will apply.

Note 5.—The term “Fee” used in this rule shall not include conveyance allowance, provided the amount of conveyance allowance received by a Government employee from a source other than the revenues of the State does not exceed what would be admissible under the Punjab Government Rules under similar circumstances and is not a source of profit to the Government employee concerned. In case of doubt, a competent authority may decide whether the conveyance allowance thus received by a Government employee is reasonable as compared with the standard adopted by the Government for the grant of conveyance allowance and is not a source of profit to the Government employee.

Note 6.—If any fee to which this rule applies exceeds Rs. 5,000 non-recurring or Rs. 2,500 a year recurring or Rs. 5,000 in the case of Government employees of Agriculture and Animal Husbandry (including Fisheries) Department and Rs. 10,000 in the case of Government employees of the Education and Health Department and the Punjab Engineering College, referred to in note 3 below rule 5.57 during a financial year, one-third of the total amount payable, as the case may be, should be credited to general revenues provided that the amount retained by the Government employee concerned will not, merely owing to the operation of this rule, be reduced below Rs. 5,000 if non-recurring or Rs. 2,500 a year if recurring or Rs. 5,000 or Rs. 10,000 as the case may be.

Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose of crediting one-third to general revenues under this rule. In the case of the former, the limit of Rs. 5,000 prescribed in this rule should be applied in each individual case and in the case of the latter the limit of Rs. 2,500 should be applied with reference to the total recurring fees for the financial year.

Note 7.—The fee received by a Superintending Engineer of the Public Works Department, Buildings and Roads Branch for acting as an arbitrator in a dispute arising between

contractors and a Local Body relating to a contractor shall be apportioned between the Government, the officer and the staff employed in that connection as follows:

Government	..35 per cent
Superintending Engineer	..55 per cent
Staff (clerical employed)	..10 per cent
In case no staff is employed, the fee shall be distributed as follows:	
Government	..40 per cent
Superintending Engineer	..60 per cent

No Superintending Engineer shall, however, be allowed to draw more than Rupees five thousand in any one arbitration case without the prior approval of Government.

Note 8.—Any scholarship or stipend received, during study leave or otherwise by a Government employee from a source other than the Consolidated Fund of India or Consolidated Fund of a State for the purpose of prosecuting a course of studies or receiving specialised training in professional or technical subjects will not be subject to a cut under the provisions of this rule.

However, this rule will continue to apply, unless specially relaxed to the payments received by such Government employees as a result of full time or part-time employment undertaken by them.

Note 9.—This rule will not apply to the income derived by a Government employee from exploitation of a patent for an invention taken out by him with the permission of competent authority under rule 5.64.

Note 10.—This rule will not apply to the fees which Government employees may receive from a University or other examining bodies in return for their services as examiners, paper-setters, Superintendents, Invigilators, checkers, etc. The “examining body” covers only those institutions which are semi-Governments, i.e. bodies which are financed wholly or substantially by Government grants/loans etc. This rule will also not apply to fees received by a Government employee for similar service from Public Sector Undertakings or enterprises which are wholly or substantially owned by Government even though they are not examining bodies.

Note 11.—The operation of this rule may be exempted, with the concurrence of the Finance Department, for the income derived by a Government employee from sale or royalties of a book written by him with the aid of the knowledge acquired by him during the course of his service, provided the Administrative Department certifies that such book is not a mere compilation of Government rules, regulations or procedures but reveals the author’s scholarly study of the subject.

Note 12.—This rule will not apply to the income derived by a Government employee:—

- (a) from writing of reports, papers or study reports on selected subjects for International bodies like U.N.O., UNESCO, etc.,; and
- (b) delivering of lectures on literary, cultural, artistic, technological and scientific subjects including management sciences which are treated as literary pursuits.

5.59. The attesting and revising officers of outlaying courts and officers of the Revenue Department and attesting and revising officers of the Judicial Department are permitted to receive with the sanction of the presiding officers of the courts and offices concerned one-tenth of the copying and urgent fees received in respect of the copies attested and revised by them. All copies prepared at Government expenses shall, however, be examined and attested without fee.

5.60. When a Government employee of an Educational Service is permitted to receive fees for private tuition, the financial limits of the powers of sanction accorded to by a competent authority shall be considered to apply to the total amount of fees to be accepted by such Government employee during any particular scholastic term or vacation.

5.61. Omitted.

5.62. Omitted.

5.63. Any Government employee is eligible to receive and, except as otherwise provided by a general or special order of the competent authority, to retain without special permission.—

- (a) the premium awarded for any essay or plan in public competitions;
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
- (c) any reward payable in accordance with Regulation or rules framed thereunder;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and
- (e) any fees payable to a Government employee for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

Note.—A fee payable to Government employee under rule 5.63(e) can be retained by him without special permission. In other words, rule 5.58 which requires that 1/3rd of all fees received by Government employee from private source should be credited to Government, does not apply to such remuneration. It is not considered desirable that a Government employee who in his official capacity, is nominated as a chairman or Member of a Government or quasi-Government body or governing body of an institution which receives a grant from Government, should be made eligible for any fee or other remuneration (except Travelling Allowance) which is admissible to non-Government employees for attending a meeting of the institution concerned or for performing other work thereof. This object can be served by making a suitable provision in the Articles of Association or other Regulations of the body

concerned or any Act relating to its institution without having recourse to an amendment of rule 5.63.

5.64. A Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government employee save with the permission of the competent authority and in accordance with such conditions as the competent authority may impose.

If a question arises whether a Government employee is a Government employee to whom this rule applies, the decision of the competent authority shall be final.

Note 1.—The Administrative instructions issued by Government under this rule are contained in Appendix 9 of Part II of this Volume.

Note 2.—The payment of honoraria as remuneration for the use by Government of inventions patented by persons in Government employ whose duties do not involve the carrying out of scientific or technical research should be regulated by the provisions of section 17 of the Inventions and Designs Act, 1888 and section 21 of the Indian Patents and Designs Act, 1911, and not by rule 5.55 or 5.64. The terms on which an invention may be used for the services of the Union should be settled with the approval of the Union Government before any payment is made to the patentee.

CHAPTER VI

DEPUTATION OUT OF INDIA

6.1. The deputation of a Government employee out of India shall be sanctioned by the Administrative Department concerned for the initial period of deputation which may be extended upto five years and in a rare case of special nature, if the exigencies so require in public interest, such period may be extended beyond five years by the Administrative Department concerned with the prior concurrence of the Department of Personnel and Administrative Reforms, in accordance with the terms and conditions laid down in the Annexure to this chapter.

6.2. (1) When a Government employee is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the Competent Authority to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India:

Provided that a Government employee, who is placed on deputation while already on leave out of India on earned leave may be required by the competent authority to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India, the cost of passage from and to India shall be borne by him.

Note.—The portion of the pay which a Government employee may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the competent authority in this regard from time to time.

(2) A Government employee on deputation in a foreign country may also be granted a compensatory allowance of such amount as the competent authority may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the Union Government may by order prescribe.

(4) Omitted.

Note 1.—A competent authority may depute a subordinate police employee to any country outside India to accompany on take charge of criminals or lunatics, or any other business which is part of his duty as a police officer, and may grant to the officer so deputed—

(a) full pay, for the entire period of absence from India, with;

(b) actual travelling expenses, and a subsistence allowance not exceeding the following scale, while in any country outside India: –

	S.	d.
For Government employees of the Inspector class (including Sub-Inspector)	22	6 a day
For Government employees of the Sergeant class For Government employees of the Constables and Assistant Sub-Inspectors Classes. }	15	0 a day
Pakistan for the purposes of this note is treated as in India.		

Note 2.—The High Commissioner may be authorised to act on the decision taken under proviso to sub-rule (1). The periods of deputation, thus, converted into leave will count for pensions as leave and not as deputation.

Note 3.—The period of deputation runs from the date on which the Government employee makes over charge of his office in India to the date on which he resumes it, or, if the Government employee is on leave out of India at the time he is placed on deputation the period of the deputation is the time actually occupied by the duty.

Note 4.—The term “pay” in the expression ‘pay which he would have drawn had he remained on duty in India’ occurring in this rule, should be interpreted literally with reference to the definition in rule 2.44 and the pay which a Government employee would have drawn if he were on duty in India should be determined, for the purpose of this rule, with reference to what the competent authorities in India, state the Government employees pay would have been if he were on duty in India. It will, therefore, be necessary for Accountant General to intimate to the High Commissioner in each case after consultation with Government, the pay which a Government employee would have drawn if on duty in India.

As overseas pay is included in “pay” and as a Government employee would draw overseas pay under rule 6.2 (1) (if entitled to it) had he remained on duty in India, it should be taken into account for the purposes of calculation of the deputation pay under that rule.

In the case of Government employees who are not deputed out of India for special items of works but are placed on continuous service with Commissions and Committees whose functions require work, both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the Commission or Committee there.

Note 5.— In the case of a Government employee proceeding on deputation the grant of return passage to India is conditional on his return to duty forthwith on the conclusion of the deputation unless an arrangement to the contrary effect is specially permitted at the time the deputation closes or is about to close, and the proposed leave is begun.

Note 6. Omitted

Note 7.—For terms to be granted to Government employees sent on training abroad under the various training schemes see Appendix 20-A to Part II of this Volume.

6.3. When a Government employee is with proper sanction deputed for duty out of India to hold a regular constituted permanent or quasi permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the competent authority.

ANNEXURE

(Referred to in rule 6.1)

Standard terms and conditions of foreign service in respect of employees of the Punjab Government deputed to foreign countries

1. **Period of deputation.**—The period of deputation shall be for ____ year (s) in the first instance from the date the Government employee joins the assignment. But the period of foreign assignment may be extended or reduced according to the requirements of the foreign employer or the State Government.

2. **Pay, Allowances and other perks.**—The Government employee shall be entitled to pay, allowances and other perks fixed by the borrowing Government and approved by the Government of India in consultation with the State Government.

3. **Leave salary and pension contributions.**—The leave salary and pension contributions shall be paid either by the foreign employer or by the employee concerned in accordance with the provisions of rule 10.9 of the Punjab Civil Services Rules, Volume I, Part I. In case of default, interest shall be recoverable as per the provisions of rule 10.10 of the said rules.

4. **General Provident Fund and Group Insurance Scheme.**—The Government employee shall continue to be governed by the rules of the State Government as amended from time to time and shall ensure monthly subscription towards General Provident Fund and Group Insurance Scheme.

5. **Loans and Advances.**—The Government employee shall ensure that monthly instalments on account of recovery of loans and advances outstanding against him are paid regularly and he shall furnish a surety bond for payment of such dues on a non-judicial stamp paper worth Rs. 15/- or as may be required under the rules.

6. **Disability.**—The payment of leave salary in respect of disability incurred in or through the foreign service even though the disability manifests itself after the termination of foreign service, shall be paid by the foreign employer.

7. **Medical facilities.**—The Government employee shall be entitled to such medical facilities as are not inferior to those which he would have enjoyed under the

State Government rules and instructions as amended from time to time, if he had been employed in the service of State Government.

8. **Travel.**—The cost of travel from the place of posting of the employee to the place of posting in the foreign country shall be borne either by the foreign employer or by the employee concerned as is settled at the time of proceeding on deputation.

9. **Joining time pay and travelling allowance, etc.**—Joining time pay and travelling allowance (both ways) shall be borne by the foreign employer.

10. **Foreign Exchange.**—The Government employee shall himself arrange for foreign exchange.

11. **Extension in the period of deputation.**—In case the foreign Government requires the services of the Government employee beyond the specified period of contract, he shall intimate this fact to the Government of India (Ministry of External Affairs) as soon as it comes to his notice and shall also request his foreign employer to take up the matter with the Government of India's representative in that country.

12. **Acceptance of Resignation.**—The resignation of a Government employee shall not be accepted while he is abroad, under any circumstances.

13. **Non-indulgence in activities prejudicial to the interest of India.**—While on deputation abroad, the Government employee shall not take part in any activity which may prove prejudicial to the interest of India or his State of domicile.

14. **Conduct Rules.**—The Government employee shall continue to be governed by the Punjab Government Employees (Conduct) Rules, 1966 as amended from time to time.

15. **Intimation of Address.**—After joining foreign assignment, the Government employee shall communicate his office address to his parent Department as well as to the High Commissioner of India in that country, for future correspondence.

16. **Residual matters.**—The matters not specifically covered here and other unclassified matters will be governed by the provisions of Chapter X of Punjab Civil Services Rules, Volume I, Part I and the instructions issued by the State Government from time to time.

CHAPTER VII

DISMISSAL, REMOVAL, SUSPENSION AND RESIGNATION

CESSATION OF PAY AND ALLOWANCES ON REMOVAL OR DISMISSAL

7.1. The pay and allowances of a Government employee who is dismissed or removed from service cease from the date of such dismissal or removal.

ALLOWANCES DURING PERIOD OF SUSPENSION

7.2. (1) A Government employee under suspension shall be entitled to the following payments, namely:—

- (i) in the case of a Warrant Officer in Civil employ who is liable to revert to military duty, the pay and allowances to which he would have been entitled had he been suspended, while in military employment.
- (ii) in the case of any other Government employee –
 - (a) a subsistence allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on leave on half pay, and in addition dearness allowance, if admissible, on the basis of such leave salary:

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:—

- (i) the amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government employee.
- (ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Government employee.
- (iii) the rate of dearness allowance will be based on the increased, or as the case may be, the decreased amount of subsistence allowance admissible under clauses (i) and (ii) above;

(b) any other compensatory allowances admissible from time to time on the basis of pay of which the Government employee was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him, where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

Note 1.—Mounted Police Officers who are placed under suspension will cease to draw horse, pony or camel allowance, as the case may be, and will hand over their mounts to the Lines Officers or the Officer-in-charge of the Mounted Police who shall be responsible for the feeding and keeping of such animals under the supervision of a Group ‘A’ or Group ‘B’ Government employee. The actual expenditure incurred on this account will be debitable to Contingencies under the head “Feeding and keeping of animals of Mounted Police Officers under suspension.”

The term “Mounted Police Officer” includes members of the Mounted Police as well as Upper Subordinates who keep mounts.

Note 2.—It is obligatory under this rule that in sufficient time before the expiry of the first six months of suspension the competent authority should review each case in which the period of suspension is likely to exceed six months, and even if it comes to the conclusion that the rule is not to be altered having regard to all circumstances of the case specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken.

ALLOWANCES ON REINSTATEMENT

7.3. (1) When a Government employee, who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal, revision or review, or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty including the period of suspension, preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of opinion that the Government employee, who had been dismissed, removed or compulsorily retired, has been fully exonerated, the Government employee shall, subject to the provisions of sub-rule (6), be paid his full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended, prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall, subject to the provisions of sub-rule (7), be paid for the period of such delay only such amount (not being the whole) of pay and allowances, as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the authority exercising powers of appeal, revision or review solely on the ground of non-compliance with the requirements of clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held, the Government employee shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or

compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice:

Provided that any payment under this sub-rule to a Government employee other than a Government employee who is governed by the provisions of the payment of Wages Act, 1936 (Act 4 of 1936) shall be restricted to a period of three years immediately preceding the date on which order for re-instatement of such Government employee are passed by the authority exercising the powers of appeal, revision or review, or immediately preceding the date of retirement on superannuation of such Government employee, as the case may be.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government employee so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority under the preceding proviso shall be absolute and no sanction of the higher authority shall be necessary for the grant of—

- (a) extraordinary leave in excess of three months in the case of a temporary Government employee; and
- (b) leave of any kind due in excess of five years in the case of a permanent and quasi-permanent Government employee.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2), or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

(8) Any payment made under this rule to a Government employee on his reinstatement, shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere nothing shall be paid to the Government employee.

Note 1.—This rule is absolute and unconditional and so the question of lien does not arise in the case of a Government employee who is dismissed from service and is reinstated on appeal, revision or review when the period of unemployment between the date of dismissal and reinstatement is declared by the authority exercising the powers of appeal, revision or review as the period spent on duty.

Note 2.—Clause (b) of sub-rule (1) of this rule does not forbid the period spent under suspension being treated as leave, and it is open to the authority exercising the powers of appeal, revision or review to specify the proportion of pay and allowances to be paid as the leave salary which would be permissible, if the Government employee were on leave.

Administrative Instruction.—A permanent post vacated by the reason of dismissal, removal or compulsory retirement of a Government employee should not be filled substantively until the expiry of a period of one year from the date of such dismissal, removal or compulsory retirement. Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in that grade with proper sanction and with the stipulation that it would terminate on the occurrence of the first substantive vacancy in that grade.

Note 3.—If no order is passed under sub-rule (5), directing that the period of absence be treated as duty for any specified purpose, the period of absence should be treated as 'non-duty'. In such event, the past service (i.e. service rendered before dismissal, removal, compulsory retirement) will not be forfeited.

Note 4.—There is no bar to the conversion of any portion of a period of suspension into extraordinary leave. In the case of persons who are not fully exonerated, the conversion of the period of suspension into leave with or without allowances has the effect of removing the stigma of suspension and all the adverse consequences flowing therefrom. The moment the period of suspension is converted into leave, it has the effect of vacating the order of suspension, and it will be deemed not to have been passed at all. Therefore, if it is found that the total amount of subsistence and compensatory allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances, the excess will have to be refunded and there is no escape from this conclusion.

7.3-A. (1) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by a court of law and such Government employee is re-instated without holding any further inquiry, the period of absence from duty shall be regularised and the Government employee shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or sub-rule (3) subject to the directions, if any, of the court.

(2) (i) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by the court solely on the ground of non-compliance with the requirements of article 311 of the Constitution, and where he is not exonerated on merits, the Government employee shall, subject to the provisions of sub-rule (7) of rule 7.3, be paid such amount (not being the whole) of the pay and allowances, to which he would have been entitled had he not been dismissed, removed or compulsorily retired, suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice :

Provided that any payment made under this sub-rule to a Government employee other than a Government employee who is governed by the provisions of the Payment of Wages Act, 1936 (Act 4 of 1936) shall be restricted to a period of three years immediately preceding the date on which the judgment of the court was passed or the date of retirement on superannuation of such Government employee, as the case may be.

(ii) The period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularised in accordance with the provisions contained in sub-rule (5) of rule 7.3.

(3) If the dismissal, removal or compulsory retirement of a Government employee is set aside by the court on the merits of the case, the period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as spent on duty for all purposes and he shall be paid full pay and allowances for that period to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere nothing shall be paid to the Government employee.

7.3-B. (1) When a Government employee who has been suspended is reinstated or would have been so re-instated but for his retirement on superannuation while under suspension the authority competent to order re-instatement shall consider and make a specific order –

- (a) regarding the pay and allowance to be paid to the Government employee for the period of suspension ending with re-instatement or the date of his retirement on superannuation, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in rule 7.3 or rule 7.3-A, where a Government employee under suspension dies before the disciplinary or court proceedings instituted against him, are concluded, the period between the date of suspension and the date of death shall be treated as spent on duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order re-instatement is of opinion that the suspension was wholly unjustified, the Government employee shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee, had been delayed due to reasons directly attributable to the Government employee, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3), the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3), the Government employee shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the

proceedings against the Government employee shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government employee so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority under the preceding proviso shall be absolute and no sanction of the higher authority shall be necessary for the grant of—

- (a) extraordinary leave in excess of three months in the case of temporary Government employee; and
- (b) leave of any kind in excess of five years in the case of permanent Government employee.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

Note 1.—A suspended Mounted Police Officer on reinstatement, even if such Officer is found not guilty of charges preferred against him, will not be given conveyance allowance for the period of suspension.

Note 2.—The period spent under medical treatment by a Government employee under suspension, shall be treated as spent under suspension and the subsistence allowance as admissible under the rules shall be given for that period. On reinstatement, it shall be specified whether it is to be treated as 'duty' or 'non-duty' with reference to the provisions of this rule, unless the Government employee concerned desires and the competent authority orders that it may be converted into leave of the kind due and admissible to him.

Note 3.—Extra post is not required to be created for grant of full pay and allowances on reinstatement of a suspended employee after his having been fully exonerated.

Note 4.—Also see Note 4 under rule 7.3(8).

LEAVE TO A GOVERNMENT' EMPLOYEE UNDER SUSPENSION

7.4. Leave may not be granted to a Government employee under suspension. See also note 2 under rule 7.3.

Note 1.—A suspension vacancy should be treated as filled by a reservist, if one is available at the time, a Government employee belonging to an establishment containing a leave reserve is placed under suspension. If no reservist is available at the time, an outsider may be appointed but replaced by a reservist as soon as one is available.

Note 2.—In an establishment where provision for leave reserve exists, any vacancy caused on account of suspension of a Government employee should be filled by a 'reservist' and where a 'reservist' is not available, the post should be filled by an officiating appointment. It is, however, not necessary to create an extra post.

FORFEITURE OF SERVICE ON RESIGNATION

7.5. (1) Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in public interest on the following conditions, namely:—

(i) that the resignation was tendered by the Government employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the aforementioned period of ninety days shall be observed in the manner that the employee concerned should put in his application for withdrawal of resignation within two months of being relieved and the same should as far as possible be processed within a period of one month; and

(v) that the post, which was vacated by the Government employee on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government employee resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

CHAPTER VIII

LEAVE

SECTION I—General Conditions And Extent of Application

I.—SERVICE COUNTING FOR LEAVE

8.1. Leave is earned by duty only. For the purpose of this rule, a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

Note.—See also note below rule 2.16 (b).

8.2. (a) If a Government employee, who quits the public service on compensation or invalid pension or gratuity, is re-employed, and if his gratuity is thereupon refunded or his pension is held only in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

Note.—Resignation of the public service, even though it is followed immediately by re-employment should entail forfeiture of past service for the purpose of leave under the rules in this chapter and should, therefore, constitute an ‘Interruption of duty’.

(b) A Government employee who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

Note.—The re-employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient. The service of such a re-employed pensioner should, therefore, be regarded as temporary and his leave during the period of re-employment, should be regulated by the rules applicable to temporary Government employees.

II.—APPLICATION FOR AND GRANT OF LEAVE

(1) GENERAL

8.3. Subject to any instructions issued by the Comptroller and Auditor-General of India in order to secure efficiency and uniformity of audit in relation to leave procedure the following rules govern the procedure for making applications for leave and for granting leave.

Note.—The instructions relating to leave procedure are contained in Appendix 11 in Part II of this Volume.

(2) APPLICATION FOR LEAVE.

(a) To whom to be submitted.

8.4. An application for leave, or for an extension of leave, shall be made to the authority competent to grant such leave or extension.

Note.—Application for leave should be made on form Punjab C.S.R. No. 2.

8.5. A Government employee on foreign service in India should submit all applications for leave, through his employer, to the authority competent to sanction the leave.

(b) Procedure in case of leave on medical certificate.

Instructions for Medical Officers

8.6. Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government employee concerned will ever be fit to resume his duties. In such cases, the opinion that the Government employee is permanently unfit for Government service should be recorded in the medical certificate.

8.7. Every certificate of a medical committee or board or a medical officer recommending the grant of leave to a Government employee must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government employee under the terms of his contract or of the rules to which he is subject.

8.8 to 8.12. Omitted.

Medical certificate for Government employees.

8.13. (a) Every application for leave on medical grounds made by a Government employee shall be accompanied by a medical certificate given by a registered medical practitioner having a graduate degree in the Allopathic, Ayurvedic or Homoeopathic system of medicine defining as nearly as possible the nature and probable duration of the illness or by a request for the issue of a requisition for examination by a medical officer of the Government:

Provided that the authority competent to sanction leave may, at its discretion, waive the condition of producing a medical certificate in the case of a Group 'A' or Group 'B' Government employee if the leave applied for does not exceed three days at a time and such leave shall not be treated as leave on medical certificate and shall be debited against leave due other than the leave on medical grounds.

(b) The authority competent to sanction leave may at its discretion, secure a second medical opinion by requesting the Principal Medical Officer or Assistant to the

Civil Surgeon to have the applicant examined. If it decides to do so, it must arrange for the second examination to be made at the earliest possible date after the date on which the first medical opinion was given.

(c) The Principal Medical Officer or Assistant to the Civil Surgeon shall express his opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may require the applicant for leave to appear either before himself or before a medical officer nominated by him.

Note 1.—The possession of a certificate as prescribed in this rule does not itself confer upon the Government employee concerned any right to leave.

Note 2.—Omitted.

Note 3.—Omitted.

Note 4.—The Government employee should obtain a medical certificate in the following form or as nearly in that form as the circumstances may permit:—

“Medical Certificate for Government employees recommended for leave, extension of leave or commutation of leave.”

- (1) Name (to be filled in by the applicant in the presence of the registered medical practitioner having a graduate degree in the Allopathic, Ayurvedic or Homoeopathic System of Medicine.
- (2) Appointment.
- (3) Age.
- (4) Signature of the applicant.
- (5) Total service.
- (6) Previous period of leave or of absence on medical certificate.

(Columns 5 and 6 to be filled in by the applicant in the presence of the registered medical practitioner having a graduate degree in the Allopathic, Ayurvedic or Homoeopathic System of Medicine.)

I _____, after careful personal examination of the case hereby certify that _____ whose signature and particulars are given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his health.

Dated the _____

Government Medical Attendant OR
Registered Medical Practitioner having a
Graduate Degree in the Allopathic, Ayurvedic or
Homoeopathic System of Medicine.

(Second medical opinion if called for by the authority competent to sanction leave).

Principal Medical Officer or
Assistant to Civil Surgeon

8.14. In support of an application for leave, or for an extension of leave, on medical certificate, from a Government employee in Group 'D' Service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

(3) GRANT OF LEAVE

(a) General

8.15. Leave cannot be claimed as of right. When the exigencies of the public services so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

The nature of leave due and applied for by a Government employee cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave.

8.16. (1) The grant of a certificate under rule 8.13 or 8.14 does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited. A Government employee who absents himself from his duty without permission of the competent authority is liable to have his absence treated as absence from duty without leave.

(2) The authority competent to grant leave may, in its discretion waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

8.17. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account following considerations:—

- (a) The Government employees who can, for the time being, best be spared.
- (b) The amount of leave due to the various applicants.
- (c) The amount and character of the service rendered by each applicant since he last returned from leave.

- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in the public interest.

8.18. When a medical committee or board has reported that there is no reasonable prospect that a particular Government employee will ever be fit to return to duty, leave should not necessarily be refused to such a Government employee. It may be granted, if due, by a competent authority on the following conditions:—

- (a) If the medical committee or board is unable to say with certainty that the Government employee will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee or board.
- (b) If the medical committee or board declares the Government employee to be completely and permanently incapacitated for further service he should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee or board, or, if he is on duty from the date of relief of his duties which should be arranged without delay on receipt of the report of the medical authority.
- (c) A Government employee declared by a Committee or Board to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government employee's breakdown in health has been caused in and by Government service, or when he has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

8.19. Leave shall not be granted to a Government employee whom a competent authority has decided to dismiss, remove or compulsorily retire from Government service.

8.20. Leave should be sanctioned to a Government employee after due verification by the authority maintaining the leave account and a modified sanction for the period of leave can be issued, where necessary.

Note.—In the case of leave preparatory to retirement, an undertaking for recovery of leave salary, if any, paid in excess shall be taken from the Government employee.

(b) Leave beyond the date of retirement and encashment of leave

8.21. (a) Leave at the credit of a Government employee in his leave account shall lapse on the date of his retirement:

Provided that the Government employee, –

- (A) retiring on superannuation; or
- (B) retiring prematurely, voluntarily or on invalidation; or
- (C) retiring compulsorily as a measure of punishment and in whose case cut in the amount of pension has not been ordered by the competent authority;

shall, subject to the provisions of sub-rule (c), be entitled to cash payment in lieu of the un-utilised earned leave due as leave preparatory to retirement as under :–

- (i) the cash payment shall be equivalent to leave salary limited to a maximum of 300 days' earned leave;
- (ii) the cash payment shall become payable on retirement in the above cases in lump sum as a one-time settlement;
- (iii) the leave salary for the purpose of this rule shall not include city compensatory allowance or house-rent allowance; and
- (iv) no deduction on account of pension and pensionary benefit equivalent to other retirement benefits shall be made from the cash thus paid.

(aa) Notwithstanding anything contained in sub-rule (a), the authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of Government employee, who retires from service on superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, if in the opinion of such authority, there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him and on conclusion of the proceedings, he shall become eligible to the amount so withheld after adjustment of Government dues, if any.

(b) In case of a Government employee, who is granted extension in Service, on the completion of his extended period of Service, shall be entitled to draw cash equivalent to un-utilized earned leave at his credit on the date of his superannuation:

Provided that a Government employee, who continues in Service after his superannuation, shall earn leave at the rate applicable to him on the date of his superannuation:

Provided further that if a Government employee, avails earned leave in excess

of leave earned by him during the period of his extension, in that case the excess leave availed by him, shall be deducted from the un-utilized leave at his credit on the date of his superannuation.

(c) the cash payment for the unutilised leave admissible under the aforesaid sub-rule (a), shall be calculated as follows, namely: –

$$\frac{\text{Pay admissible on the date of retirement plus Dearness Allowance admissible on that date.}}{30} \times \text{Number of days of unutilised earned leave at credit on the date of retirement subject to a maximum of 300 days.}$$

30

(d) Omitted.

Note 1.–In the case of the person re-employed after retirement the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

Note 2. Omitted.

Note 3. Omitted.

Note 4.–The period of 300 days mentioned in this rule includes any period of vacation with which leave is combined.

Note 5.–Omitted.

Note 6.–In the case of a Government employee, who is serving in a vacation department, the provisions of rule 8.117 shall also apply for computing his leave under sub-rule (b), of this rule.

Note 7.–The authorities empowered to grant earned leave, as specified in Appendix-12 of Part II of this Volume, shall be competent to sanction cash equivalent of unutilized earned leave admissible under the provisions of this rule.

(c) Encashment of earned leave along with Leave Travel Concession while in service

8.22. (1) A Government employee may be permitted to encash earned leave upto ten days at the time of availing of Leave Travel Concession while in service, subject to the condition that the total earned leave so encashed during the entire service career shall not exceed sixty days in the aggregate.

(2) The encashment of earned leave under this rule shall be allowed only once during the relevant block of four years and shall be admissible without any linkage to the number of days and the nature of leave availed for Leave Travel Concession.

(3) The amount of leave encashment shall be calculated as follows, namely: –

Pay admissible on the date of availing of the Leave Travel Concession plus Dearness Allowance admissible on that date.	×	Number of days of earned leave encashed subject to the maximum of ten days at one time.
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(4) The leave encashed under this rule shall be debit to the leave account of the Government employee.

(5) Where both husband and wife are Government employees, encashment of leave shall be admissible to both of them subject to a maximum of sixty days for each spouse during the entire service career.

(6) The leave so encashed shall not be deducted from the maximum amount of earned leave encashable at the time of retirement under rule 8.21.

Clarification:—Encashment of earned leave under this rule shall not be admissible for availing Leave Travel Concession to visit Home Town.

(4) AUTHORITIES COMPETENT TO GRANT LEAVE

8.23. Appendix 12 in Part II of this Volume specifies the authorities by whom leave admissible under these rules, other than leave on medical certificate under rule 8.18, special disability leave under rule 8.124 and 8.125, study leave under rule 8.126 and extraordinary leave under rule 8.137 of these rules, may be granted:

Provided that the authorities specified in Appendix 12, in Part II of this Volume may further delegate their powers to grant leave to any authority subordinate to them subject to such conditions and limitations as they may deem fit to impose:

Provided further that:

- (a) the creation of an additional post requiring the sanction of a higher authority; or
- (b) reference to higher authority for a substitute; the sanction of the higher authority competent to create the additional post or to sanction a substitute will be necessary. Special disability leave can be sanctioned only with the consent of the Department of Finance.

8.24. Omitted.

III.—COMMENCEMENT AND EXPIRY OF LEAVE AND COMBINATION OF HOLIDAYS WITH LEAVE

(1) Commencement and expiry of leave.

8.25. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government employee returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation, or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.

(2) Combination of holidays with leave.

8.26. An authority competent to grant leave may permit Sundays, other recognised holidays or vacation to be prefixed to leave or affixed to leave or to be both prefixed and affixed to leave in the circumstances and on the conditions laid down in rules 8.27 to 8.32:

Provided that prefixing and suffixing Sundays or other holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons, permission for prefixing and suffixing Sundays or other holidays to leave is specifically withheld. In case of leave on medical certificate if the day on which an employee is certified medically fit for rejoining duties happens to be Sunday or other holiday, he shall automatically be allowed to suffix such a holiday to his medical leave and such day shall not be counted as leave.

Note.—See also rules 3.23 and 3.24.

8.27. When the day (or days) immediately preceding the day on which the leave of a Government employee begins is a holiday (or series of holidays), and competent authority has permitted under rule 3.23, the said Government employee to make over charge (and the Government employee relieving him to receive charge) on the afternoon of the day immediately preceding the holiday or series of holidays, the leave of the Government employee making over charge and any consequent rearrangement of pay and allowances shall, unless the competent authority in any case otherwise directs, take effect from the first day after the holidays.

8.28. When the day (or days) immediately following the day on which the leave of a Government employee ends is a holiday (or series of holidays), and a competent authority has permitted the said Government employee to receive charge (and the Government employee relieved to make over charge) on the forenoon if the day immediately following the holidays or series of holidays, the leave if the Government employee receiving charge, is, unless the competent authority in any case otherwise directs, treated as having terminated on, and any consequent re-arrangement of pay

and allowances takes effect from the day on which the leave would have ended if holidays had not been affixed.

Note 1.—When a competent authority directs otherwise than as in this rule, it should convey the orders in the following form:

“It is directed under Rule 8.28 that ___ (leave) be treated as having terminated on ___ and the consequent re-arrangement of pay and allowances takes effect from the same date.”

Note 2.—The fundamental principle is that two Government employees cannot be on duty in the same post. Under rule $\frac{8.27}{8.28}$ a competent authority cannot accordingly direct that both the relieving and the relieved Government employees shall be considered as on duty in the same post during the period of holidays. A competent authority can under the rule direct that the leave of the Government employee $\frac{\text{proceeding on}}{\text{returning from}}$ leave and the consequent arrangement of pay and allowances shall take effect from the first day $\frac{\text{after}}{\text{before}}$ the holidays or from some day during the holidays. If a holiday comes at the $\frac{\text{beginning}}{\text{end}}$ of leave the Government employee $\frac{\text{going on}}{\text{returning from}}$ leave can be allowed under rule $\frac{8.27}{8.28}$ during that holiday, where ordinarily no work is required of him to $\frac{\text{go}}{\text{remain}}$ off and count the holiday as duty, as if would have counted had he $\frac{\text{not been going on leave}}{\text{returning to duty before holiday}}$. The Government employee $\frac{\text{going on}}{\text{returning from}}$ leave does not then make over till the holiday is over $\frac{\text{then takes over before the holiday commences}}$. If a competent authority decides that in the circumstances of the case some one must be on the spot in charge than either (1) the Government employee $\frac{\text{going on}}{\text{returning from}}$ leave must $\frac{\text{remain}}{\text{return}}$ during the holiday or (2) $\frac{\text{the relieving Government employee}}{\text{the Government employee to be relieved}}$ must $\frac{\text{be appointed to}}{\text{retain}}$ the charge during the whole or part of the holidays according to the orders and he must do the work without drawing the pay of the post, the $\frac{\text{outgoing}}{\text{incoming}}$ man being allowed to be away from the station though being treated as on duty during the whole or part of the holidays.

8.29. In the case of Government employees serving in vacation Departments, vacations may be prefixed or affixed to leave, or both prefixed and affixed or allowed to intervene between two periods of leave subject to the conditions mentioned in rules 3.23, 3.24, 8.27, 8.28, and 8.117(c). The previous approval of the Department of Finance should be obtained in cases where combination of vacation with leave involves extra expense to Government.

Note.—Recognised holidays intervening between leave and vacation or vice versa should, be treated as part of the vacation and such holidays should be taken into account for the purpose of calculating the maximum amount of earned leave admissible to a Government employee at any one time.

8.30. When a Government employee is permitted to prefix vacation to leave; he will report before leaving headquarters or if for urgent reasons, the leave is granted during vacation as soon as it is granted, that he makes over charge with effect from the

end of the vacation, and the relieving Government employee will then take over charge, and the leave and any consequent re-arrangement of pay will have effect from the end of the vacation.

8.31. When a Government employee is permitted to affix vacation to leave the Government employee to be relieved will make over charge before the vacation, and any consequent re-arrangement of pay will have effect from the beginning of the vacation.

8.32. In the case of District and Sessions Judges, vacations will be treated as recognised holidays and may be prefixed or affixed to leave or both prefixed and affixed or allowed to intervene between two periods of leave subject to the conditions mentioned in Rules 8.23, 8.27 and 8.28 above and provided further that –

- (i) no additional expense is incurred by the State for the period of the vacation.
- (ii) vacation shall be reckoned as leave in calculating the maximum amount of “earned leave” which may be included in the particular period of leave.

Exception: As it is not possible to say at the time of sanctioning leave that condition (i) will necessarily be satisfied, any permission to combine leave with vacation is subject to withdrawal in the event of a Government employee being required to carry out the duties of the post during vacation. In such cases either the Government employee will be recalled or, if this is impracticable owing to his absence from India or for any other reason, a substitute will be appointed. In the latter case, the portion of the Government employee’s vacation during which the substitute discharges the duties of the post will be treated as leave.

8.33. (1) Where the application of the above rules as to prefixing and affixing holidays to leave or joining time is doubtful, or inequitable, a competent authority will decide which Government employee shall be held to have been incharge, and to which the pay of the post for the holiday or holidays shall be paid.

- (2) Unless the authority competent to grant leave in any case, otherwise directs,–
 - (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes effect from the day after the holidays; and
 - (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent re-arrangement of pay and allowances take effect from the day on which the leave would have ended, if holidays had not been suffixed.

IV.–DEPARTURE ON LEAVE

8.34. Omitted.

8.35. A Government employee taking leave out of India must report his embarkation to the authority which granted his leave.

8.36. Every Government employee proceeding on leave must record on his application for leave, the address at which letters will find him during leave. Subsequent changes in address during leave, if any, should likewise be intimated to the head of the office or the head of department, as the case may be.

8.37 to 8.40. Omitted.

V.—ACCEPTANCE OF EMPLOYMENT DURING LEAVE

8.41. A Government employee on leave may not take any service or accept any employment (including the setting up of a private professional practice as accountant, consultant, or legal or medical practitioner), without obtaining the previous sanction of —

- (a) the competent authority, if the proposed service or employment lies elsewhere than in India;
- (b) the Government, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Note 1.—This rule does not apply to casual literary work or to service as an examiner or similar employment, nor does it apply to acceptance of foreign service which is governed by rule 10.2. The provisions of this note cannot be used as a means of evading the rules governing foreign service and Government employees should in no case be permitted to take up foreign service except on terms duly approved by the authority competent to sanction the transfer.

Note 2.—This rule should not be construed as permitting a Government employee who avails himself of leave on medical certificate to undertake regular employment during such leave.

Note 3.—No permission for accepting employment during leave preparatory to retirement shall be granted:

Provided that in exceptional circumstances, the competent authority or the Government, as the case may be, may permit the Government employee to accept employment with any public sector undertaking and on grant of such permission, the leave salary shall not be restricted to that admissible during half-pay leave.

Note 4.—The leave salary of a Government employee permitted to take up employment during terminal leave granted under rule 8.138-A shall not be restricted to the amount of leave salary admissible during the half-pay-leave but shall be subject to reduction on account of pension and pension equivalent of other retirement benefits and such a Government employee shall be paid in lump sum the amount equivalent to leave salary and allowances, for the entire period of such leave as one-time settlement.

Note 5.—A Government employee who volunteers for premature retrenchment in order to take up private employment should be treated as having resigned his post of his own volition and granted terminal leave not exceeding half the amount of earned leave at his credit and his leave-salary restricted to the amount of leave-salary admissible in respect of half pay leave.

Note 6.—Re-employed pensioners and specialists/contract officers can be permitted to take up employment/service during the currency of terminal leave, but in that case their leave salary should be restricted to the amount of leave salary admissible in respect of half pay leave.

Note 7.—This rule does not apply where a Government employee has been allowed to take up a limited amount of private practice and receives fees therefor as part of his conditions of services, e.g. where a right of private practice has been granted to a medical officer.

8.41-A. (1) In case a Government employee who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under the Punjab Government and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty shall be cancelled.

(2) The leave so cancelled under sub-rule (1), shall be allowed to be encashed under the provisions of rule 8.21.

VI.—RECALL FROM LEAVE

8.42. In case a Government employee is recalled to duty before the expiry of his leave, he is entitled –

(a) if the leave from which he is recalled is out of India—

- (i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;
- (ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
- (iii) to receive leave salary during the voyage to India and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it, had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under the Punjab Travelling Allowance Rules.

(b) If the leave from which he is recalled is in India to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under the Punjab Travelling Allowance Rules for the journey,

and to draw leave salary until he joins his post at the same rate at which he would have drawn it but for recall to duty.

Note 1.—Orders recalling a Government employee on leave out of India should in all cases be communicated to him through the High Commissioner for India.

Note 2.—The ‘concession’ referred to in the second sentence of this rule is a concession of the category permitted by the rule. The concessions under this rule are clearly not intended to affect the privileges of Government employees which are admissible under other rules, the concessions may be availed of when they happen to prove additional to or better than the ordinary privileges.

Note 3.—The expression “on the termination of his leave”, in clause (a) (iii) of this rule means “on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted.” The effect of this interpretation will be to make the same leave salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under Rule 9.1 as the case may be.

Note 4.— Omitted.

VII. RETURN FROM LEAVE

(1) Before expiry of leave.

8.43. (1) A Government employee on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1) a Government employee on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

(2) Return from leave on Medical Certificate.

8.44. (i) A Government employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate in the following form:—

Signature of the applicant _____.

I _____ Civil Surgeon, Principal Medical Officer, Assistant to Civil Surgeon of _____

I _____ *Registered Medical Practitioner of _____ do hereby certify that I have examined A.B.C. of the _____ Department whose signature is _____

* See rule 8.13

given above and find that he has recovered from his illness and is now fit to resume duties in Government service. I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

The original medical certificate(s) and statement(s) of the case on which the leave was granted or extended shall be produced before the authority asked to issue the above certificate. For this purpose, the original certificate(s) and statement(s) should be prepared in duplicate, one copy being retained by the Government employee concerned.

(ii) The authority under which the Government employee will be employed on return from leave may, if it considers necessary, obtain a second medical opinion about the fitness of the Government employee to resume duty by requesting the Civil Surgeon, the Principal Medical Officer or the Assistant to Civil Surgeon to medically examine the Government employee.

In the exceptional cases, the certificate may be obtained from a Commissioned Medical Officer or a Medical Officer-in-charge of a Civil Station.

If the Government employee on leave is not a Group 'A' or Group 'B' officer the authority under which the Government employee will be employed on return from leave, may, at his discretion, accept a certificate signed by any registered medical practitioner.

Note.—A Government employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

8.44-A. Omitted.

(3) Report of return from leave.

8.45. A Government employee, on return from leave, must report his return to the authority granting the leave.

8.46. A Government employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave. He must report his return to duty and await orders.

VIII. OVERSTAYAL OF LEAVE

8.47. (1) Unless the authority competent to grant leave extends the leave, a Government employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that 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.

(2) Wilful absence from duty after the expiry of leave renders a Government employee liable to disciplinary action.

IX. LEAVE-SALARY

(1) General

8.48. Subject to any instructions given by the competent authority in connection with the control of the issue of money from treasuries or by the Comptroller and Auditor General of India in order to secure efficiency and uniformity of audit, the following rules prescribe the procedure to be followed: –

- (i) in the payment of leave-salary; and
- (ii) in the maintenance of record of service.

Note.–The instructions regarding leave procedure and maintenance of service record are given in Appendix-11 in Part II of this Volume.

(2) Payment of leave-salary.

8.49. (1) Unless the competent authority by general or special order otherwise directs, leave salary shall be drawn in rupee in India.

- (2) Omitted.
- (3) Omitted.
- (4) Omitted.
- (5) Omitted.

X. LEAVE ACCOUNTS

8.50. A leave account for each Government employee subject to the Revised Leave Rules contained in Section III of this Chapter, shall be maintained in form Punjab C.S.R. No.16.

Note 1.–A separate leave account should be kept of the leave earned by a Government employee serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted and the allowance drawn during all leave which is so debited should be charged to that Government.

Note 2. Omitted.

Note 3.–The balance of earned leave or half pay leave at the credit of a Government employee shall invariably be indicated on the order sanctioning such leave to that employee.

8.51. The leave account of a Group 'A' or 'B' and Group 'C' or 'D' Government employee shall be maintained by the Head of the Department and by the Head of Office, as the case may be, in which he is employed.

XI. EXTENT AND APPLICATION

(1) Application of Revised Leave Rules

8.52. For purposes of grant of leave and leave salary, the Government employees other than those engaged on contract (vide Rule 8.57) or those for whom special provision regarding leave has been made, are subject to the revised leave rules contained in Section III of this Chapter.

Note.—The staff employed on Central Agency Work will be governed by the leave rules of the Central Government or these rules in accordance with the provisions set forth in Annexure II of section I of this Chapter.

8.53. Omitted.

8.54. Omitted.

8.55. The rules in this section are not applicable to Government employees paid from Defence Estimates who are temporarily transferred to service, paid from Civil Estimates, (including service in a tenure post). Such Government employees remain subject to the rules which applied to them before their transfer.

8.56. Omitted.

8.57. Leave admissible to Government employees engaged on contract will be determined by the terms of their contracts: Provided that no leave will be admissible in excess of the leave which would be admissible to a Government employee holding a permanent post.

Note.—Model Leave Terms for Government employees engaged on contract are given in Part I of Appendix-16, in Punjab Civil Services Rules, Volume I, Part II.

8.58. Leave on medical certificate to Government employees subject to Rules 8.131 and 8.132 shall not be granted for a period extending beyond the term of the Government employee's contract unless or until it has been decided to retain him in permanent employment.

Note.—The provisions of Rule 8.21 apply *mutatis mutandis* to Government employees engaged on contract.

(2) Periods of Off Duty which are not treated as Regular Leave.

(a) Vacation

8.59. Unless the contrary appears from the context vacation counts as duty and not as leave.

A competent authority may specify the departments or parts of departments which should be treated as vacation departments and the conditions in which a Government employee should be considered to have availed himself of a vacation.

Note.—The orders issued under this rule are given in the Annexure I to this section.

(b) Casual and Quarantine leave

8.60. A Government employee on casual leave or on quarantine leave is not treated, as absent from duty and his pay and allowances are not intermitted, as such leave is not recognised regular leave and is not subject to the rules in this Chapter.

8.61. Rules regulating the grant of casual leave and quarantine leave are given in Appendix 17 in Part II of this Volume.

ANNEXURE I
(See Rule 8.59)

1. A vacation department is a department, or part of a department, to which regular vacations are allowed during which Government employees serving in the department are permitted to be absent from duty.

2. (i) The following classes of Government employees serve in vacation department when the conditions of paragraph 1 above are fulfilled :—

- (a) Educational Officers, other than the Director of Public Instruction and inspecting officers, and their establishment.
- (b) Judicial officers of rank not higher than that of subordinate judge and their establishments –
- (c) Any other class of Government employees which a competent authority may declare to be so serving.

(ii) In case of doubt, a competent authority may decide whether or not a particular Government employee is serving in a vacation department.

Note 1.—District and Sessions Judges may, with the express permission of the Hon'ble Judges of the High Court, avail themselves, without prejudice to their regular leave, of so much of the vacation during the month of September as is not needed for the disposal of Criminal business : Provided that suitable arrangements, with the approval of the High Court, can be made for the disposal of work and that the State is not put to any additional expenditure in the way of telegraph, postal or other similar charges. At places where there are two or more Judges in a Sessions Court, they may subject to the condition that at least one of them remains on duty, avail themselves of the vacation on dates falling between the 24th August and 8th October. Vacation in their case shall be treated as recognised holidays.

Note 2.—A complete list of Government employees serving in vacation departments is given in Appendix 18 in Part II of this Volume.

3. A Government employee serving in a vacation department shall be considered to have availed himself of a vacation, or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to forego such vacation, or portion of a vacation: Provided that if he has been prevented by such an order from enjoying more than 15 days of vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 1.—A Government employee who has routine duties to discharge during a vacation which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government employee, shall be considered to have availed himself of a vacation or a part of it. A Government employee who absents himself from his place of duty during any part of vacation is expected to arrange for and is responsible for the performance without any cost to Government, of such routine duty. Should a Government employee who is absent from the place of duty during any portion of a vacation be recalled thereto, he will not be entitled to travelling allowance unless the vacation is combined with leave.

Note 2.—The words “higher authority” occurring in this paragraph mean in the case of the head of an office or institution the Head of Department and in other cases the head of the office or institution.

ANNEXURE II

(Referred to in Note 3 below Rule 8.52)

1. The staff employed on Union Agency work will be governed by the leave rules of the Union Government or the rules of the Punjab Government in accordance with the following principles.

2. Such staff may be divided into the following categories:—

- (a) Personnel recruited for and employed in agency departments whose pay, leave salary, allowances and pensions are charged direct to the Union Government, i.e., personnel who are paid direct by the Union Government but who are technically under the administrative control of the Punjab Government.
- (b) Personnel recruited and employed in connection with the affairs of the Punjab, whose pay, leave salary, allowances and pensions are charged to State revenues, but whom the Punjab Government employs temporarily on agency work. For their services the Union Government pays the Punjab Government an agreed sum and the entire leave charges are borne by the latter.
- (c) Personnel as in category (b) above whose services are employed by the Punjab Government part-time or casually, on performing Union Agency duties. For their services the Union Government usually pays an agreed sum to the Punjab Government which includes leave charges.
- (d) Personnel falling in either of the three categories given above who have from 1st April, 1937 come under the direct control of the Union Government on resumption by them of the administrative control over certain agency functions.

3. (i) The Government employees belonging to category (a) who were recruited on or after 1st April, 1937 would be governed, by the leave rules of the Union Government.

(ii) The Government employees falling under categories (b) and (c) (irrespective of the dates of recruitment) would remain under the leave rules of the Punjab Government and the Union Government would meet their share of leave charges as calculated under these rules.

SECTION II

Old Leave Rules

8.62 to 8.112. Omitted.

SECTION III—REVISED LEAVE RULES

DEFINITIONS

8.113. In the rules in this section –

- (i) “leave” includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;
- (ii) “earned leave” means leave earned in respect of periods spent on duty;
- (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 a Government employee, calculated in the manner prescribed in rules 8.116, 8.117 and 8.133, as the case may be, diminished by the amount of earned leave taken by him under these rules;
- (v) “Half pay leave due” means the amount of half pay leave calculated as prescribed in Rule 8.119 for the entire service diminished by the amount of half pay leave taken under these rules;
- (vi) “Commutated leave” means leave taken under, clause (c) of Rule 8.119.
- (vii) “Government employee in a permanent employ” means a Government employee who holds substantively a permanent post or holds a lien on a permanent post.
- (viii) “Completed years of service” and “one year’s continuous service” means continuous service of the specified duration under the Punjab Government and includes periods spent on duty as well as on leave including extraordinary leave;
- (ix) “Military Officer” means an officer of the Armed Forces who is –
 - (i) a Commissioned Officer of the Army, Navy or the Air Force; or
 - (ii) (a) a junior commissioned officer (including an honorary commissioned officer) or an “other rank” of the Army; or
 - (b) a Branch list officer or a rating of the Navy, or
 - (c) an air-man including a Master Warrant Officer of the Air Force.
- (x) “Vacation Department” means a department, or part of a department, to which regular vacations are allowed, during which Government employees serving in the Department are permitted to be absent from duty.

GENERAL RULES AND CONDITIONS

8.114. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

8.115. The authority which granted leave to a Government employee can commute it retrospectively into leave of a different kind which may be admissible but the Government employee concerned cannot claim it as a matter of right.

8.115-A . Omitted.

PART–A. LEAVE TO GOVERNMENT EMPLOYEES IN
PERMANENT EMPLOY
GENERAL PROVISIONS

(i) Earned Leave

8.116. (i) The earned leave admissible to a Government employee in permanent employ is :-

- (a) 1/24th of the period spent on duty, during the first 10 years of his service;
- (b) 1/18th of the period spent on duty during the next 10 years of his service; and 1/12th of the period spent on duty, thereafter.

Note 1.—For the purpose of assessing the “length of service” under this sub-rule, break in service caused as a result of retrenchment shall not entail forfeiture of previous service. Further, in the case of women Government employees break in service due to resignation as a result of family circumstances of the Government employee concerned, shall also be condoned by the re-appointing authority; provided the duration of break does not exceed 10 years.

Note 2.—In calculating earned leave, the actual number of days of duty performed shall first be counted and then multiplied by 1/12, 1/18, 1/24 as the case may be and the product expressed in days and fraction of day. In case, there is a change in the rate of earning of leave, the fraction in the earned leave shall be rounded off to the nearest day that is fraction below half shall be ignored and that half or more shall be reckoned as one day.

Note 3.—The period spent on duty shall include all kinds of leave, except extraordinary leave, for the purpose of calculation of earned leave.

(ii) Accumulation of earned leave is permissible upto 450 days.

(iii) Leave preparatory to retirement may be allowed upto 300 days on full pay, provided it is due.

Note 1.— Omitted.

Note 2.—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

Note 3.—In a case, where a Government employee who is required to retire, or who himself chooses to be retired before the age of superannuation, he may be allowed the leave due and admissible to him as indicated below, provided it does not extend beyond the date on which he attains the age of superannuation:—

- (i) leave preparatory to retirement upto 300 days on full pay, if it is due; or
- (ii) earned leave upto the extent leave preparatory to retirement is admissible as in clause (i) with permission to combine it with any other kind of leave, if due.

8.117. (a) A Government employee serving in a vacation department, shall be entitled to earned leave of eight days for every completed year spent on duty:

Provided that if in any year, he is prevented from availing himself of the full vacation, earned leave shall be admissible in respect of that year in accordance with the provisions of Rule 8.116:

Provided further that if in any year, he is prevented from availing himself of a part of vacation, the earned leave proportionately admissible to him under sub-rule (b), together with earned leave of eight days admissible under this sub-rule, shall not exceed the maximum earned leave admissible under rule 8.116.

(b) The earned leave admissible to such Government employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears the full vacation:—

- (i) to a Government employee with 10 years' service or less;
15 days.
- (ii) to a Government employee with more than ten years service but not exceeding 20 years service;
20 days.
- (iii) to a Government employee with over 20 years service;
30 days.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under the rules in this section.

8.118. Omitted.

- (ii) Half pay leave, commuted leave and 'Leave not due'.

8.119. (a) The half pay leave admissible to a Government employee in permanent employ in respect of each completed year of 'service' is 20 days.

(b) The half pay leave due may be granted to a Government employee on medical certificate or on private affairs.

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

- (i) Commuted leave during the entire service shall be limited to a maximum of (240) days;
- (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
- (iii) Half pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority:

Provided that no commuted leave may be granted under this rule unless the authority competent to sanction leave has reason to believe that the Government employee will return to duty on its expiry, and provided further that no commuted leave may be granted unless it has been applied for at least 15 days at a time.

Note 1.—The option once exercised will be final and debars a Government employee from claiming re-conversion, as a matter of right, though the authority which granted leave can (if so disposed) allow it.

Note 2.—When commuted leave is granted to a Government employee under this rule and he intends to retire subsequently, the commuted leave should be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the Government employee who avails himself of commuted leave but the question whether the Government employees concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on merits of each case, i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reason of ill-health, incapacitating him for further service or in the event of his death no refund should be taken.

(d) Save in the case of leave preparatory to retirement 'leave not due' may be granted to a Government employee 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 Government employee may earn subsequently.

Note 1.—Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is reasonable prospect of the Government employee returning to

duty on the expiry of the leave and should be limited to the half pay leave he is likely to earn thereafter.

Note 2.—Omitted.

Note 3.—Omitted.

Note 4.—As for half pay leave in respect of a completed year of service during which service was rendered partly in a Group ‘C’ post and partly in a Group ‘D’ post, this leave will be calculated on a pro-rata basis separately in respect of Group ‘C’ service or Group ‘D’ service and then added up. The fraction, if any, present in the total half pay leave for the particular year will be ignored if it is less than half, or reckoned as one day if it is half or more.

Note 5. Omitted.

Note 6.—The half pay leave earned by a Government employee in respect of a completed year of service can be availed of by him during the course of a spell of leave or during an extension thereof within which the date of anniversary of service falls.

Note 7.—Where a Government employee who has been granted ‘Leave not due’ under this clause applies for permission to retire, voluntarily, the ‘leave not due’ shall, if the permission is granted be cancelled and his retirement shall have effect from the date on which such leave commenced. An undertaking to this effect should, therefore, be taken from Government employee as who avail of ‘Leave not due’. But the question whether a Government employee should be called upon to refund the amount of leave salary should be decided on the merits of each case e.g. if the retirement is voluntary refund should be enforced: if it is unavoidable by reason of ill health incapacitating him for further service or in the event of his death no refund should be insisted upon.

Note 8.—When “leave not due” is granted to a Government employee under this clause and he applied for permission to retire voluntarily or resigns of his own volition at any time after returning to duty, the question of refund of leave salary in respect of the leave not due already availed of before return to duty shall, to the extent it has not been subsequently wiped off, be treated in the same way as laid down in note 7 above.

Note 9.—Where a Government employee who having availed himself of the ‘leave not due’ returns to duty and is retired from service under sub-rule (1) of rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975 and has not been able to earn half pay leave to the extent of the ‘leave not due’ granted to him before such retirement, he shall not be called upon to refund the amount of leave salary in respect of that ‘leave not due’.

8.120. Omitted.

(iii) Extraordinary Leave.

8.121. (1) Extraordinary leave may be granted to any Government employee in special circumstances:—

- (a) when no other leave is admissible, or
 - (b) when other leave is admissible, but Government employee concerned applies in writing for the grant of extraordinary leave.
- (2) The authority empowered to grant leave may commute retrospectively:—
- (a) period of absence without leave into extraordinary leave.
 - (b) extraordinary leave granted into leave of a different kind if the latter type of leave was admissible at the time extraordinary leave was granted.

Note 1.—The power of commuting retrospectively, period of absence without leave into extraordinary leave under clause (b) is absolute and not subject to the conditions mentioned in clause (a); in other words, such a commutation is permissible even when other leave was admissible to the Government employee concerned at the time his absence without leave commenced. This concession, however, cannot be claimed by Government employee as a matter of right.

Note 2.—The concession admissible under clause (2) cannot be claimed by a Government employee as a matter of right.

Note 3.—Extraordinary leave granted to a Government employee on medical certificate may be commuted retrospectively into ‘leave not due’ at the discretion of the authority competent to sanction leave in respect of extraordinary leave taken on medical certificate after the 31st August, 1949. Such a commutation is also permissible in a case where extraordinary leave was granted to a Government employee on medical certificate during temporary service after the 31st August, 1949, and he is subsequently confirmed or declared quasi-permanent with effect from a date earlier than the commencement of the extraordinary leave.

Note 4.—Extraordinary leave taken by a Government employee otherwise than on medical certificate after the 11th September, 1955, may also be Commuted into ‘leave not due’ at the discretion of the authority competent to sanction leave.

LEAVE SALARY

8.122. (1) An officer on earned leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(2) An officer on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1)

(3) An officer on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).

(4) An officer on extraordinary leave is not entitled to any leave salary.

(5) Omitted.

(6) In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefits payable under the said Act for the corresponding period.

(7) Leave salary up to one month may be allowed in advance to all Government employees proceeding on earned leave subject to the following conditions:—

(a) No advance may be granted when the leave taken is less than thirty days;

(b) The amount of the advance should be restricted to the net amount of leave salary for the first month of leave that is clearly admissible to the Government employee after deductions on account of Income Tax, Provident Fund, contribution towards New Defined Contributory Pension Scheme, house rent, repayment of advances etc.;

(c) The advance should be adjusted in full in the leave salary bill in respect of the leave availed of where the advance cannot be adjusted in full, the balance should be recovered from the next payment of pay or and leave salary;

(d) The advance may be sanctioned by the Head of office or by any other subordinate officer to whom the power may be specially delegated, to all Government employees irrespective of the Group of Service to which they belong. Officers who are Heads of Offices may sanction the advances themselves;

(e) The amount of advance will be debited to the head of account to which the pay, etc., of the employee is debited and the adjustment of the advance will be watched by the Drawing & Disbursing Officer.

(f) Advances shall be sanctioned in whole rupee.

(8) If a Government employee including a military pensioner re-employed in civil service, dies while in service, the cash equivalent of the leave salary (carrying the appropriate amount of dearness allowance) in respect of earned leave at his credit subject to a maximum of 300 days in entire service, shall be paid to his family.

Note.— During re-employment after retirement from pensionable service, if pension of a Government is allowed to be drawn separately, a suitable reduction being made in the re-employed pay, his leave salary during the period of earned leave or half pay leave or commuted leave, shall be based on the net re-employed pay i.e. exclusive of the pension and

he shall continue to draw the pension separately in addition. The pension shall continue to be drawn by him during the period of extraordinary leave also.

8.123. Omitted.

ADDITIONAL KIND OF LEAVE IN SPECIAL CIRCUMSTANCES

(i) Special Disability Leave

8.124. Subject to the conditions in clauses hereunder:—

(1) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed and the persons disabled acted with due promptitude in bringing it to the notice, but the competent authority if it is satisfied as to the cause of disability may permit leave to be granted in cases where the disability manifested itself more than 3 months after the occurrence of its cause.

(2) The period of leave granted shall be such as is certified by the authorised Medical Attendant of the Government employee concerned to be necessary. It shall not be extended except on the certificate of that authority and shall in no case exceed 24 months.

(3) Such leave may be combined with leave of any other kind.

(4) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(5) (a) In the case of a person to whom Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4(1)(d) of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable shall be reduced by the amount of benefit admissible under the said Act, for the corresponding period.

(6) The provisions of this rule apply to a Civil employee disabled in consequence of service with a Military force if he is discharged as unfit for further military service but is not completely and permanently incapacitated for further Civil service and to a Civil employee, not so discharged who suffers a disability, which is certified by a Medical Board, to be directly attributable to his service, with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Note.— The intention of the above clause is not that special disability leave should be given to cover any portion of Government employee's military service, but that it should

be admissible only after the Government employee's discharge as unfit for further military service.

A competent authority may grant special disability leave to a Government employee who is disabled by injury intentionally inflicted or caused in or in consequence of, due performance of his official duties or in consequence of his official position, as follows:—

- (I) Such leave shall be counted as duty in calculating service for pension, but half the amount of such leave on full pay taken under clause III below shall be counted as "earned leave" taken.
- (II) Leave salary during such leave including a period of such leave granted under condition (4) above shall be equal to full pay for the first 120 days.
- (III) For the remaining period of any such leave, to half pay, or at the Government employee's option for a period not exceeding the period of earned leave, otherwise admissible to him under rule 8.116 or 8.117 to full pay.

Note.— Leave salary during special disability leave will be regulated under rule 8.122.

8.125. The application of provisions of Rule 8.124 may subject to the conditions given below be extended by a competent authority to Government employees disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty, which has the effect in increasing his inability to illness or injury, beyond the ordinary risk attaching to the Civil post, which he holds:—

- (1) The disability if due to disease must be certified by the Authorised Medical Attendant of the Government employee concerned to be directly due to the performance of the particular duty;
- (2) If the Government employee has contracted such disability during service, otherwise than with a military force, it must be in the opinion of the competent authority exceptional in character;
- (3) The period of absence recommended by the Authorised Medical Attendant of the Government employee concerned may be covered in part by leave under this rule and in part by other leave; and
- (4) The amount of special disability leave granted on full pay shall be less than 120 days.

(ii) Study Leave

8.126. Leave may be granted to Government employees on such terms as may be prescribed by general or special orders of the competent authority to enable them to study scientific, technical or similar problems or to undergo special courses of

instruction. Such leave is not debited against the leave account.

Note.—For general orders issued under this rule see Appendix 20 in Part II of this Volume.

(iii) Maternity Leave and Hospital Leave

8.127. (a) The competent authority under Rule 8.23 may grant to a female Government employee maternity leave on full pay for a period not exceeding 180 days without the necessity of production of a medical certificate and the grant of such a leave, shall be so regulated that the date of confinement falls within the period of this leave and the leave so granted shall not be debited against the leave account of the female Government employee:

Provided that no leave under this sub-rule shall be granted to a female Government employee who has three or more living children.

Note.—Extension in leave, if any, on the expiry of maximum period of 180 days maternity leave, shall be permissible by the grant of leave of the kind due.

Note 1.—During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. The term “pay” in this rule includes officiating pay: provided the authority sanctioning the leave certifies that the Government employee would have continued to officiate had she not proceeded on leave.

Note 2.—Where a female Government employee has less than two living children, maternity leave under this rule may also be granted in cases of miscarriages and abortion including abortion included under the Medical Termination of Pregnancy Act, 1971, subject to the conditions that the leave does not exceed six weeks and the application for leave is supported by a certificate from a registered medical practitioner specified in rule 8.13 and, in case of doubt, certificate of a Principal Medical Officer or Assistant to a Civil Surgeon or Senior Medical Officer may be called for:

Provided that a female Government employee having two or more children shall not be entitled to avail of this concession, but if required, can be sanctioned leave of the kind due, on the production of a medical certificate.

Note 3.—In the case of a person to whom the provisions of Employees’ State Insurance Act, 1948 apply, leave salary payable under this rule shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

8.127. (b) Any other kind of leave may be permitted to be prefixed in maternity leave without insisting on a medical certificate. But any leave applied for in continuation of maternity leave may be granted only if the request is supported by a medical certificate.

Note 1.—This rule does not preclude the grant of maternity leave in continuation of leave of any kind.

Note 2.—Omitted.

Note 3.—Regular leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female Government employee producing a medical certificate from the authorised medical attendant to the effect that the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

8.127. (c) The competent authority under rule 8.23 of these rules may grant hospital leave to a Group 'D' Government employee and such Group 'C' Government employee whose duties involve handling of dangerous machinery, explosive material, poisonous drugs, etc., or the performance of hazardous tasks, while under medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

Note 1.—In the case of persons to whom the Workmen's Compensation Act, 1923 applies the amount of leave salary shall be reduced by the amount of compensation payable under Section 4(1) (d) of the said Act.

Note 2.—Industrial and work-charged staff will also be entitled to Hospital leave in the same manner as other State Government employees.

Note 3.—Hospital leave should be granted on the production by the Government employee concerned of a medical certificate from a superior officer, not below the rank of Senior Medical Officer to the effect that the illness or injury was directly due to risk incurred in the course of official duties and also that the leave recommended is necessary to effect a cure.

Note 4.—In the case of a person to whom the provisions of Employees' State Insurance Act, 1948 apply, leave salary payable under these rules shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

8.127. (d) Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary.

- (i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and
- (ii) equal to leave salary during half pay leave, for the remaining period of any such leave.

8.127. (e) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.

(iv) Paternity Leave

8.128. (1) A male Government employee having less than two surviving children, may be granted Paternity Leave upto a maximum of 15 days (after commuting half pay leave of 30 days).

(2) Such leave shall be admissible during the confinement of his wife for childbirth, i.e. upto 15 days before or upto 15 days after the date of delivery of the child.

(3) During the period of such leave, the Government employee shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

Note. – Paternity leave shall not normally be refused.

(v) Adoption Leave

8.128-A. Adoption leave may be granted to a woman Government employee, who does not have her own children and adopts a newly born child. Such leave shall be granted subject to the following conditions: –

(i) the adoption should be valid under the law;

(ii) the leave shall commence from the date of adoption of the child and shall be granted for a period up to three months or till such day the child is three months old, whichever is earlier;

(iii) during the period of such leave, the Government employee shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave; and

(iv) adoption leave shall not be debited to the leave account of the Government employee.

(vi) Child Care Leave

8.128-B. (1) Subject to the provisions of this rule a woman Government employee having minor children below the age of eighteen years, may be granted Child Care Leave for a maximum period of one year (i.e. 365 days) during her entire service for taking care of two eldest surviving children, whether for rearing or to look after any of their needs such as examination, sickness and the like, on production of a documentary proof.

(2) Such leave may be granted in more than one spells, but it shall not be granted in more than three spells in a calendar year. However, it shall not be granted for a period of less than fifteen days.

(3) The grant of leave under this rule shall be subject to the provisions of rule 8.15. If the exigencies of public service so require, the authority empowered to grant leave, may refuse to sanction leave to a Government employee or may cancel the leave already sanctioned in any case.

(4) Child Care Leave shall be sanctioned as in the case of earned leave and no Government employee shall proceed on such leave without obtaining prior approval of the competent authority.

(5) Child Care Leave shall not be granted under any circumstances to a Government employee, who remains on an unauthorised absence from duty and applies for it.

(6) During the period of such leave, the Government employee shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(7) This Leave shall not be debited against the regular leave account of the Government employee. However, a separate Leave Account for this Leave shall be maintained in a proforma, as may be specified and the entries relating to this Leave shall be made in the Service Book of the concerned employee.

(8) Child Care Leave shall not be sanctioned in the case of a woman Government employee,—

- (a) against whom a disciplinary proceeding has been instituted or who is under suspension; or
- (b) who is under probation period:

Provided that an authority empowered to grant leave may grant leave to such a Government employee after considering a medical certificate, countersigned by a medical authority not below the rank of Civil Surgeon, to the effect that the minor child is suffering from some serious ailment which warrants mother's immediate personal care; or

- (c) who has been appointed on daily wages, work-charged or contract basis.

(9) Leave already availed or being availed of by a Government employee shall, under no circumstances, be converted into Child Care Leave.

Clarification.—(i) Child Care Leave in connection with the examination or illness of a minor child living abroad, shall be sanctioned on the basis of a certificate issued in this regard by the concerned educational institution or by an authorised doctor, as the case may be. The woman Government employee, who avails Child Care Leave in respect of a minor child living abroad, shall have to comply with all the rules/instructions for proceeding on ex-India leave and eighty per cent period of such leave shall have to be spent in the country where the child is living;

(ii) before Child Care Leave is sanctioned relating to the examination of a minor child, who lives in a hostel in India or abroad, the Government employee shall have to clarify how the needs of such a minor child will be looked after by her;

(iii) Leave Travel Concession shall not be permitted during Child Care Leave; and

(iv) a spell, which begins during a calendar year and ends in the next calendar year, shall be deemed as a spell pertaining to the calendar year in which the spell begins.

8.129. Omitted.

8.129-A. Notwithstanding anything contained in rule 8.119, 8.133 and 8.137, where a military officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as follows:—

- (a) (i) Instead of annual leave, he may be granted earned leave as calculated under rule 8.116 from the beginning of the calendar year following that in which he becomes subject to this rule, his leave account being initially credited with the earned leave equal to the number of days of annual leave which, on the date on which he becomes subject to this rule, it would be permissible to grant him under the leave rules of the Armed Forces:

Provided that, if annual leave under the leave rules of the Armed Forces is not admissible in respect of the calendar year of transfer, duty counting for earned leave shall commence on the date on which he becomes subject to this rule:

Provided further that in the case of Military Officer serving in a vacation department the provisions of rule 8.117, shall apply, *mutatis mutandis* to the calculation and grant of leave:

Provided also that a military officer holding substantively a tenure post, who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any annual leave taken under the leave rules of the Armed Forces during the period being treated as earned leave taken under this rule.

- (ii) He may also be granted any leave, other than annual leave, admissible under the leave rules of the Armed forces either alone or in combination with earned leave.
- (b) The total period of leave shall be regulated by the limit in force under the leave rules of the Armed forces to which the military officer is subject.
- (c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the military officer concerned at the time it was granted:

Provided that except in the case of military officer holding substantively a tenure post, no leave under clause (ii) of sub-rule (a) may be granted to such military officer unless the civil authority which grants the leave is prepared to re-employ him immediately upon the termination of the leave:

Provided further that in the case of a military officer holding substantively a tenure post, leave under clause (i) of sub-rule (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of public service.

- (d) Any leave granted under this rule to a military officer holding civil appointment of limited tenure shall not exceed beyond the term of his civil appointment.

8.129-B. A military officer in civil employ shall cease to be governed by rule 8.129-A with effect from date from which he is released or discharged from the Armed Forces and shall with effect from the date of such release or discharge become subject to these rules, the earned leave due to him on that date being carried forward.

8.129-C. Where a military officer is appointed substantively to a permanent civil post (other than a tenure post) there shall be credited initially in his account—

- (a) (i) earned leave equal to the number of days of the annual leave which, on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces, or
- (ii) earned leave, if any, which, on the date on which he is so appointed, it would be permissible to grant him under rule 8.129-A:

Provided that where such appointment is made in the calendar year in which the military officer was transferred to civil employ, the credit under clause (i) shall be reduced by 1/12th of the duty intervening between the date of that appointment and the termination of the calendar year of transfer but no reduction shall be made if annual leave is not admissible in respect of the calendar year of transfer;

- (b) half pay leave equal to the number of days of furlough which, on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

LEAVE TO GOVERNMENT EMPLOYEES
ON DEPUTATION OUT OF INDIA

8.130. Unless the competent authority in any case otherwise directs, the following provisions apply to Government employees placed on deputation out of India, if the period of the deputation exceeds one year :—

- (a) The period of deputation shall not count as duty for the purpose of this chapter.
- (b) The amount of leave which can be earned by the deputation shall be determined by the competent authority. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government employee's leave account. Leave salary during such leave shall be equal to the rate of deputation pay:

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year, these provisions shall apply only in respect of the period in excess of one year.

PART B—LEAVE TO PROBATIONERS AND APPRENTICES

LEAVE TO PROBATIONERS

8.131. During the period of probation, a probationer is entitled to leave as follows:—

- (1) If appointed under contract, to such leave as is prescribed in his contract; or
- (2) (i) if there be no such prescription in the contract or
 - (ii) if appointed otherwise, to such leave as would be admissible to him under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the order of an authority competent to appoint him.

Note.—See also rule 8.58.

LEAVE TO APPRENTICES

8.132. During the period of apprenticeship, an apprentice is entitled to leave as follows: —

- (1) if appointed under contract, to such leave as is prescribed in his contract; or

- (2) (i) if there be no such prescription in the contract; or
- (ii) if appointed otherwise;
- (a) to leave on medical certificate on leave salary equivalent to half of the pay on the last day of duty prior to commencement of leave for a period not exceeding one month in any year of apprenticeship if the period of apprenticeship is less than one year, proportionate leave will be admissible, viz. for Nine/Six/Three months, period of apprenticeship, leave admissible will be twenty-one/fifteen/seven days, respectively; and
- (b) to extraordinary leave under rules 8.121.

Note 1.—See also rule 8.58.

Note 2.—This rule has reference to leave earned or taken during the apprentice period only and not afterwards. See also rule 2.16 (a) (1).

Note 3.—Paid candidates will be treated as apprentices for the purpose of this rule.

Note 4.—The leave at the credit of a Government employee on the date of his appointment as an apprentice under Punjab Government should not lapse but may be allowed to be carried forward on his appointment to a post under Punjab Government on the expiry of the period of apprenticeship.

PART C—LEAVE EARNED BY TEMPORARY AND OFFICIATING SERVICE, SERVICE WHICH IS NOT CONTINUOUS AND PART TIME SERVICE OR SERVICE REMUNERATED WHOLLY OR PARTIALLY BY THE PAYMENT OF HONORARIA ON DAILY WAGES.

**LEAVE TO GOVERNMENT EMPLOYEES NOT
IN PERMANENT EMPLOY**

- (i) Earned leave, half pay leave, commuted leave and 'Leave not due'

8.133. The provisions of rules 8.116 to 8.119 apply also to a Government employee not in permanent employ, provided that—

- (a) no half pay leave shall be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry ; and
- (b) leave not due for a period not exceeding 360 days during the entire service shall not be granted to such an employee unless he is suffering from T.B., Leprosy, Cancer or mental illness and the following conditions are fulfilled:—

- (i) that the Government employee has put in a minimum of one year's service;
- (ii) that the post from which the Government employee proceeds on leave is likely to last till his return to duty; and
- (iii) the request for the grant of such leave is supported by a medical certificate of the authorised Medical Attendant.

8.134. Omitted.

8.135. Omitted.

8.136. No leave is admissible to temporary establishment paid from contingencies on contingent bills. Such establishment may, however, be allowed extraordinary leave under rule 8.137.

(ii) Extraordinary Leave

8.137. The provisions of rule 8.121 shall also apply to a Government employee not in permanent employment but the period of extraordinary leave on any one occasion does not exceed –

- (i) two years in the case of a Government employee who has been in continuous Government service for a period exceeding one year; and
- (ii) one year in the case of a Government employee whose service is less than one year.

Note 1.—Where a Government employee, who is not a permanent employee, fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Government employee 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 this rule, he shall be liable to be removed from service in accordance with the procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

Note 2.—The period of extraordinary leave when separated by a spell of vacation will be treated as one continuous spell of extraordinary leave for applying the limits specified in this rule.

(iii) Maternity Leave

8.137-A. The provisions of rule 8.127(a) and 8.127 (b), shall apply also to a Government employee not in permanent employ.

8.137-B. Omitted.

(iv) Special Disability Leave

8.137-C. The provisions of rules 8.124 and 8.125 apply *mutatis mutandis* to temporary and officiating Government employees whose leave is regulated by the rules in this part.

(v) Hospital Leave

8.138. (a) The competent authority under rule 8.23 of the rules may grant hospital leave to Head Constables and Constables of the Punjab Armed Police Force and Regular Police Force, Overseers and Sub-Overseers in the Punjab Mental Hospital and the Establishment of the Government Press, whose leave is regulated by the Rules in this Part.

Note 1.—In the case of persons to whom the Workmen’s Compensation Act, 1923, applies the amount of leave-salary shall be reduced by the amount of compensation payable under Section 4(1)(d) of the said Act.

Note 2.—Industrial and work-charged staff will also be entitled to Hospital leave in the same manner as other state Government employees.

Note 3.—Hospital leave should be granted on the production by the Government employee concerned of a medical certificate from a superior officer, not below the rank of Senior Medical Officer to the effect that the illness or injury was directly due to the risks incurred in the course of official duties and also that the leave recommended is necessary to effect a cure. The period of leave shall be such as may be certified by the Authorised Medical Attendant to be necessary.

(b) Hospital leave may be granted on leave salary equal to either pay drawn immediately before proceeding on earned leave or half pay and for such period, as the authority granting it may consider necessary.

(c) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible: provided that the total period of leave, after such combination, shall not exceed 28 months.

(vi) Terminal Leave

8.138-A. (1) Earned leave to the extent due and admissible at a time can be granted to temporary employees (other than those employed on a contract basis) at the discretion of the sanctioning authority on the termination of service on account of retrenchment or on the abolition of posts before attaining the age of superannuation even when it has not been applied for and refused in the public interest. In all cases, however, where any notice of termination of service is required to be given under the terms of employment of the temporary employee concerned, and that employee is relieved before the expiry of the notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

- (2) Such terminal leave may also be granted to—
- (a) re-employed pensioners who are treated as “new entrants” in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
 - (b) persons employed for a period exceeding one year on a contract basis in terms of Appendix 16 to the Punjab Civil Services Rules, Volume I, Part II.
 - (c) unqualified persons who may have to vacate their temporary posts to make room for qualified candidates.
 - (d) persons whose services may have to be dispensed with, as a matter of administrative convenience as an alternative to the initiation of disciplinary proceedings against them.

Note 1.—This rule shall not apply to apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them.

Note 2.—Terminal leave under this rule will not be admissible in the following circumstances:—

- (i) where the employee concerned has been dismissed or removed from service, or where service is terminated in the interest of national security ; or
- (ii) where the employee concerned resigns his post of his own volition unless the resignation is for reason of ill-health or for other reasons beyond his control. Leave not exceeding half the amount of earned leave which the Government employee concerned can avail of at a time may, however, at the discretion of the sanctioning authority, be allowed in this case;
- (iii) where the services of a temporary Government employee are lent by commercial concerns or semi-Government organisations on terms which include the payment of leave salary contribution, the grant of leave on termination of the employment under Government will in such cases, be at the cost and within the discretion of the parent employer.

Note 3.—It will not be necessary to extend the temporary post to cover the period of the leave granted to a Government employee at the end of his temporary employment.

Note 4.—Retrenched Government employees who are re-employed either in their own or another department on or before the expiry of their terminal leave with no break in service are to be deemed to be in continuous Government service and allowed the benefit of their previous service for calculating casual and earned leave due to them on their re-employment.

Note 5.— Omitted.

Note 6.—A temporary Government employee continues in service during that part of terminal leave only which runs concurrently with the notice period and ceases to be a Government service on the expiry of the notice period, the leave to the extent it goes beyond the notice period being treated as a terminal benefit only.

(vii) Leave beyond the date of retirement and encashment of leave

8.139. The provisions of rule 8.21 apply *mutatis mutandis* to temporary and officiating Government employees whose leave is regulated by the rules in this Part.

(viii) Leave Salary

8.140. The provisions of rule 8.122 shall apply *mutatis mutandis* in the case of a Government employee governed by the rules in this part.

Note.— Omitted.

LEAVE ADMISSIBLE TO PART TIME GOVERNMENT EMPLOYEES AND GOVERNMENT EMPLOYEES WHOSE SERVICE IS NOT CONTINUOUS

LAW OFFICERS

(i) Assistant Legal Remembrancers

8.141. An Assistant Legal Remembrancer whose pay is fixed at a definite rate but his whole-time is not retained for the service of Government, may be granted leave as follows:—

- (a) Leave on full pay during the vacation of the High Court; provided that no extra expense is hereby caused to Government; such leave will be counted as duty.
- (b) Leave on half pay for not more than six months once only in his service after six years of duty.
- (c) On medical certificate leave on half pay up to the maximum of 12 months during whole service. When the maximum of 12 months is exhausted, further leave on medical certificate not exceeding 6 months in all may be granted in exceptional cases on the recommendation of a medical board.
- (d) On the conditions prescribed in rule 8.121 extraordinary leave.

Note.—Leave under any one of the clauses of this rule may be combined with leave under other clause.

(ii) District Attorneys and Government Pleaders

8.142. (a) (1) District Attorneys will ordinarily be permitted to absent themselves from their duties during the period for which the court of the Sessions Judge is closed for the summer vacation, upto a maximum of one month if the State of work permits; but such permission may be withdrawn by the Director of Prosecution and Litigation when the work so requires. In these cases, it should not be necessary to appoint any other person to perform the duties of the District Attorney, who will be permitted to draw his consolidated monthly fees for the period of his absence.

(2) When a District Attorney is refused permission to absent himself from duty during the period of the Sessions Court's vacation, he may, with the sanction of Government, be permitted to absent himself from duty at some other time of the year for a period not exceeding one month, during which time he will continue to draw his consolidated monthly fees.

(3) Apart from the concession in clause (2) a District Attorney may be permitted by the Director of Prosecution and Litigation to absent himself from his duties at any time of the year up to a period of three months, or for a longer period with the sanction of the Government, during which time he will not be entitled to any remuneration other than that provided in clause (6) below.

(4) During the absence from duty of a District Attorney under the provisions of any of the above clauses arrangements may be made by the Director of Prosecution and Litigation for the discharge of his duties by another legal practitioner. The Director of Prosecution and Litigation may engage a private practitioner either on fees for individual cases at the rates fixed by Government for the employment of private practitioners for criminal case work or on consolidated fees not exceeding the monthly rate fixed by the Government, whichever alternative is in the opinion of the Director of Prosecution & Litigation most economical and conducive to efficiency. Such appointments will be made by the Director of Prosecution and Litigation in consultation with the local authorities.

(5) If no suitable legal practitioner is willing to do the work on the monthly rate fixed by the Government or if the appointment of a private practitioner on fees does not appear appropriate or economical, the Deputy Commissioner should refer the matter with his recommendations to the Director of Prosecution & Litigation for the orders of Government.

(6) If the period of absence (other than any period during which the District Attorney is entitled to draw full fees) does not exceed one month, the District Attorney may be allowed to draw the difference, if any, between the rate fixed for his fees and the sum paid to his substitute or substitutes.

(7) When the same District Attorney is attached to more districts than one, the Deputy Commissioner of each district concerned must be consulted.

(b) (i) Government Pleaders must arrange that their services are available at all times, other than the period of the vacation fixed for subordinate civil courts, unless permission of absence has been given.

(ii) Government Pleaders who are not District Attorneys may be given permission of absence at any time of the year; provided that they can be spared. Such permission must be obtained from the Director of Prosecution & Litigation through the Deputy Commissioner.

Editor and Reporters of the Indian Law Reports

8.143. The Editor and Reporters engaged in the production of the Indian Law Reports (Punjab Series) who are part-time Government employees earn leave upto 1/12th of the period spent on duty. They can be granted leave up to the maximum of 120 days at any one time and will be allowed leave salary equal to the pay on the day before the leave commences; provided no extra expense is thereby caused to Government.

Departmental Sub-Registrar

8.144. Subject to the deduction of the amount of leave actually enjoyed from the amount of leave which has been earned a Departmental Sub-Registrar may be granted leave as follows:—

- (i) Leave with pay—
 - (a) Leave on full pay not exceeding one year in the whole of his service upto 1/12th of the period spent on duty subject to the conditions that—
 - (1) Leave earned cannot at any one time be granted to an extent greater than 120 days; and
 - (2) Of leave so granted 1½ months will be leave without medical certificate and the rest on medical certificate.
 - (b) Leave on medical certificate on half pay for not more than six months during his service after the completion of six years of duty.
- (ii) Leave without pay—
 - (a) without medical certificate, for a period not exceeding one year during the whole of his service; a Sub-Registrar who is also a member of the Union Parliament or States Legislature may in addition be granted

leave for the period he actually attends the meetings of such Parliament or Legislature or of its Sub-Committee.

(b) On medical certificate, without any limit.

(iii) Any combination of leave under clauses (i) (a), (i) (b) and (ii) (a), (ii) (b); provided that no combination under clauses (i) (a), (i) (b) and (ii) (a) at any one time exceeds one year.

LEAVE ADMISSIBLE TO GOVERNMENT EMPLOYEES REMUNERATED WHOLLY OR PARTIALLY BY THE PAYMENT OF HONORARIA OR DAILY WAGES

8.145. A Government employee remunerated by honoraria may be granted leave on the terms laid down in rule 8.141; provided that he makes satisfactory arrangements for the performance of his duties that no extra expense is caused to Government and that during leave of the kind contemplated by clause (b) of rule 8.141, the whole of the honoraria are paid to the person who officiates in his post.

8.146. Leave to –

- (1) A section-writer or a temporary press employee, paid under the piece work system, or a daily labourer, employed in the Public Works Department, if granted leave, is not entitled to any leave salary whatever during his absence.
- (2) Labourers employed on a daily wages in Government workshops, power-houses, quarries; electric sub-stations and other similar institutions, or on demolition of buildings, or on blasting operations or roads, or on a power line, a telephone line, a haulageway in the Public Works Department, who are injured while on duty, may be granted leave while under medical treatment for the injury; provided that the injury is directly due to risks incurred in the course of their official duties. The total amount of such leave in any one term of 3 years shall not exceed six months, full wages being allowed for the first three months and half wages thereafter inclusive of compensation under the Workmen's Compensation Act, where such compensation is payable.

8.147. Omitted.

LEAVE RULES APPLICABLE TO PERMANENT SALARIED INDUSTRIAL EMPLOYEES IN THE PUNJAB GOVERNMENT GROUP 'C' AND GROUP 'D'

8.148. (1) Leave to permanent Group 'C' and Group 'D' salaried industrial employees shall be admissible in accordance with the provisions of Rule 8.116.

(2) The half pay leave admissible to an employee in respect of each completed year of service is 20 days and will be accumulative. The half pay leave due may be granted to an employee on medical certificate or on private affairs.

(3) Leave without pay may be granted when no other leave is admissible.

(4) The provisions of rule 8.119 (c) and (d) apply to Government employees whose leave is regulated by the rules in this part except that leave not due will be granted only on medical certificate.

(5) Injury leave at half pay rates may be granted to a permanent salaried industrial employee, below the grade of Overseer or General Foreman who is injured in circumstances which would have given rise to a claim for compensation under the Workmen's Compensation Act, 1923 (VIII of 1923), if he had been a workman as defined therein, whether or not proviso (a) to sub-section (1) of section 3 of that Act is applicable. In the case of workers who are declared to be suffering from lead poisoning by certifying Surgeon, injury leave will be admissible on full pay. Such leave shall not be deemed to be leave on medical certificate for the purpose of clause (2). It shall be granted from the commencement of disablement for so long as is necessary subject to a limit of two years for any one disability and a limit of five years during an employee's total service including service, if any, on the piece establishment. The salary payable in respect of a period of leave granted under this rule shall in the case of an employee to whom the provisions of the Workmen's Compensation Act, 1923, (VIII of 1923), apply be reduced by the amount of compensation paid under clause (d) of sub-section (1) of section 4 of that Act.

Note.—The expression “pay” in this rule means the pay on the day before the leave commences.

LEAVE RULES APPLICABLE TO OFFICIATING TEMPORARY INDUSTRIAL EMPLOYEES OF PUNJAB GOVERNMENT PRESS, GROUP 'C' and GROUP 'D'.

8.149. (1) The competent authority under rule 8.23 of these rules may grant hospital leave to a Group 'D' Government employee and such Group 'C' Government employees whose duties involve handling of dangerous machinery, explosive materials, poisonous drug etc. or the performance of hazardous tasks, while under medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

Note 1.—In the case of person to whom the Workmen's Compensation Act, 1923 applies, the amount of leave-salary shall be reduced by the amount of compensation payable under section 4(1)(d) of the said Act.

Note 2.—Industrial and Work-charged staff will also be entitled to hospital leave in the same manner as other State Government employees.

Note 3.—Hospital leave should be granted on the production by the Government employee concerned of a medical certificate, from a superior officer, not below the rank of Senior Medical Officer to the effect that the illness or injury was directly due to risks incurred in the course of official duties and also that the leave recommended is necessary to effect a cure. The period of the leave shall be such as may be certified by the Authorised Medical Attendant to be necessary.

8.149. (2) Hospital leave may be granted on leave salary equal to either pay drawn immediately before proceeding on earned leave or half pay and for such period as the authority granting it may consider necessary.

8.149. (3) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.

8.149. (4) Provisions of sub-rules (a), (b) and (c) of rule 8.119, rule 8.137 and sub-rule (1) of rule 8.148 *ibid* shall apply *mutatis mutandis*.

CHAPTER IX

JOINING TIME

CONDITIONS UNDER WHICH ADMISSIBLE

9.1. Joining time may be granted to a Government employee to enable him—

- (a) to join a new post either at the same or new station, without availing himself of any leave on relinquishing charge of his old post;
- (b) to join a new post in a new station on return from—
 - (i) earned leave not exceeding 180 days, in respect of Government employees subject to the Leave Rules in Section III of Chapter VIII;
 - (ii) leave other than that specified in sub-clause (i) when he has not had sufficient notice of his appointment to new post;
- (c) (i) to proceed on transfer or on the expiry of leave from a specified station to join a post in a place in a remote locality which is not easy of access;
- (ii) to proceed, on relinquishing charge of a post on transfer or leave, in a place in a remote locality which is not easy of access to a specified station.

Note 1.—The authority which granted the leave will decide whether the notice referred to in clause (b) (ii) was insufficient.

Note 2.—The joining time and travelling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India (Rules) and paragraph 2 (iii) and 14 of the Defence Services Regulations, India Passage Regulations, respectively, read with Fundamental Rule 3. These rules admit of the grant of joining time and travelling allowance to military officers in civil employ not only on the occasion of their transfer to civil employ and retransfer to military employ but also when they are actually serving in the civil employ. For the purposes of these rules, privilege leave under the military leave rules, should be treated as earned leave of not more than four months' duration.

Note 3.—The time reasonably required for journeys between the place of training and the stations to which a Government employee is posted immediately before and after the period of training should be treated as part of the training period. This does not apply to probationers holding “training posts” which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

Note 4.—When a Government employee holding a temporary post is offered through his official superior another such post at some other station at any time before the abolition of his post, he is entitled to joining time.

Note 5.—No joining time, joining time pay or travelling allowance shall be granted to a State Government employee who is appointed to a post under the Union Government but joins his new post after termination of his employment under the State Government by resignation or otherwise, unless the employment of a particular Government employee is in the wider public interest. The same applies to a employee of the Union Government or of another State Government who, in similar circumstances, is appointed to a post under the Punjab Government. Further, when a Government employee of one department is appointed to a post in another department, both departments being under the Punjab Government, but joins his new post after termination of his employment under the old departments, no joining time, joining time pay or travelling allowance shall be allowed unless it is in the public interest to do so. If joining time is allowed in any case it should be the minimum necessary and should in no case exceed the transit period.

Note 6.—Joining time, joining time pay and travelling allowance of Government employees appointed to posts under the Punjab Government on the results of a Competitive Examination, which is open to both Government employees and others, is regulated as under:—

- (a) travelling allowance, joining time and joining time pay should ordinarily be allowed to all Government employees serving under the Union or State Government who hold permanent post in a substantive capacity.
- (b) no travelling allowance, joining time pay should be granted in the case of those who are employed in a temporary capacity without the sanction of Government.
- (c) for the purpose of clause (a) above provisionally permanent and quasi-permanent Government employees shall be treated as on par with the permanent Government employees.

9.2. No joining time is allowed in cases when a Government employee is transferred from one post to another in the same office establishment.

9.3. (a) A Government employee on transfer during a vacation may be permitted to take joining time at the end of the vacation.

(b) If vacation is combined with leave, joining time shall be regulated under rule 9.1(b) (i), if the total period of leave on average pay and vacation or earned leave and vacation combined is of not more than six months or 180 days duration, respectively.

9.4. If a Government employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave. On the expiry of the leave, the Government employee may be allowed normal joining time.

CALCULATION OF JOINING TIME

9.5. The joining time of a Government employee in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of 30 days. Six days are allowed for preparation and in addition, a period to cover the actual journey calculated as follows:—

(a) A Government employee is allowed:—

(i) For the portion of the journey which he travels by air craft.	Actual time occupied in the journey
(ii) For the portion of the journey which he travels or might travel.	One day for each
By railway	... 500 kilometers
By ocean steamer	... 350 kilometers
By river steamer	... 150 kilometers
	} or any longer time actually occupied in the journey.
By motor vehicle or horse-drawn conveyance	... 150 kilometers
In any other way	... 25 kilometers

(b) (i) For purpose of journey by air under clause (a) (i) a part of day should be treated as one day.

(ii) a day is also allowed for any fractional portion of any distance prescribed in clause (a) (ii).

(c) when part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

Note.—If a steamer is not due to start immediately after the expiry of six days from the day when the Government employee, gives over charge, the Government employee may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry.

- (d) travel by road not exceeding eight kilometers to or from a railway station, or steamer ghat at the beginning or end of journey does not count for joining time.
- (e) a Sunday does not count as a day for the purpose of the calculations in this rule but Sundays are included in the maximum period of 30 days.

Exception.—The authority sanctioning the transfer may in special circumstances reduce the period of joining time admissible under this rule.

9.6. Not more than one day is allowed to a Government employee in order to join a new post when the appointment to such post does not necessarily, involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

9.6-A. When holiday (s) follow (s) joining time, the normal joining time may be deemed to have been extended to cover such holiday (s).

9.7. Except in the case of a journey performed by air which will be governed by the provisions in clause (a) (i) of rule 9.5 by whatever route a Government employee actually travels his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

9.8. (a) The joining time of a Government employee under clause (b) (i) and (ii) of rule 9.1 will be counted from his old station or from the place at which he receives the order of appointment, whichever calculation will entitle him to less joining time. If the leave is being spent out of India and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule. If, however, such a Government employee actually performs the journey to his old headquarters for winding up his personal affairs, etc. his joining time will be calculated from the old headquarters to the new headquarters, irrespective of the place where he spends leave or receives posting orders. A certificate to the effect that the Government employee had actually performed the journey from the station where he was spending leave to the old headquarters for winding up personal affairs should be furnished by the officer concerned with his charge report for assumption of the post at the new headquarters. The responsibility for obtaining the certificate from a Group 'A' or Group 'B' officer would rest with the Head of Department concerned and for Group 'C' and Group 'D' staff, with the head of office.

(b) A Government employee taking joining time under clause (b) (i) of rule 9.1 who receives, while on leave (whether spent in or out of India); order of transfer to a station other than that from which he took leave, will be granted full joining time admissible under clause (a) above, without reference to the authority which granted the leave and irrespective of the date on which the orders of transfer are received by him. Should he join his new appointment before the expiry of such leave plus the joining time admissible the period short taken should be considered as leave not enjoyed, and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case, the Government employee desires not to avail himself of the full period of joining time admissible the period of leave and joining time should be adjusted with reference to such option.

9.9. Omitted.

9.10. If a Government employee is authorised to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he actually makes over charge.

9.10-A. If the headquarter of a Government employee, while on tour is changed to the tour station itself, or his temporary transfer is converted into permanent transfer by the competent authority, his joining time may be calculated from the old headquarters, to the new headquarters, in case he actually performs the journey to his old headquarters for winding up his household etc.

9.11. If a Government employee is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Note.—A second period of six days for preparation should not be included in calculating the joining time of a Government employee whose appointment is changed while he is in transit.

9.12. When a Government employee under the administrative control of the Punjab Government is transferred to the control of another Government, his joining time for the journey to join his post under that Government and for the return will be governed by the rules of that Government.

9.13 and 9.14. Omitted.

PAY DURING JOINING TIME

9.15. A Government employee on joining time shall be regarded as on duty, and shall be entitled to be paid as follows:—

- (a) where joining time is granted under clause (a) of rule 9.1 the pay which he would have drawn if he had continued in the old post; or the pay which he will draw on taking charge of the new post, whichever is less;
- (b) where the joining time is granted under clause (b) of rule 9.1—
 - (i) if it is in continuation of leave which included a period of leave on average pay of earned leave pay equal to leave-salary which he last drew during such leave on average pay or earned leave at the rate prescribed for payment of leave salary in India; and
 - (ii) if it is in continuation of leave which did not include a period of earned leave-pay equal to the leave salary which the Government employee would have drawn under the leave rules applicable to him as if he had been on leave on average pay or earned leave in India for the period of joining time;
- (c) where joining time is granted under clause (c) of rule 9.1, the pay which he would draw in his post in the remote locality:

Provided that:—

- (i) a Government employee on transfer shall not be entitled to any pay for the period of joining time unless his transfer is in the interest of public service;
- (ii) no joining time pay shall be granted to a Government employee who does not hold a permanent post under Government (including the central and State Governments) in a substantive capacity or a post under the Punjab Government in a quasi-permanent capacity, when he is appointed to a new post on the results of a competitive examination or interview which is open to both Government employees and others.

Note 1.—A Government employee on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interest.

In such cases the Government employee may be granted regular leave by the competent authority under the leave rules admissible to him even if the transfer is at his own request to cover the period after handing over charge at the old station and before taking over at another, if the Government employee applies for it and the competent authority is willing to sanction it. In case, however, where the Government employee does not apply for leave to cover the period spent in transit, this period should be treated as “*dies non*” for purposes of leave, increment and pension.

Note 2.—A military officer subject to the Military Leave Rules who retains a lien on his civil post is entitled on joining time, under sub-clause (ii) of clause (b) above, to draw the same amount of leave salary which he would have drawn had he taken leave under Civil Leave Rules: Provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

9.16. In the Public Works Department no extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government employee until the transfer is complete, but as far as ordinary pay and allowances are concerned an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division, or other charge) consists of several scattered works which the relieving and the relieved Government employee are required, by the orders of a superior officer, to inspect together before the transfer can be completed. The relieving Government employee will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government employee will draw:—

- (i) if he is transferred from a post which he holds substantively his presumptive pay in that post;
- (ii) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post : provided it is not more than the pay he would draw after the transfer is complete; otherwise his presumptive pay in the permanent post on which he had a lien prior to transfer;
- (iii) if he returns from leave, his pay during the period of taking over charge be regulated as follows:—
 - (a) if he went on leave while working in the post held by him substantively, the presumptive pay of that post; and
 - (b) if he went on leave while working in a post in an officiating capacity, the officiating pay of that post or the pay which will be admissible to him in the new post, after taking over charge, whichever is less.

Note 1.—The concession of house-rent allowance or free quarter ordinarily admissible to a Government employee should be treated as “ordinary pay and allowances” within the meaning of this rule and is admissible to both the relieved and the relieving Government employees during the period occupied by them in handing over and taking over charge.

Note 2.—In each case where it has been decided to treat the period of taking over charge of a relieving officer as ‘duty’ under the provisions of this rule, a declaration in the following proforma should be issued:—

DECLARATION

I, _____ (Name) _____ (Designation) declare that Shri _____ (Name and designation of the officer to be relieved) and Shri _____ (Name of the relieving officer) _____ (Designation) were engaged in joint inspection of several scattered works and/or stores during the period from _____ to _____ in connection with handing over and taking over charge and I do not consider the above period as excessive during which Shri _____ shall be treated as on duty.

Station. Date.	(Name of the relieving officer) Name Designation.
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9.17. The application of rule 9.16 which forms an exception to the general rule and which concerns the Public Works Department only, has also been extended to the transfer of charge specified in column 2 of the table below in the case of the following departments. The authority noted in column 3 against each is to determine whether the period spent in completing the transfer of charge is not excessive:—

Name of the Department	Charges to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
1. Jail Department	Deputy Superintendents and Storekeepers.	Inspector-General of Prisons, Punjab.
	Senior Factory Assistant, Reformatory Settlement, Amritsar.	Ditto

	Name of the Department	Charges to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
2.	Industries Department	Teachers and clerks holding charge of Stores in the Government Industrial Schools and Institutions.	Director of Industrial Training.
		Storekeepers in the Government Central Weaving Institute, Amritsar; School of Arts, Government Institute of Dyeing and Calico-Printing and Demonstration Weaving Factory, Ludhiana.	Director of Industries.
		Lady Superintendent and Head Mistresses who hold charge of Stock and Stores in Government Women Industrial Schools.	Director of Industries.
		Storekeepers and Clerks in Government Tanning Institute, Jalandhar, Government Hosiery Institute, Ludhiana Marketing Sections, Wool Section and Sericulture Section. Laboratory Assistants in the Industrial Research Laboratory, Demonstrators of all Demonstration parties in the Punjab.	Ditto

Name of the Department		Charges to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
3.	Agriculture Department	Storekeepers, Well Supervisors and Well Borers in Workshops and Well Boring Section and Agriculture Assistants and Clerks attached to Farms.	Director of Agriculture.
4.	Veterinary Department	Veterinary Inspector and Veterinary Officer in-charge of Civil Veterinary Hospitals.	Divisional Superintendent, Civil Veterinary Department
5.	Judicial Department	Ahlmads and Record-keepers in the Courts of District and Sessions Judges including Additional District and Sessions Judges.	District and Sessions Judges concerned upto 10 days.
		Ahlmads, Execution Moharrirs, Guardian Moharrirs in the Court of Senior and other Subordinate Judges and administrative Subordinate Judges and Readers to Administrative Subordinate Judges, Ahlmads, Naib, Shariff incharge of Execution Work and Insolvency Clerk in Small Cause Courts.	Presiding Officer of the Court up to 7 days and District Sessions Judges upto 10 days.

Name of the Department		Charges to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
6.	Food and Supplies Department	Inspectors, Food and Supplies/Sub-Inspectors, Food and Supplies.	Head of the Department: Provided the total period spent in the transfer of charge does not exceed four days.
7.	Treasuries and Accounts Branch, Finance Department	Treasury Officer, District Treasurers and Assistant/Sub-Treasurers.	Head of Department.
8.	Treasuries and Accounts Branch, Department of Finance.	District Treasury Officer.	Head of Department upto two days.
9.	Printing & Stationery Department	Store-Keepers.	Head of Department provided the total period spent in transfer of charge does not exceed 6 days.

OVERSTAYAL AND EXTENSION OF JOINING TIME

9.18. A Government employee who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 3.17.

9.19. (a) A competent authority may, in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

(b) Within the prescribed maximum of thirty days, Heads of Departments may, in the case of Government employees under their control (other than those belonging

to All India Services), extend the joining time admissible under the rules to the extent necessary in the following circumstances:—

- (i) when the Government employee has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part has spent more time on the journey than is allowed by the rules; or
- (ii) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers;
- (iii) when the rules have, in any particular case, operated harshly, as for example, when a Government employee has through no fault on his part missed a steamer or fallen sick on the journey.

JOINING TIME TO PERSONS NOT IN GOVERNMENT SERVICE ON JOINING THE GOVERNMENT SERVICE AND ON REVERSION FROM IT

9.20. A person in employment other than Government service or on leave granted from such employment, if, in the interest of Government, he is appointed to a post under Government, may, at the discretion of the competent authority, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him, by his private employer prior to his appointment to Government service or pay equal to the pay of the post in Government service, whichever is less.

CHAPTER X

FOREIGN SERVICE AND DEPUTATION IN INDIA

10.1. Meaning of Foreign Service:—As per definition given in rule 2.21 Foreign Service means service in which a Government employee receives his pay with the sanction of Government from any source other than the revenues of the Union or State Government or a Union Territory.

GENERAL CONDITIONS FOR FOREIGN SERVICE

10.2. (a) A competent authority may sanction the transfer of a Government employee to foreign service in or out of India:

Provided no Government employee may be transferred to foreign service in or out of India against his will:

Provided further that a Government employee, other than an employee working in the Punjab Vidhan Sabha Secretariat, may, in public interest, be transferred without his consent to foreign service under a Company, a Corporation or a Body whether incorporated or not, which is wholly or substantially owned or controlled by the State Government or under a Municipal Corporation or a local body within the State of Punjab or under the Bhakra Beas Management Board or the Beas Construction Board:

Provided further that no Government employee shall be transferred to a post carrying pay which is less than or a pay scale the maximum of which is less than the basic pay he would have drawn but for his transfer to foreign service :

Provided further that no Government employee shall be transferred to foreign service unless the foreign employer undertakes to afford him, as far as, may be, privileges not inferior to those which he would have enjoyed under the Punjab Services (Medical Attendance) Rules, 1940, as amended from time to time, if he had been employed in the service of the Government of Punjab.

(aa) A Government employee, other than an employee working in the Punjab Vidhan Sabha Secretariat, may in public interest, be deputed without his consent to a post under the Administration of Union Territory, Chandigarh:

Provided that no Government employee shall be deputed under this clause to a post carrying pay which is less than or a pay scale the maximum of which is less than the basic pay he would have drawn but for this deputation.

(b) The Government which will be entitled to recover pension contribution on behalf of a Government employee lent to foreign service should be regarded as the Government competent to sanction the transfer.

10.3. A transfer to foreign service is permissible if the following conditions are fulfilled:—

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government employee;
- (b) the Government employee transferred holds, at the time of his transfer to foreign service a post paid from Government revenues, or holds a lien on a permanent post. Transfer of a temporary Government employee to foreign service who fulfils this condition of lien is also permissible;
- (c) A Government employee transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer.

PAY AND JOINING TIME

10.4. (a) A Government employee in foreign service shall draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. The amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

(b) The competent authority may by general order impose such restrictions in regard to the admissibility of pay to an employee transferred to foreign service, as it may deem fit. Annexure 'A' contains the restrictions regulating the amount of remuneration to be paid to Government employees on foreign service in India.

10.5. A Government employee transferred to foreign service if appointed to officiate to a post in Government service, before his term of foreign service expires or before he reverts to his parent service in normal course shall draw pay calculated on the pay of the post in which he holds a lien and that of the post in which he officiates. In other words his foreign service will be taken into account in fixing his pay on appointment as above.

Note.— Omitted.

PENSION AND LEAVE SALARY

10.6. (a) A Government employee transferred to foreign service may not, without the sanction of the competent authority, accept a pension or gratuity from his foreign employer in respect of such service.

(b) When any Government employee whose services are lent on foreign service conditions retires from Government service without at the same time retiring from the

service of his foreign employer, the Accountant-General shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from the Government so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of employment.

(c) The employee on foreign service out of India, if he so chooses, may accept gratuity from the foreign Government but the service rendered by him with that Government shall not qualify for pension under the State Government. The gratuity so accepted shall be credited into the General Provident Fund or the Contributory Provident Fund account, as the case may be, of the employee concerned.

10.7. (a) While a Government employee is in foreign service, contribution towards the cost of his pension shall be paid to Government revenues on his behalf.

(b) If the foreign service is in India, contributions shall be paid on account of the cost of leave salary also.

(c) Contribution due under sub-rules (a) and (b) above shall be paid by the Government employee himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

Note.—The payment of matching contribution in respect of the Government employees, who are governed by the New Defined Contributory Pension Scheme, shall be made by the foreign employer in accordance with the procedure specified in this behalf.

(d) (i) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer to foreign service may determine before hand in consultation with the foreign employer the conditions on which leave will be granted by such employer. The leave-salary in respect of leave granted by said employer will be paid by him and the leave will not be debited against the Government employee's leave account.

Note.—Leave granted under this sub-rule should be treated as leave and not as duty for the purposes of pension.

(ii) In special circumstances, the authority sanctioning transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employer pays leave contribution at the prescribed rate.

RATE OF CONTRIBUTIONS PAYABLE ON ACCOUNT OF
PENSION AND LEAVE SALARY

10.8. (1) The rates of contribution payable on account of pension and leave salary shall be such as the competent authority may by general order specify with a view to—

- (a) secure to the Government employee the pension that he would have earned by service under Government if he had not been transferred to foreign service; and
- (b) to secure to Government employee leave salary on the scale and under the conditions applicable to him.

(2) A competent authority may remit the contributions due in any specified case or class of cases as is done in the case of transfer of Medical Officers to foreign service in Local Fund Charitable Hospitals and Dispensaries.

(3) While calculating the rate of leave salary admissible in the case of Government employee entitled to a lien in a post and paying his own contributions the pay drawn in foreign service shall account for the purpose of pay on the last day of duty.

Note.—The rates of contributions prescribed under this rule and the method of their calculation are given in Annexure 'B' appended to this Chapter.

TIME LIMIT FOR PAYMENT OF CONTRIBUTIONS

10.9. The payment of leave salary and pension contribution in respect of Government employee in foreign service shall be made (separately as they are creditable to different heads of accounts) by the foreign employer or by the employee concerned as specified in the terms of transfer to foreign service within fifteen days from the end of the financial year or at the end of the term of the foreign service, whichever is earlier. No dues recoverable from Government on any account, shall be set off against these contributions.

INTEREST ON OVERDUE CONTRIBUTIONS

10.10. In case the contribution is not paid within the specified period, interest shall be paid to Government on unpaid contribution, according to the terms of foreign service at the rate of two paise a day for one hundred rupees from the date of expiry of that period up to the date on which the contribution is finally paid. Where contributions are paid not in cash but by book adjustments in the accounts made by Accountant-General any interest levied on overdue contributions should be charged upto the date on which the adjustment is finally made in the accounts.

REMISSION OF INTEREST

10.11. The Competent Authority may remit interest on overdue contributions in exceptional circumstances when for instance the payment of the contribution has been delayed through no fault of Government employee or the foreign employer concerned. Interest will not be remitted in consequence of delay on the part of the Accountant-General to make a claim, if the facts on which the claim is based were within the knowledge of the Government employee or the foreign employer concerned.

10.12. If a Government employee transferred to foreign service withholds the contributions, he shall forfeit the right to count as duty in Government service the time spent in foreign service. The contribution paid on his behalf maintains his claim to pension or/and leave salary, as the case may be, in accordance with the rules of service of which he is a member. Neither the Government employee nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

LEAVE WHILE ON FOREIGN SERVICE

10.13. A Government employee transferred to foreign service shall before taking up his duties in foreign service, acquaint himself with the rules or arrangements which will regulate his leave during such service.

10.14. A Government employee transferred to foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

10.15. A Government employee transferred to foreign service in India shall be personally responsible, for the observance of rule 10.14. By accepting leave to which he is not entitled under the rules he renders himself liable to refund leave salary irregularly drawn and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave salary.

10.16. (a) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer to foreign service may determine before hand in consultation with the foreign employer, the conditions on which leave will be granted by such employer. The leave salary in respect of leave granted by the said employer shall be paid by him and the leave shall not be debited against the Government employee's leave account. Leave granted under this clause should be treated as leave and not as duty for the purposes of pension.

(b) In special circumstances, the authority sanctioning transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employer pays leave contribution at the rate prescribed under rule 10.8 or otherwise specified.

10.17. The grant of leave preparatory to retirement to a Government employee coupled with permission to remain in the service of the foreign employer shall be regulated in the following manner:—

- (1) In the case of a Government employee, who is already on foreign service in or out of India under a body corporate, owned or controlled by Government applies for leave preparatory to retirement. The leave applied for can be granted only if the body corporate, owned or controlled by Government is prepared to release him from its employment to enable him to enjoy the leave.
- (2) In the case of a Government employee who is transferred to foreign service in or out of India under a body other than a body corporate, owned or controlled by Government who applies for leave preparatory to retirement, such a leave shall be admissible only where the Government employee quits duty under the foreign employer. In other words he will not be permitted to continue in employment under the foreign employer while on leave preparatory to retirement. If he is allowed to continue in the employment of the foreign organisation after the date of superannuation, he shall be treated purely as on private employment.

REVERSION FROM FOREIGN SERVICE

10.18. A Government employee reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the competent authority may declare.

10.19. When a Government employee reverts from foreign service to Government service, his pay shall cease to be paid by the foreign employer, and his contributions shall be discontinued, with effect from the date of reversion.

Note.—(1) If the Government employee is repatriated by the borrowing Government before the expiry of the agreed term of deputation, the salary of such an employee for the period from the date of relieving from foreign service to the date he takes charge of the post under the State Government, shall be paid by the foreign employer:

Provided that if such Government employee is relieved by the foreign employer on the basis of a complaint or indiscipline or misconduct in the discharge of his duties, such period shall be treated as leave of the kind due.

(2) A specific provision to this effect shall invariably be incorporated in the terms and conditions of the deputation or foreign service.

RECOVERIES IN THE CASES OF ADDITIONS TO REGULAR ESTABLISHMENT

10.20. (1) The following rules shall govern the recoveries in the cases of additions made to a regular establishment from the persons for whose benefit the additional establishment is created on the condition that its cost or a definite portion of its cost shall be recovered from the persons concerned:—

- (a) The amount to be recovered shall be the gross sanctioned cost of the service or of the portion of the service as the case may be, and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contributions at such rates as may be laid down under rule 10.8 and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) A competent authority may reduce the amount of recoveries, or may entirely forego them.

(2) The following procedure shall be adopted in applying the rates of contribution prescribed under rule 10.8 to cases falling under this rule:—

- (i) *Pension contribution.*—In the case of a Government employee of one of the State Services, Group 'A', or holding a special post of corresponding rank, the amount to be recovered as contribution shall be the average of the rates prescribed in column 2 of the table in Annexure B to this Chapter.

In the case of employees of other services or those holding special posts of corresponding ranks a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in columns 3 and 4 of the table referred to above shall be levied.

- (ii) *Contribution for leave salary.*—The rate for calculating the amount to be levied as contribution in respect of a member of one of the State Services, Group 'A', or holding a special post of corresponding rank shall be the average of the rates prescribed for Government employees subject to ordinary leave rules in Chapter VIII, whereas the actual percentage prescribed for other Government employees shall be levied on the total sanctioned cost, or in the case of time-scales of pay on the average cost of all the posts concerned.

(3) The procedure laid down in sub-rule (2) above shall also be applicable to all Government commercial concerns in which leave and pensionary charges are adjusted on contribution basis in their regular commercial accounts or in which pensionary charges are taken into account calculating the issue price of goods manufactured or fees for service rendered or to any other department in which pensionary charges are adjusted in the regular accounts on the basis of foreign service contribution rates.

GENERAL CONDITIONS OF DEPUTATION AND DEPUTATION ALLOWANCE

GENERAL CONDITIONS

10.21. (1) (i) The term 'deputation' covers only appointment made by transfer on temporary basis. Appointments of Government employees made either by promotion or by direct recruitment in competition with candidates from the open market, whether on a permanent or temporary basis shall not be regarded as deputation. Similarly, permanent appointments made by transfer shall not be treated as deputation.

(ii) The transfer on an employee from one department to another department under the Punjab Government will not be considered as deputation and no deputation allowance will be admissible.

(iii) The term 'Basic Pay' for this purpose shall mean the pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of officiating appointment in an employee's present cadre provided the officiating appointment so held was not in a tenure post and it is certified by the appointing authority that but for the deputation the employee concerned would have continued to hold the officiating appointment indefinitely.

(iv) Personal pay, if any, drawn by an employee on the post in his parent department may be allowed in addition and will not be absorbed in the deputation allowance, but will be absorbed in other increases in pay e.g. increment or increase of pay by promotion or for any other reason.

DEPUTATION ALLOWANCE

10.21. (2) The grant of deputation allowance to Public Government employees who are transferred on deputation or to foreign service to other State Governments or the Central Government or bodies (incorporated or not), wholly or substantially owned or controlled by Government, provided the transfer is outside the regular line and is in the public interest shall be regulated as under :-

(1) (i) The deputation allowance shall be granted only in those cases where the services of specialists in scientific and technical fields are required by the local authorities and other public or quasi-public bodies in the public interest and the choice of the officer is made by the Government and not by the borrowing organisation; and

(ii) The deputation allowance shall be admissible at the rate of five per cent of basic pay of the Government employee subject to a maximum of one thousand and five hundred rupees per mensem at the same station and ten per cent of basic pay subject to a maximum of three thousand rupees per mensem at a different station.

(2) The deputationist shall either be allowed special pay or deputation allowance on his basic pay and not both, irrespective of the fact whether the special pay has been sanctioned for the parent post in lieu of higher time scale or otherwise. Similarly special pay, if any, attached to a deputation post shall also not be admissible along with deputation allowance.

(3) Any project allowance admissible in a project area may be drawn in addition to the deputation allowance.

(4) Where a special rate of deputation allowance is admissible in any area on account of conditions of living there being particularly arduous or unattractive, such a special rate being more favourable than that admissible under these rules, the Government employees deputed to such area will be given the benefit of the special rate.

(5) The deputation of an employee to the Union Territory of Chandigarh or transfer of an employee to foreign service under the Bhakra Beas Management Board or the Beas Construction Board, shall be treated as service in the interest of the State of Punjab and no deputation allowance shall be admissible.

PAY ON DEPUTATION TO UNIVERSITIES, CORPORATIONS, LOCAL BODIES AND OTHER CORPORATE BODIES

10.22. (1) The Government employees who go on deputation on foreign service to the Universities, Corporations, Local Bodies and other corporate bodies shall not be allowed to get higher start. In case a Government employee wants to take advantage of a higher scale of pay advertised by the Universities, Corporations, Local Bodies and other corporate bodies he can do so after resigning from Government service.

Note.—The Administrative Department should ensure that a representative of the Department of Finance is invariably associated in making recruitment to the corporate bodies, which are receiving financial assistance from the Government of Punjab.

(2) A Government employee placed on deputation may opt to draw either the pay in the scale of pay of the new post, as may be fixed under the normal rules, or his basic pay in the parent Government Department plus personal pay, if any, under rule 10.21 plus deputation allowance. For determining the pay under the normal rules for this purpose in case of deputation to autonomous bodies, it may be assumed that the Government rules apply. The option once exercised shall be final except that on each occasion when such an employee receives proforma promotion in his parent Government department under the next below rule or is reverted to a lower grade in the parent Government or is appointed to another grade by the borrowing agency a fresh option shall be allowed to him.

(3) The employee on deputation may be given the benefit of the “next below” rule.

(4) No Government employee shall receive an abnormal increase in pay because of his deputation. In cases in which a Government employee is sent on deputation against a post the minimum scale of pay of which plus deputation allowance substantially exceeds the emoluments normally admissible to the deputationist, viz., the pay which he draws in the post from which he proceeds on deputation plus deputation allowance, the authority ordering the deputation shall restrict the pay in a suitable manner to curtail the substantial excess thereof.

(5) (i) These rules also apply in other cases of deputation or appointments of employees of other State Governments and the Central Government to posts under the Punjab Government. Where, however, special orders may exist in respect of appointments of a specific category of employees to a specified class of posts, those orders will continue to be applied instead of these orders.

(ii) If a Central Government or any other State Government employee on deputation to the Punjab Government or a Punjab Government employee on deputation to Central Government or any other State Government is allowed to retain the scale of pay, admissible to him in his parent Government plus deputation allowance, if any, dearness allowance should also be allowed under the rules of the parent Government or organisation. Local allowances such as compensatory (city) and house rent allowances will, however, be payable under the rules of the borrowing Government. If, however, the deputationist is appointed in the scale of pay prescribed for the post by the borrowing Government, he should be allowed to draw all allowances including dearness allowance under the rules of the borrowing Government. This sub-rule shall not be applicable to cases where separate orders are issued in consultation with Department of Finance or where special terms of deputation are fixed in consultation with the Department of Finance.

(6) In a case, a person already on deputation is desired to be promoted to a higher post in the borrowing department, the borrowing Government/authority shall obtain the concurrence of the lending Government/authority prior to that promotion. The lending Government/authority shall in such a situation also decide how the pay in the higher post shall be regulated.

(7) This rule shall not apply to cases of deputation to posts outside India.

HOW TO TREAT DEPUTATION ALLOWANCE

10.23. The deputation allowance admissible to Government employees transferred on deputation or to foreign service to any other State Government or the Central Government or Bodies (incorporated or not) wholly or substantially owned or controlled by the State Government shall not count as emoluments for any purpose other than pension. In case of pension too it shall count as emoluments only if it is mutually agreed upon between the two Governments that it shall so count for the purposes of pension and the sharing of additional liability is also settled before hand.

Note 1.—It has been mutually agreed upon by the Punjab Government and the Central Government that with effect from 4th September, 1973 special pay and deputation (duty) allowance and with effect from 11th February, 1974 officiating pay drawn on the deputation post, irrespective of whether they would have drawn it had they not been sent on deputation shall be counted towards pension in the case of officials on deputation from the Punjab Government to the Central Government and vice versa. The additional liability would be shared by the Punjab Government and Government of India in accordance with the provisions of Appendix 3 to the Account Code, Volume I.

Note 2.—The rules regarding leave salary and pension contribution as laid down in Appendix 3 to the Account Code, Volume I shall apply in cases where a permanent Government employee is appointed under a different Government through open competition, provided he is not required to resign his previous appointment and the Government under whom he was employed prior to his appointment under a different Government through open competition agrees to retain his lien until he is finally absorbed by the latter Government.

RESTRICTION ON GRANT OF EXTRAORDINARY CONCESSIONS

10.24. The grant of extraordinary attractive concessions in the shape of higher pay scales, additional remuneration, conveyance allowance, free residential accommodation, free use of electricity and water, free use of car, use of servants for private purposes, sumptuary allowance and bonus or award for good work shall not be allowed to Government employees deputed on foreign service to private bodies without the prior approval of the Department of Finance.

PERIOD OF DEPUTATION

10.25. The initial period of deputation may be extended up to three years by the Administrative Department concerned and if in a rare case of special nature, the exigencies so require in public interest, such period may be extended beyond three years by the Administrative Department concerned with the prior concurrence of the Department of Personnel:

Provided that where the Administrative Department in consultation with the Department of Personnel agrees to extend the period of deputation of an employee beyond a period of three years, the deputation allowance and other benefits available in the borrowing department or organisation in addition to those available in the parent department shall not be admissible during the period of deputation so extended:

Provided further that in case of deputation to Government of India, other State Governments or Public Sector Undertakings and other bodies wholly and substantially owned by the other Governments, the deputation allowance may be drawn by an employee irrespective of the period of deputation, if the foreign employer is willing to continue the payment thereof, and the exigencies of public interest do not demand the recall of the employee in connection with the affairs of the State.

TRAVELLING ALLOWANCE AND DAILY ALLOWANCE DURING DEPUTATION

10.26. A deputationist, or a Government employee on transfer to foreign service shall be entitled to the Travelling and Daily Allowance at the rates applicable in the borrowing organisation.

HOUSE RENT ALLOWANCE DURING DEPUTATION

10.27. House Rent Allowance will be admissible to a deputationist at the same rates as is admissible to the other Government employees of equivalent categories. A deputationist who may be occupying a Government residential accommodation will be permitted to retain the same on payment of five percent of his pay plus deputation allowance or the standard rent, whichever is less, as house rent from his own pocket, the difference between the market rent and the rent paid by the deputationist from his own pocket shall be paid by the borrowing organisation.

CONDITIONS TO BE OBSERVED WHILE SANCTIONING THE CASES OF DEPUTATION OR FOREIGN SERVICE

10.28. (1) A Government employee who has served on deputation or on foreign service should not be allowed to proceed on deputation or on foreign service again unless he has worked for a minimum period of two years on a post in his parent

Government on reversion from deputation or foreign service from the first assignment so that Government may be able to make the best use of his service.

(2) The Government has an inherent power to terminate deputation arrangements earlier than the period specified in the order of terms and conditions of deputation when exigencies so demand. Government may, of its own motion or on the request of the borrowing organisation or authority, recall a Government employee at any time before the expiry of the period of deputation. However, to make it more clear and to remove any doubt in this behalf, a specific condition empowering the State Government to recall a Government employee before the expiry of the period of deputation shall invariably be incorporated in all orders transferring employees on deputation or to foreign service.

(3) In the case of Companies, Corporations, Boards etc., which are under the direct or indirect control of the Punjab Government, the maximum three years (five years in rare cases of special nature) period of deputation shall be strictly adhered to. Such corporate bodies shall be required to take replacements from the Government Departments concerned.

10.29. Any relaxation of the conditions and principles of deputation or foreign service laid down in this chapter will require prior concurrence of the Department of Finance.

ANNEXURE 'A'

[Referred to in rule 10.4 (a)]

The amount of remuneration to be granted to a Government employee transferred to foreign service in India be regulated by the following principles:-

(1) When the transfer of a Government employee to foreign service in India is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value, in addition to his pay proper, the exact notice of such remuneration or concession must be similarly specified. No Government employee will be permitted to receive any remuneration or enjoy any concession which is not so specified, and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) The following two general principles must be observed in sanctioning the conditions of transfer:-

- (a) The terms granted to the Government employee must not be such as to impose an unnecessarily heavy burden on the foreign employer.
- (b) The terms granted must not be so greatly in excess of the remuneration which the Government employee would receive in Government service

as to render foreign service appreciably more attractive than Government service.

Note.—The intention of this principle is to prevent undue increase in the emoluments of the individual Government employee transferred to foreign service. His pay in foreign service should, therefore, be fixed with reference to the post which he would have held under Government, had he not been transferred and not with reference to the post in India corresponding to that held by him in foreign service.

(3) If the two principles laid down in paragraph (2) above are observed, a competent authority may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course but in those cases only in which their grant is in accordance with local custom and the wishes of the foreign employer, and is, in the opinion of the competent authority, justified by the circumstances. The value of the concessions must be taken into account in determining appropriate rate of pay for the Government employee in foreign service:—

- (a) The payment of contribution towards leave salary and pension under the ordinary rules regulating such contributions.
- (b) The grant of conveyance allowance under the ordinary travelling allowance rules of the Punjab Government or under the local rules of the foreign employer.
- (c) The use of tents, boats, and transport on tour; provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.
- (d) The grant of free residential accommodation which may be furnished, in cases in which the competent authority considers this to be desirable, on such scale as may seem proper to that authority
- (e) The use of motors, carriages and animals.
- (f) Payment by the foreign employer of such compensatory allowance as would be paid by Government at the station at which he is employed in foreign service, to the Government employee in the service of that Government.

(4) The grant of any concession not specified in paragraph (3) above requires the sanction of the Department of Finance.

(5) Specific terms in regard to travelling allowance to be allowed to Government employees for journeys on transfer to foreign service, and on reversion therefrom, should invariably be prescribed by sanctioning authorities in consultation and agreement with the foreign employer, i.e., it should be made clear in the orders sanctioning the transfer whether the travelling allowance for such journeys, which is

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payable by the foreign employer is to be regulated by the Punjab Civil Services (Travelling Allowance) Rules, Volume III or by the rules framed by the foreign employer.

(6) The foreign employers should in the case of Government employees transferred to foreign service accept liability for leave salary in respect of disability leave granted on account of disability incurred in and through foreign service, even though such disability manifests, itself after the termination of foreign service. The leave salary charges for such leave should be recovered direct from foreign employers. The foreign employer is liable to pay leave salary charges, if it is medically certified that the disability has been incurred in or through foreign service, irrespective of the period that has elapsed between the date of reversion and the date of manifestation of the disability.

ANNEXURE 'B'

(Referred to in note below Rule 10.8)

The following rates of contributions on account of Pension and Leave Salary have been prescribed by Government under rule 10.8:—

1. Rates of monthly contributions for pension payable during active foreign service:—

Length of Service	Percentage of the maximum monthly pay of the post in the officiating or substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service or to which he may receive proforma promotion while on foreign service in case of —			
	Group 'A' Government employee	Group 'B' Government employee	Group 'C' Government employee	Group 'D' Government employee
<i>I</i>	2	3	4	5
0-1 Years	7	5	5	4
1-2 Years	7	6	6	4
2-3 Years	8	7	6	5
3-4 Years	8	7	7	5
4-5 Years	9	8	7	5
5-6 Years	10	8	7	6
6-7 Years	10	9	8	6
7-8 Years	11	9	8	6
8-9 Years	11	10	9	7
9-10 Years	12	10	9	7
10-11 Years	12	11	10	7
11-12 Years	13	11	10	8

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
12-13 Years	14	12	10	8
13-14 Years	14	12	11	8
14-15 Years	15	13	11	9
15-16 Years	15	13	12	9
16-17 Years	16	14	12	9
17-18 Years	16	14	13	10
18-19 Years	17	15	13	10
19-20 Years	17	15	13	10
20-21 Years	18	16	14	11
21-22 Years	19	16	14	11
22-23 Years	19	17	15	11
23-24 Years	20	17	15	12
24-25 Years	20	17	16	12
25-26 Years	21	18	16	12
26-27 Years	21	18	16	13
27-28 Years	22	19	17	13
28-29 Years	23	19	17	13
29-30 Years	23	20	18	13
Over 31 Years	23	20	18	14

2. Rates of monthly contribution for leave salary payable during active foreign service in respect of Government employees subject to leave rules in Section III of Chapter VIII shall be at 11 per cent of pay drawn in foreign service.

Note 1.—In the case of contract officers governed by the leave terms in Parts I and II of Appendix 16 to the Punjab Civil Services Rules, Volume I, Part II, and who are transferred to foreign service the leave salary contribution should be recovered at the rates prescribed for Government employees subject to the Leave Rules in Section III of Chapter VIII, respectively.

Note 2.—Recovery of leave contribution in respect of joining time taken under rule 9.1(b) while proceeding to foreign service should be based on the pay that the Government employees would draw on the assumption of office in foreign service.

3. The following instructions should be observed in the calculation of the amounts of contribution:—

- (i) The term “active foreign service” in paragraphs 1 and 2 above is intended to include the period of joining time which may be allowed to a Government employee both on the occasion of his proceeding to and reverting from foreign service and accordingly contributions are leviable in respect of such periods.

- (ii) “Length of service” means the total period running from the date from which service for pension commences or is likely to commence.
- (iii) The leave salary contribution for the period of joining time taken by a Government employee in continuation of leave under clause (b) of Rule 9.1 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.
- (iv) When a temporary Government employee is transferred to foreign service, pension contributions should be recovered as in the case of permanent Government employees.

In such cases the recovery of contributions for leave salary does not present any difficulty, the amounts being calculated on the pay actually drawn in foreign service.

- (v) In the case of Government employees mentioned in rule 4.2 of Volume II of these rules, the period which they are entitled to add under that rule to their service qualifying for superannuation pension should be taken into account in reckoning “length of service” for determining the rates of foreign service contribution on account of pension prescribed.
- (vi) Omitted.

Note.—The expression ‘length of service’ occurring in this paragraph should be taken to mean the entire continuous service of the Government employee concerned including temporary service in a pensionable post.

CHAPTER XI

SERVICE UNDER LOCAL FUNDS

11.1. Government employees paid from local funds which are administered by Government are subject to the provisions of Chapter I to IX and XII to XIV of these rules.

Note 1.—Employees of local funds administered by Government who are not paid from consolidated fund by the State and are, therefore, not Government employees are subject to the provisions of Chapter I to IX of the rules.

Note 2.—The expression “Local Funds which are administered by Government”, means funds administered by bodies which by law or rule having the force of law come under the control of Government in regard to proceedings generally, and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pensions or similar rules; in other words it means funds over whose expenditure Government retains complete and direct control.

11.2. The transfer of Government employees to service under local funds which are not administered by Government will be regulated by the rules in Chapter X.

11.3. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A competent authority may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

CHAPTER XII

RECORD OF SERVICE

12.1. Service record of each Government employee shall be maintained by the Head of Department or Office in such form and manner as may be prescribed by the Department of Finance of its own or in consultation with the Accountant-General, Punjab, or as may be prescribed by the Comptroller and Auditor General of India:

Provided that the maintenance of service record may be dispensed with in the case of Government employees whose service particulars are recorded in the history of service or a service register by the Head of the Department:

Provided further that in the case of Police Officers of and below the rank of a Head Constable, the Government/Head of the Department may require the maintenance of such additional particulars and bio-data as may be deemed fit.

Note.—The form presently prescribed for the maintenance of service record is A.T.C. 3. (See Part II Appendix 11).

12.2. (1) All the incidents relating to the official career of a Government employee, which have a bearing on pay, promotion, leave, pension etc. shall be recorded in the service record of such a Government employee particularly in respect of the following incidents along with the dates and the relevant authentication/orders:—

- (i) Appointment and joining.
- (i-a) Completion of probation period/extension of probation period/confirmation.
- (ii) Grant of increment or withholding of increment.
- (iii) Grant of Selection Grade.
- (iv) Grant of benefit of Assured Career Progression Scheme.
- (v) Fixation of pay.
- (vi) Grant of leave.
- (vii) Deputation/transfer.
- (viii) Suspension or interruption in service along with details of the period thereof.
- (ix) Reinstatement.
- (x) Resignation.
- (xi) Termination of service along with its reasons.
- (xii) Promotion.

- (xiii) Compulsory/Premature/Voluntary Retirement.
- (xiv) Removal or dismissal from service.
- (xv) Reversion.
- (xvi) Reduction in rank or pay along with the precise reasons thereof viz. whether reduction is on account of inefficiency or reduction in establishment or abolition of the post held by the employee.
- (xvii) Retirement on superannuation.
- (xviii) Extension in service after the date of retirement on superannuation.

(2) Each entry in the service record shall be neatly made and duly attested by the Head of Department or Office, as the case may be. However, where an employee himself is the Head of the Department or Office, the attestation of the entries in his service record shall be made by the next higher authority.

The attesting officer shall ensure that the entries are made regularly and in proper manner.

(3) Erasure, overwriting or interpolation in the service record are not permissible and all corrections where necessary shall be made under proper attestation by the attesting officer.

(4) The Head of Department or Office, as the case may be, may authorise any responsible official, preferably who supervises the office, under him not below the rank of the Government employee to whom the service record pertains to attest the entries made in that record from time to time. Such authorisation will, however, not absolve him of any responsibility for ensuring accuracy of the entry so attested.

12.3. It shall be the duty of every Head of Department or Office, as the case may be, to initiate action to show the service book, every financial year within its first quarter, to the Government employee, concerned under his administrative control and obtain his signatures thereon in respect of each entry in token of his having seen the service book. A certificate to the effect that necessary action in this behalf has been taken in respect of the preceding financial year shall be submitted by the concerned Head of Department or Office as the case may be, to the next higher authority by the end of every September. Before affixing his signatures the Government employee concerned shall ensure that his service has been duly verified and certified as required by the rules.

12.4. (1) The service record including the service book required to be maintained under the preceding rules shall be kept in the custody of the Head of Department or

Office, as the case may be, in which the Government employee concerned is serving and it shall be transferred to the office to which such a Government employee may be transferred. The service record so maintained shall in no case be made over to the Government employee concerned.

(2) If the Government employee is transferred to foreign service, his Head of Department or Office, as the case may be, shall note therein the order sanctioning the transfer, effect of the transfer in regard to leave admissible during the foreign service and such other particulars as he may consider necessary in connection with the transfer. On retransfer of the Government employee from foreign service to Government service, the head of his Department or Office, as the case may be, shall note in it all necessary particulars connected with his foreign service, including the facts of recovery of leave and pension contributions.

12.5. A Government employee shall be entitled to have a certified copy of his service book on payment of such amount as may be fixed by the Department of Finance by a general or special order as copying fee and cost of the service book and also to have all subsequent events and entries recorded therein under proper attestation by the Attesting Officer.

Note. Omitted.

CHAPTER XIII

PASSAGES

Omitted.

CHAPTER XIV

CLASSIFICATION OF SERVICES (INCLUDING METHOD OF RECRUITMENT AND APPOINTMENT THERETO AND NUMBER AND CHARACER OF POSTS), CONDUCT AND DISCIPLINE AND PUNISHMENT AND APPEALS.

SECTION I. CLASSIFICATION OF SERVICES

(a) GENERAL

14.1. The Public Services of the State under the administrative control of the Government of Punjab shall be classified as under:—

- (i) The Punjab State Services Group 'A';
- (ii) The Punjab State Services Group 'B';
- (iii) The Punjab State Services Group 'C'; and
- (iv) The Punjab State Services Group 'D'.

14.2. In the case of a person to whom these rules apply and who is not already included in any of the services given in rule 14.1 the competent authority shall decide the service to which he shall belong.

14.3. (1) Any person who is dismissed from Government service shall not be appointed to any of the State services or posts.

(2) A member of any of the State service when appointed to any other service or post shall not be deprived, without his consent, of any right or privilege to which he may have been entitled as a member of his former service. This protection will however, not be available to a member of the service, whose appointment in his former service has been terminated by awarding the penalty of removal from service under rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

14.4. A competent authority may make rules regulating (1) the method of recruitment to the different services, (2) the strength (including both the number and character of posts) of such services, and (3) the making of first appointment to the different services.

Note 1.—Rules relating to the subjects mentioned in this rule for the different services have been issued separately by the departments concerned.

Note 2.—This rule in so far as it provides for the number and character of posts and their rates of pay to be determined by rule cannot suitably be applied in respect of all ministerial and petty officers and Group 'D' employees. Accordingly these Government employees have been excluded from the operation of this rule to that extent.

Note 3.—The extent up to which the various departments and heads of departments or their subordinate authorities exercise power in respect of the creation or abolition of both permanent and temporary posts and the varying of emoluments of posts are given in Chapter XV.

Note 4.—Although a competent authority has full power to create posts and to fix the pay thereof under this rule, the sanction of the Government of India is necessary to the holding in abeyance of a post borne on the cadre of the All-India Services, and the creation in its place of a temporary post of different status.

Note 5.—(a) Short term vacancies, the duration of which exceeds two months by an appreciable margin, may be filled up in the normal manner by the authorities competent to make appointments against the posts.

(b) Officiating promotions in vacancies of two months' duration or less continuous chain of vacancies in the same grade, each of a duration of two months or less but which taken together extend beyond two months, should not as a rule be made save in very exceptional circumstances with the prior approval of the Administrative Secretary concerned in the case of Group 'A' and Group 'B' appointments and of the Head of Department in the case of Group 'C' and Group 'D' appointments:

Provided that no leave vacancy, of less than one month duration will ordinarily be filled in the Punjab Vidhan Sabha Secretariat and also that these instructions will not be applicable during its Session days.

(b) STATE SERVICES, GROUP 'A' AND GROUP 'B' AND
SPECIALIST SERVICES

14.5. The State Services, Group 'A' and Group 'B' consist of such services as the competent authority may from time to time declare by notification in the Punjab Gazette to be included in Group 'A' and Group 'B' Services.

Note. Omitted.

14.6. The Specialist Services shall consist of such services (other than All-India and State Services, Group 'A' and Group 'B') as the Government may from time to time by notification in the Punjab Gazette declare to be Specialist Services.

(c) OTHER SERVICES

14.7. State Services, Group 'C' and 'D', include persons to whom these rules apply and who are not already included in any of the services comprised in class (i), (ii) and (iii) of rule 14.1.

SECTION II. CONDUCT AND DISCIPLINE

14.8. A competent authority may make rules to regulate the conduct of the members of the State Services, Group 'A', Group 'B' and Group 'C' and holders of special posts.

Note.—Rules issued under this rule are contained in Appendix 23 to these rules.

SECTION III. PUNISHMENT AND APPEALS

14.9. A competent authority may issue rules specifying the penalties which may be imposed on members of the services and the procedure for preferring appeals against the imposition of such penalties.

Note. Omitted.

CHAPTER XV

AUTHORITIES WHICH EXERCISE THE POWERS OF A COMPETENT AUTHORITY UNDER THE VARIOUS RULES.

15.1. With reference to rule 2.14 the following authorities shall exercise the powers of a competent authority under the various rules.

Note 1.—The following provisions apply in the matter of the creation of posts:—

- (i) The power to create a permanent post may, unless there exists a specific power in respect of similar temporary posts, be held to cover a temporary post within the same limits.
- (ii) The term “pay” does not include “special pay”.
- (iii) The powers to create posts do not refer to Group ‘D’ establishment, the pay of which is debitable to “Contingencies”. These are governed by the rules given in the Punjab Financial Rules, Volume I.
- (iv) The powers in regard to the creation of posts are intended to be exercised in individual cases only. Proposals involving a general addition to the establishment of a number of offices should be referred to Department of Finance.
- (v) In respect of delegations for creation of posts, fees or commissions which are the authorised emoluments of the post, should be considered as pay or part of the post for the purposes of determining the authority competent to the post.

Note 2.—The Administrative Departments and the Heads of Departments concerned may redelegate the powers, delegated to them in the table below this rule, to any officer under them at their headquarter offices on their own overall responsibility and subject to such conditions and restrictions as they may like to impose. Copies of such orders should invariably be endorsed to the Department of Finance and the Accountant General, Punjab. They may also re-delegate their powers in respect of the following items in the manner indicated below:—

Serial number of the table below this rule.	Authority to whom power may be re-delegated.
2, 4, 5, 11, 12, 34, 35, 38, 44, 45, 48, 49, and 57.	To any officer subordinate to them. The Powers in respect of items Nos. 44 and 45 may, however, be re-delegated only in respect of Group ‘C’ and Group ‘D’ employees.
8, 10, 14, 21, 23, 40, 41, 43, 47, 52 and 54.	To authorities competent to make appointments.

Serial No.	No. of Rule	Nature of Power	Authority to which the power is delegated	Extent of power delegated.
1	2	3	4	5
1.	Omitted.			
2.	2.27 (b)	Power to declare a Government employee's headquarters.	Departments of Government.	Full powers.
			Heads of Departments	Full powers in case of all Government employees of Group 'B', Group 'C' and Group 'D' and also Group 'A' officers upto district level.
			Conservators of Forests	Full powers in respect of posts under their control except those of Divisional Forest Officers and equivalent posts.
			Divisional Forest Officers.	Full powers in case of those Government employees whom they can appoint.
			Superintending Engineers in the Buildings and Roads and Irrigation Branches.	Full powers in case of Group 'C' and Group 'D' Government employees under their control.
			Deputy Registrar, Co-operative Societies.	Full powers in case of Government employees whom they or any authority subordinate to them can appoint.
3.	2.42	Power to appoint a Government employee to officiate in a vacant post.	Departments of Government.	Full powers.
			Authority competent to make a substantive appointment to the post.	Full powers.
			Election Commissioner, Punjab.	Full Powers in respect of temporary post which he is competent to create.

1	2	3	4	5
			Principal Chief Conservator of Forests.	Full powers for all posts except in respect of P.F.S., Group 'A'.
			Chief Engineer, Irrigation Works.	Full powers in respect of the posts under his control except those of Superintending Engineers or equivalent posts.
				Full powers except in respect of posts of the rank of Sub-Divisional Officers and above.
			Director of Industries, Punjab.	Full powers to appoint a Government employee to officiate in a vacant post for 3 months in case of appointment of all Group 'C' and Group 'D' staff.
4.	2.53	Powers to define the limits of a Government employee's sphere of duty	Department of Government.	Full powers.
			Heads of Departments.	Full powers in case of all Government employees of Group 'B', Group 'C' and Group 'D' and also Group 'A' officers upto district level.
			Conservators of Forests.	Full powers in respect of posts under their control except those of Divisional Forest Officers and equivalent posts.
			Divisional Forest Officers.	Full powers in case of those Government employees whom they can appoint.
			Superintending Engineers in the Public Works Departments.	Full powers in case of those Government employees whom they can appoint.
			Deputy Registrar, Co-operative Societies.	Full powers in case of Government employees whom they or any authority subordinate to them can appoint.
4-A.	Schedule to Chapter II, Paragraph I(vi)	Power to treat compulsory waiting period as duty.	Administrative Departments.	Upto 30 days

1	2	3	4	5
5.	Schedule to Chapter II, Paragraph 1(vii)	Power to permit a Government employee to appear in an optional examination.	Departments of Government.	Full powers.
			Heads of Departments.	Full powers in respect of Group 'B', Group 'C' and Group 'D' Government employees.
6.	Schedule to Chapter II, Paragraph II (5).	Power to sanction the absence of a Government employee on duty beyond sphere of duty.	(i) Departments of Government.	Full powers for absence within India.
			(ii) Heads of Departments.	Full powers in individual cases for reasons of public nature to be specified in writing: Provided:— (i) the absence does not exceed 60 days; and (ii) is within India.
			(iii) Controlling Officers.	Full powers in individual cases for reasons of public nature to be specified in writing: Provided:— (i) The absence does not exceed 30 days; and (ii) is within Punjab State.
			(iv) Deputy Commissioners	Full powers to allow IAS/PCS officers serving under them to perform journeys beyond their sphere of duty for attending courts as witnesses in their official capacity to places within Punjab.
			(v) Heads of Offices.	Full powers in individual cases, for reasons of public nature to be specified in writing: Provided :— (i) the absence does not exceed 15 days; and (ii) is within Punjab.

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1	2	3	4	5
7.	Schedule to Chapter II, Paragraph 11(5).	Powers to sanction absence of block personnel (except Village Level Workers) and staff of Gram Sewaks Training Centres and allied wings beyond their sphere of duty for training in India.	Financial Commissioner, Development and Secretary to Government, Punjab, Development and Panchayat Department.	Full powers provided the absence does not exceed three months.
8.	3.2	Powers to dispense with the production of medical certificate of fitness.	Departments of Government.	Full powers in individual cases.
9.	Omitted.			
10.	Omitted.			
11.	3.23	Power to relax the provisions of the rule 3.22.	Departments of Government.	Full powers provided the place of making over charge is within Punjab.
			Heads of Departments and other authorities competent to grant leave.	Full powers in respect of Government employees to whom they are competent to grant leave including Group 'B' officers provided place of making over/taking over charge is within Punjab.
12.	3.24	Power to declare that proviso (a) to rule 3.23 is not applicable to any particular case.	Departments of Government.	Full powers.
			Heads of Departments and other authorities competent to grant leave.	Full powers in respect of Government employees to whom they are competent to grant leave including Group 'A' officers provided the place of making over/taking over charge is within Punjab
13.	Omitted.			
14.	4.3	Power to grant the pay and allowances of a Government employee treated as on duty under rule 2.16(b).	Departments of Government.	Full powers.
			Heads of Departments and Superintending Engineers in the Irrigation Branch.	In individual cases of Group 'C' and Group 'D' Government employees only whom they can appoint without reference to the higher authority.
15.	Omitted.			
16.	Omitted.			

1	2	3	4	5
17.	Note 6 below rule 4.4	Power to issue a declaration as to the relative degree of responsibility attaching to two posts in case of doubt.	Departments of Government and Heads of Departments.	The certificate will be issued by the Administrative Department concerned in respect of the new post, in cases where the two posts are in different departments and by the Head of Department where the Head of Department is the appointing authority.
18.	4.7	Power to withhold increments.	(i) Authorities specified in the service rules.	To the extent specified in the Service Rules
			(ii) Authorities competent to make substantive appointment to the post which the Government employee holds where no service rules have been issued.	Full Powers.
			(iii) Deputy Inspectors-General of Police, Assistant Inspector General, Railway Police, Superintendents of Police, Assistant Superintendent of Railway Police and Deputy Superintendents in-charge of Railway Police Sub-Divisions.	As provided in the Police Rules, in the case of the Subordinate ranks of the Police Force.
			(iv) Heads of Offices	In the case of Group 'D' Government employees upto a maximum period of three years.
19	4.10	Power to grant premature increments to a Government employee in a time-scale of pay in order to fix initial pay in excess of the amount permissible under rules 4.4 and 4.14.	Departments of Government	Full powers in the following cases and subject to the following conditions:- (a) In cases where the individual concerned does not apply for benefit under rule 4.10 for fixation of his pay within two months of the date on which the occasion for re-fixation of his pay arises, no arrears shall be allowed in respect of the periods prior to the date of application

1	2	3	4	5
				<p>or, if there is no such application, the date of first reference by the Head of Office.</p> <p>(b) In cases other than cases of re-employment after resignation, removal or dismissal from the public service where a Government employee has previously rendered service in a post in the higher time scale in an officiating or temporary capacity, his service in a higher post may be allowed to count for purposes of increments in the lower post but in the case of such service rendered against work charged post benefit may be allowed of only half of such service for increments in the lower post.</p> <p>(c) Where the minimum of the scale of the lower post is greater than the minimum of the scale of the higher post the benefit claimed should be allowed with the concurrence of Department of Finance on the merits of each case.</p> <p>(d) Where the Public Service Commission/Subordinate Services Selection Board recommends a higher start in fixing the initial pay by allowing not more than five advance increments the Administrative Department may sanction the pay so recommended for a period up to six months with a stipulation to the effect that the pay would be finally fixed by the Department of Finance and if pay finally fixed is less, no recovery would be effected in respect of the initial period up to six months. In cases where more than five advance increments are recommended, prior approval of Department of Finance should be sought.</p>

1	2	3	4	5
19-A	4.10	Powers to grant advance increment to the officers who go abroad to improve their qualifications.	Departments of Government.	Full powers subject to the condition that the procedure provided in Chief Secretary to Government, Punjab Circular letter No. 961-4GS-62/5594, dated the 16 th February, 1962 is followed.
20.	Proviso to Rule 4.13	Power to decide whether officiating pay should or should not be given in case of Clerical and Subordinate posts not borne on Provincial scales.	Heads of Offices.	Subject to the principles laid down in rule 4.13. Note: Officiating appointments in the offices of the Deputy Commissioners are regulated by the special orders relating thereto.
21.	4.16	Power to reduce the pay of officiating Government employees.	Heads of Departments.	Full powers.
			Controller of Stationery and Printing.	In respect of officiating Government employees employed on technical establishment in the Punjab Government Presses.
22.	4.1, 4.20 and 4.21	Power to fix pay.	Heads of Departments, Superintending Engineers, Public Works Department, Irrigation Branch Conservators of Forests and Election Commissioner.	In respect of temporary posts which they are specifically authorised to create.
23.	4.22	Power to appoint a Government employee to hold temporarily or to officiate in more than one post.	Departments of Government, Speaker, Punjab Legislative Assembly.	Full powers.
			Heads of Departments.	Full powers in respect of Group 'C' and Group 'D' Government employees.
24 to 32. Omitted				
33.	5.35(b) and 5.35 (c)	Powers to waive or reduce the amount of rent to be recovered from any Government	Departments of Government.	Full powers in types of cases enumerated in Note 1 below rule 5.35.

1	2	3	4	5
		employee or class of Government employees or to waive or reduce the amount of municipal and other taxes not being house or property tax to be recovered from any Government employee.	Heads of Departments.	Full powers in respect of Group 'C' and Group 'D' employees whom they can appoint in types of cases enumerated in rule 5.35.
34.	5.38	Power to sanction remission of rent when a building is uninhabitable.	Departments of Government.	Full powers in types of cases enumerated in Note 1 below rule 5.35.
			Heads of Departments.	Full powers in respect of Group 'C' and Group 'D' employees whom they can appoint in types of cases enumerated in rule 5.35.
35.	5.47	Power to direct that a Government employee on leave shall be in occupation of a residence.	Departments of Government	Full powers in types of cases enumerated in Note 1 below rule 5.35.
			Heads of Departments	Full powers in respect of – (a) Group 'C' and Group 'D' Government employees; (b) Group 'B' officers; and (c) Group 'A' officers up to district level.
			Chief Engineers, Public Works Departments, Building and Roads, and Superintending Engineers in the Irrigation Branch.	Full powers in respect of residences under their control occupied by Group 'C' and Group 'D' Government employees.
36 to 37. Omitted.				
38.	5.55	Powers to grant or permit a Government employee to receive honorarium.	Departments of Government.	Upto a maximum of Rs. 2,000 if the service rendered falls within the course of the ordinary duties of the Government employee concerned and in other cases upto Rs. 10,000 in each individual case during a financial year.

1	2	3	4	5
			Heads of Departments.	<p>(i) Upto a maximum of Rs. 2,500 in each individual case during a financial year, provided the service rendered does not fall within the course of the ordinary duties of the Government employee.</p> <p>(ii) Full powers in respect of setting up of examination papers, and evaluation of answer sheets including those relating to practical examination, and in respect of payment to invigilators or supervisors and for holding of part-time classes subject to the condition that the rates have been approved by the Department of Finance.</p>
39.	Omitted.			
40.	5.57	Power to sanction the taking of work for which a fee is offered and the acceptance of the fees thereof – (i) to the Group ‘A’ Officers not below the rank of Additional or Joint Heads of Departments.	Departments of Government.	Full powers
		(ii) to the Group ‘A’ and Group ‘B’ Officers other than Group ‘A’ Officers referred to in sub-clause (i) above.	Heads of Departments.	Full powers
		(iii) to Group ‘C’ and Group ‘D’ Government employees working under the Heads of Offices.	Heads of Offices.	Full Powers

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41.	7.3(4), 7.3-A(2) and 7.3-B(5)	Power to determine the amount of pay and allowances which may be paid to the Government employee.	The authority competent to order re-instatement of the Government employee.	Full powers.
42.	7.3-B(7)	Power to treat the period of suspension of the Government employee as a period spent on duty for any specified purpose.	The authority competent to order reinstatement of the Government employee.	Full powers.
43.	8.18	Powers to grant leave to a Government employee in respect of whom a medical committee has reported that there is no reasonable prospect that he will ever be fit to return to duty.	Departments of Government.	Full powers in respect of Group 'A' and Group 'B' officers.
			Heads of Departments.	Full powers in respect of Group 'C' and Group 'D' Government employees.
44.	8.23	Powers to grant leave.	Departments of Government.	Full powers.
45.	8.27 and 8.28	Power to direct in any case otherwise than as laid down in rules 8.27 and 8.28.	Departments of Government.	Full powers.
			Heads of Departments	In respect of Government employees to whom they are competent to grant leave.
			Conservators Of Forests.	
46.	8.29	To grant permission to prefix or affix vacation to leave in cases where the combination of vacation with leave involves extra expense to Government.	Departments of Government.	Full powers.
47.	8.33	Powers to decide in doubtful or inequitable cases which Government employee shall be held to have been incharge and to whom the pay of the post for Sunday or holidays shall be paid.	Departments of Government.	Full powers.
			Heads of Departments.	Full powers in respect of Group 'B', Group 'C' and Group 'D' Government employees.

1	2	3	4	5
48.	8.41 (b)	Powers to grant permission to a Government employee on leave to accept employment or to take up service.	Departments of Government.	Full powers.
			Speaker, Punjab Legislative Assembly.	
			Heads of Departments.	Full powers in respect of Group 'B', Group 'C' and Group 'D' Government employees.
49.	8.47	Power to extend leave overstayed.	Departments of Government.	Full powers.
			The authority granting the leave.	Upto 14 days out of India and 7 days in India.
			Heads of Departments.	Upto 90 days.
			Chief Engineers Buildings and Roads and Public Health.	Full powers in the case of Officers of the rank of S.D.Os. Assistant Executive Engineers, other officers upto the rank of Executive Engineers.
50.	Paragraph 2(ii) annexure to section 1, Chapter VIII.	Power to decide in case of doubt whether a particular Government employee is serving in a vacation Department.	Departments of Government.	Full powers.
51.	Omitted.			
52.	8.137	Extraordinary leave.	Departments of Government	Upto two years
			Heads of Departments.	Upto one year
53.	9.7	Power to permit the calculation of joining time by a route other than that which travellers habitually use.	Heads of Departments.	Full powers.
54.	9.19(a)	Power to grant extension of joining time.	Departments of Government.	Full powers.
55.	10.2(b)	Power to transfer a Government employee to foreign service in India.	Departments of Government.	Full powers subject to the conditions in Serial No.56.
			Heads of Departments	
			Director of Health Services	Full powers to transfer Medical Officer to foreign service under local bodies.

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56.	10.4	Power to fix pay in foreign service.	(a) Departments of Government.	Full powers subject to the conditions laid down in Annexure 'A' to Chapter X.
			(b) Heads of Departments.	Full powers in the case of those Government employees whom they can appoint and subject to the conditions laid down in Annexure 'A' to Chapter X.
			(c) Director of Health Services	Full powers in the case of Medical Officer transferred to foreign service under local bodies provided the pay fixed is not in excess of that drawn in Government service; and provided further that no concessions are sanctioned in addition to pay except – (1) Payment by the foreign employer of Government share of the contribution towards New Defined Contributory Pension Scheme. (2) Grant of free quarters or an allowance at the rate specified in sub-rule (4) of rule 5.
57.	Rule 10.18	Powers to decide the date of reversion of a Government employee returning after leave from foreign service.	Heads of Departments.	Full powers.
58 to 65	Omitted.			
PUNJAB VIDHAN SABHA SECRETARIAT				
66.	Note 2 under rule 14.4	To create temporary posts of – (a) Watch and Ward Assistants upto 10. (b) Telephone Attendants upto 10. (c) Telephone Messengers upto 10.	Secretary, Punjab Vidhan Sabha.	(a) For the duration of Punjab Vidhan Sabha Session; and (b) The pay and allowances shall not in any case exceed the rates admissible for similar posts in the Punjab Civil Secretariat or Punjab Vidhan Sabha Secretariat.

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ADMINISTRATION OF JUSTICE				
67.	Note 2 under rule 14.4	(a) To create new permanent ministerial posts required for the High Court and courts subordinate thereto.	The Hon'ble Judges of the High Court	The pay of the posts shall not exceed the sanctioned scale of the corresponding permanent posts.
		(b) To create new permanent posts in the process Serving Establishment required for the High Court and Courts Subordinate thereto.	Ditto	The pay of the posts shall not exceed the sanctioned scale of the corresponding permanent posts.
		(c) To create new permanent posts in the Group 'D' Establishment required for the High Court and Courts subordinate thereto.	Ditto	The pay of the posts shall not exceed the sanctioned scale of the corresponding permanent posts.
		(d) To create temporary ministerial and Group 'D' posts required for the High Court and Courts subordinate thereto.	The Hon'ble Judges of High Court	(i) the pay attached to such posts shall be in accordance with the sanctioned scales for the permanent posts. (ii) Within the financial year unless the pay is according to the scale laid down in items (a) (b) and (c) above.
		(e) To create the posts of a messenger for each district Court when the amount of station dak to be dealt with appears to render this necessary.	Ditto	Pay to be in the usual scale.
		(f) Omitted.		
		(g) To create temporary posts on the scale given below for courts of temporary each Additional District and Sessions Judge:— (a) Reader — One (b) Judgement Writer (Senior grade) — One (c) Stenographer — One (d) Translator — One (e) Ahlmad — One (f) Copy Clerk — One	District and Sessions Judge.	(i) Pay not to exceed — (a) Reader Rs. 10300-34800+ 5000 Grade Pay; (b) Judgement Writer (Senior Grade) Rs.10300-34800+ 4200 Grade Pay; (c) Stenographer Rs. 10300-34800+3800 Grade Pay; (d) Translator Rs. 10300-34800+ 3800 Grade Pay; (e) Ahlmad Rs. 10300-34800+ 3200 Grade Pay; (f) Copy Clerk Rs. 10300-34800+ 3200 Grade Pay;

1	2	3	4	5
		(g) Usher – One (h) Peon – Two		(g) Usher Rs. 4900-10680+1400 Grade Pay; and (h) Peon Rs. 4900-10680+1300 Grade Pay. (ii) The period of appointment shall be for so long as the posts of temporary Additional District & Session Judges are created subject to the limit that sanction shall not be given to extend beyond the last day of the financial year.
		(h) To create temporary posts on the scale given below for courts of temporary each Additional Sub Judge: – (a) Reader- One (b) Judgement Writer (Junior grade) – One (c) Ahlmad –One (d) Naib Nazir–One (e) Peon –Two	District and Sessions Judge.	(i) Pay not to exceed – (a) Reader Rs. 10300-34800+3800 Grade Pay; (b) Judgement Writer (Junior Grade) Rs. 10300-34800+ 3800 Grade Pay; (c) Ahlmad Rs. 10300-34800+ 3200 Grade Pay; (d) Naib Nazir 10300-34800+ 3200 Grade Pay; and (e) Peon Rs.4900-10680+1300 Grade Pay; and (ii) The period of appointment shall be for so long as the post of temporary Additional Sub Judge is created subject to the limit that sanction shall not be given to extend beyond the last day of the financial year: Provided that a Naib-Nazir is entertained only if held to be necessary by the District and Sessions Judge.
		(i) To create the temporary post of a steno-typist for the court of Sub-Judge-cum-Judicial Magistrate.	District and Session Judges	(i) The pay of the posts shall not exceed the sanctioned scale of the corresponding permanent post. (ii) The period shall be for so long as the post of the Sub-Judge-

1	2	3	4	5
				<p>cum-Judicial Magistrate exists, subject to the limit that sanction shall not be given to extend beyond the last day of the financial year.</p> <p>(iii) Provided that the post of Copyist/Naib Nazir/Execution Clerk is kept in abeyance for the period for which a Steno-typist's post is created.</p>
		(j) To create temporary posts of Bailiffs for execution work in connection with applications made to Courts on behalf of Cooperative Societies.	District and Sessions Judge	<p>Provided:—</p> <p>(i) the pay attached to such post is in accordance with the sanctioned scales:</p> <p>(ii) the pay plus leave and pension contribution in accordance with the rate fixed for the Punjab Government are recovered from the societies concerned.</p>
		<p>(k) To create temporary posts required for courts of Chief Judicial Magistrate and Judicial Magistrate : —</p> <p>(a) Reader—One</p> <p>(b) Judgement Writer (Junior grade)—One</p> <p>(c) Ahlmad —One</p> <p>(d) Steno-typist —One</p> <p>(e) Peon —Two</p>	District and Sessions Judges.	<p>(i) Pay not to exceed —</p> <p>(a) Reader Rs. 10300-34800+4200 Grade Pay;</p> <p>(b) Judgment Writer (Junior Grade) Rs. 10300-34800+3800 Grade Pay;</p> <p>(c) Ahlmad Rs. 10300-34800 + 3200 Grade Pay;</p> <p>(d) Steno-typist: Rs. 5910-20200 + 2800 Grade Pay;</p> <p>(e) Peon Rs. 4900-10680 + 1300 Grade Pay; and</p> <p>(ii) The period of appointment shall be for so long as the posts of temporary Judicial Magistrates are created subject to the limit that sanction shall not be given to extend beyond the last day of the financial year.</p>
68 to 73	Omitted.			

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This index has been compiled solely for the purpose of facility of reference. No expression in it should in any way be considered as any way interpreting the rules.

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