

GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION DEPARTMENT
UNIVERSITY EDUCATION BRANCH

No.524-Edn(U)
1U-16/95

Dated : 23.6.2000

M E M O R A N D U M

The question of Uniform Holidays and Uniform Leave Rules for the whole time employees e.g. (Officers and non-teaching employees) of the State-aided Universities namely (i) Calcutta University, (ii) Jadavpur University (iii) Burdwan University, (iv) Kalyani University, (v) Vidyasagar University, (vi) North Bengal University, (vii) Rabindra Bharati University, (viii) Netaji Subhas Open University, (ix) Bengal Engineering College (Deemed University), (x) Bidhan Chandra Krishi Viswavidyalaya and (xi) West Bengal University of Animal & Fishary Science is Under consideration of the State Government for sometime past. A committee constituted in terms of G.O. No.646-Edn(U) dated 13-06-94 made certain recommendations regarding introduction of uniform leave rules and uniform holidays in the State-aided Universities in West Bengal. The Pay Committee constituted for the non-teaching employees of the State-aided Universities and certain other bodies has also made certain recommendations in respect of uniform holiday and uniform leave rules.

2. After careful consideration of the matter, the Governor has been pleased to accept the above mentioned recommendations with some modifications and approved the benefits as incorporated in the annexure in respect of whole-time employees (in the categories of officers and non-teaching employees) of the State-aided Universities. The benefits as indicated in the Annexure read with the provisions of this memorandum shall be treated as a comprehensive package for implementation.
3. Seperate memorandum for providing a uniform list of holidays for the officers and the non-teaching employees will be issued separately.
4. Concerned Universities will make amendments in their Statutes/Ordinances/Rules etc. where necessary for incorporation of the provisions of the Government order therein.
5. This order will be effective from 1st July, 2000 except fixed otherwise in any particular rule in this memorandum.

6. Any difficulty which may arise in implementing the provisions of this order may be referred to the State Government for clarification and/or order.

7. Bidhan Chandra Krishi Viswavidyalaya and West Bengal University of Animal & Fishery Science may implement the provisions of this order after obtaining the concurrence of the Agriculture Department and Animal Resource Development Department of this Government respectively.

8. This order issues with the concurrence of the Finance Department vide their U.O.NO. 546 Group 'B' (Service) dt. 05-05-2000.

9. The Accountant General, West Bengal is being informed

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Assistant Secretary. 4.

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ANNEXURE

LEAVE RULES FOR WHOLE-TIME EMPLOYEES (e.g. OFFICERS & NON-TEACHING EMPLOYEES) OF STATE AIDED UNIVERSITIES IN WEST BENGAL INCLUDING BENGAL ENGINEERING COLLEGE (DEEMED UNIVERSITY).

1. These rules may be called "Leave Rules" in respect of whole-time employees (in the categories of Officers & Non-teaching Employees) of the State Aided Universities in West Bengal including Bengal Engineering College (Deemed University).
2. These rules are applicable to all whole-time employees other than teachers, of the (i) Calcutta University, (ii) Jadavpur University, (iii) Burdwan University, (iv) Kalyani University, (v) Vidyasagar University, (vi) Rabindra Bharati University, (vii) North Bengal University, (viii) Netaji Subhas Open University, (ix) Bengal Engineering College (Deemed University) (x) Bidhan Chandra Krishi Viswavidyalaya and (xi) West Bengal University of Animal & Fishery Sciences.
3. Leave of any description can not be claimed as a matter of right. Authorities granting leave shall have the power to refuse or revoke leave of any description at any time according to the exigency of University service.
4. Leave ordinarily shall begin on the day on which the transfer of charge is effected and end on the day preceding that on which duty is resumed. Saturdays, Sundays and holidays may be prefixed or affixed to leave. Leave (except casual and quarantine leave) may either be affixed or prefixed to holidays but cannot be affixed and prefixed to holidays when leave is combined with a holiday by both prefixing and affixing it to the holiday, the holidays shall be reckoned as leave in calculating the amount of leave on full pay that may be admissible at a time.
5. An employee on leave shall not return to duty before the expiry of leave granted to him without permission of the authority which sanctioned the leave.
6. An employee who has been granted leave on medical ground shall resume duty after producing a certificate of fitness from Registered Medical Practitioner.
7. An employee who remains absent after the expiry of leave is entitled to no leave salary for the period of unauthorised absence and that period will be debited to leave, as though it were leave on full pay provided leave on full pay is available to such an employee.

8. No employee shall be allowed to absent himself from office without prior permission.
9. All applications for leave of absence and/or for leaving station should be previously made in writing and sanction obtained before leave is availed of, except in case of emergency in which case the report of such absence must be sent if possible, on the very day the employee is forced to absent himself and, in any case, within three days of such absence unless he is prevented from doing so due to physical incapacity to be certified by a registered medical practitioner or any other unavoidable cause.
- 10- If any employee is on unauthorised absence or on unreported absence or on overstaying of leave for more than three months at a stretch without any report, the leave sanctioning authority shall inform the concerned employee at his recorded address asking him to rejoin duty within a specified date. If the employee does not join duty by the stipulated date, it would be open to the disciplinary authority to institute disciplinary action against him. If during the course of disciplinary proceedings the employee comes for rejoining duty he shall be allowed to do so without prejudice to the disciplinary proceedings already initiated against him (unless he is placed under suspension) and the disciplinary proceedings concluded as quickly as possible. The question of regularisation of the period of unauthorised absence or unreported absence or overstaying of leave shall be left over for consideration till the finalisation of disciplinary proceedings.
11. Habitual irregularities or frequent absence without proper authorisation, will be considered gross negligence of duty and shall involve disciplinary action at the discretion of the appropriate authority of the University.
12. Leave at the credit of an employee in his leave account shall lapse on the date the employee retires on superannuation or retires voluntarily or resigns or is dismissed from the service.
13. Unless Syndicate/Executive Council, in view of the special circumstances of a case, shall otherwise determine, after one year of continuous unauthorised and unreported absence from duty the concerned employee shall cease to be in service of the University.

14. Date of retirement in relation to calculation of leave due to the credit of an employee shall mean the afternoon of the last day of the month in which the employee attain the age of superannuation for retirement under the terms and conditions governing his/her service.
15. Each employee, on arrival at office shall sign the attendance register putting the time of arrival and at the time of departure shall sign the attendance register putting the time of departure. Normal office hours should be fixed generally from 10 a.m. to 5.30 p.m. on all working days with half an hour recess. With provision for late marking for arriving late after 10.15 a.m. and for marking absent at 10.45 am. Attendance Register for making time for departure should not be placed before the employees before 5.15 p.m. Anybody leaving office before that time will be marked absent and action as per university rule will be taken in such cases. For every three days' late attendance in a month one day's casual leave shall be deducted from the credit of an employee. If there is no casual leave at his credit, earned leave shall be deducted from the accumulated earned leave of an employee.
16. Subject to the foregoing general principles, leave shall mean:-
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|-------------------------|--|
| i) Casual Leave ✓ | vii) Quarantine leave ✓ |
| ii) Earned Leave ✓ | viii) Maternity Leave |
| iii) Half-pay Leave ✓ | ix) Leave in extraordinary circumstances |
| iv) Commuted Leave ✓ | x) Special disability Leave ✓ |
| v) Compensatory Leave ✓ | xi) Leave on Duty ✓ |
| vi) Study Leave ✓ | |

17. Casual Leave :

- a) Casual Leave for short period, not exceeding four days at a time and fourteen days in a calendar year may be granted to an employee on account of emergency which may arise.
- b) Casual Leave can not be combined with any other kind of leave or Pujā holidays ; but can be prefixed and/or suffixed to Saturdays, Sundays and holidays, provided such leave shall not exceed seven days at a time including Saturdays, Sundays and/or holidays.
- c) An employee may enjoy casual leave for half of the day. For enjoying such casual leave for half of a day prior sanction of the authority sanctioning casual leave must be obtained by the employee concerned.

- d) An employee on casual leave shall be treated as on duty.
- e) In no case casual leave and half-day casual leave taken together shall exceed 14 days in a year.
- f) Casual Leave, if not taken within the calendar year will lapse.

18. Earned Leave :

- a) Earned Leave is the leave which is earned by an employee by discharge of duties for a certain period as mentioned herein below and granted to him at the discretion of the authority granting such leave. Unless otherwise compelled by exigencies of circumstances, in all cases application for earned leave shall be made at least seven days prior to the date on which he proposes to proceed on leave for twenty days or more. Prior sanction should be obtained before leaving station and/or proceeding on leave as well as for extension of leave.
- b) Earned Leave shall be credited to the leave account at the rate of $2\frac{1}{2}$ days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

In the event of death, resignation, retirement or dismissal from service on any day of a month, that incomplete calendar month of service shall not be taken into consideration for calculation of leave account at the rate of $2\frac{1}{2}$ days per calendar month.

Earned Leave shall be credited to the leave account, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year not exceeding maximum limit of 240 days till 30-06-98 and 300 days with effect from 01-07-1998.

While affording credit of Earned Leave, fractions of a day shall be rounded off to the nearest day.

- c) Earned Leave can be combined with any other kind of leave except casual and quarantine leave.

19. Half-pay Leave :

- a) An employee may be granted leave on half-pay for 20 days for each completed year of service subject to a maximum period of two years during the whole period of service on medical ground on production of certificate from a medical practitioner.

Provided that the authority granting leave may ask the employee to submit to an examination by a medical practitioner/Medical Board appointed by the same authority before granting him leave.

Provided further that all employee on half-pay leave will be required to produce a certificate of fitness for resumption of duty from a qualified registered medical practitioner.

- b) Half-pay leave may be combined with any other kind of leave except casual and quarantine leave.

20. Commuted Leave :

- a) An employee will be entitled to commute the half-pay leave that he has earned to full pay leave for half that period on medical ground subject to production of a certificate from a registered medical practitioner and such commuted full pay leave shall not exceed six months in the whole period of service.

Provided further that when commuted leave is granted twice the number of days of actual leave of absence on half-pay shall be debited against the leave account.

Provided further that commutation shall be allowed only if the number of days of leave of absence of the concerned employee on medical ground exceed ten days at a time.

- b) Commuted leave may be combined with any other kind of leave ~~xx~~ except casual and quarantine leave.

21. Compensatory Leave :

- a) An employee of the University may be granted compensatory leave with full pay and allowance in lieu of full work done on Saturdays, Sundaya and other University holidays on the condition that there will be no accumulation of such compensatory leave and it is to be availed of within 3 (three) months.

- b) Such leave shall be granted for the equal number of days the employee concerned is detained for duty.
- c) No overtime or holiday allowance shall be admissible for the period for which compensatory leave is granted.
- d) Compensatory leave may be combined with any other kind of leave except casual leave, quarantine leave and leave in extraordinary circumstances.

22. Study Leave :

- a) Study leave for advanced study and training which are not taught in a regular or semi academic course directly related to his work in the University may be granted to a permanent employee by the University Syndicate/ Executive Council provided the concerned employee has put in at least five years of continuous service and is not due to retire therefrom within three years of his/her return from such leave. There shall be a gap of at least three years between two periods of such leave.

The Syndicate/Executive Council may grant any allowance during study leave as per rules framed by the University from time to time, subject to a maximum of pay an employee has been drawing just before proceeding on study leave on his furnishing an undertaking that he will serve the University for at least three years on his return from study leave on such terms and conditions as the University may decide, failing which he will be required to refund the amount paid to him as leave salary for the period of study leave.

Provided that if the concerned employee in receiving any pay, allowance, stipend, scholarship, fellowship from any other source while on study leave, leave salary shall be reduced to that extent.

- b) The maximum period for which study leave may be granted is limited to two years during the whole course of an employee's service. Such leave may be combined with any other kind of leave as may be due or holidays except casual and quarantine leave.

23. Quarantine Leave :

- a) Quarantine Leave is leave of absence from duty necessitated by order act to attend office due to suffering from infectious diseases as mentioned below by a member of the family of the employee concerned. Such leave may be granted on the basis of a certificate of Public or Municipal Health Officer for a period not exceeding 21 days, or in exceptional circumstances for a period not exceeding 30 days. Quarantine leave will not be debited to leave account. An employee on quarantine leave will not be treated as absent from duty.

- b) For the above purpose small-pox may be considered as infectious disease, chicken-pox shall not, however, be considered as infectious disease unless the medical officer or Public Health Officer considers that because of doubt as to the true nature of disease, e.g., small-pox, there is reason for the grant of such leave.
- c) The following diseases shall also be treated as infectious for the purpose of grant of quarantine leave :-

- i) Scarlet Fever
- ii) Plague (Bucokmenic or Bubonic)
- iii) Thyphus
- iv) Cerobro-spinal moningitis

- d) For persons employed in the preparation and distribution of food, the following additional diseases shall also be treated as infectious :-

- i) Dysentry
- ii) Enteric Fever (Typhoid fever)
- iii) Melta fever
- iv) Paratyphoid fever

- e) An employee himself/herself suffering from the infectious diseases as mentioned will not be granted such leave.

24. Maternity Leave :

- a) Maternity leave may be granted to a whole-time female employee for a period not exceeding 120 days including the period of confinement as per advice of a registered medical practitioner.
- b) Maternity leave may also be granted in case of miscarriage, including abertion for a period not exceeding six weeks provided the application for leave is supported by a registered medical practitioner.
- c) Maternity leave will not be debited against leave account.
- d) The concerned employee on maternity leave will be entitled to normal annual increment in time-scale of pay.

25. Leave in extraordinary circumstances :

- a) Extraordinary leave without pay may be granted to a wholetime permanent employee in special circumstances on the following conditions :

- i) When no other leave is admissible.
 - ii) when other leave is admissible, but the employee applies in writing for the grant of extraordinary leave.
 - iii) not more than 3 months extraordinary leave be granted to an employee.
- b) Syndicate/Executive Council in view of exceptional circumstances in the following cases may grant extraordinary leave in excess of the limit prescribed in clause (a) :-
- i) six months, where the University employee has completed one year's continuous service on the date of expiry of the leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his/her request for such leave is supported by a Medical Certificate as required under these rules.
 - ii) eighteen months, where the employee is undergoing treatment for :-
 - a) pulmonary tuberculosis or pleurisy of tubercular origin in a recognised sanatorium,
 - b) tuberculosis of any other part of the body by a qualified tuberculosis specialist.
 - c) leprosy in a recognised leprosy institution by a Medical Officer or specialist in leprosy recognised by the University authority.
 - d) cancer or mental diseases, in an institution recognised for the treatment of such diseases or a specialist in such diseases recognised as such by the University authority.
 - iii) twenty four months, where leave is required for the purpose of prosecuting studies certified to be in the interest of the University, provided the employee has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under rules including three months extraordinary leave clause (a).
- c) Where an University employee is granted extraordinary leave in terms of the provision contained in sub-clause (iii) of clause (b) he/she shall be required to execute a bond as in the case of leave undertaking to refund to the University actual amount of expenditure incurred by the University during such leave plus that incurred by any agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

- d) The bond shall be supported by sureties from two permanent whole-time employees having status comparable to or higher than that of the University employee concerned.
- e) Two spells of extraordinary leave, if intervened by any other kind of leave including maternity leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-rule (b).
- f) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.
- g) An employee shall not be allowed to enjoy extraordinary leave (including other kind of leave) for more than two years at a stretch.
- h) Such leave shall not count towards annual increment in the time-scale of pay.

26. Special Disability Leave :

- a) An employee who is disabled by injury accidentally incurred in consequence of the due performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post, may be allowed special disability leave on full pay and allowances for the period of four months during the whole course of service.
- b) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice, provided that if University authority is satisfied as to the cause of the disability, such leave may be granted in cases where the disability manifested more than three months after the occurrence of its cause.
- c) The period of leave granted shall be such as is certified by a medical board to be necessary.
- d) Special disability leave may be combined with any other kind of leave except casual leave and quarantine leave.
- e) The concerned employee is entitled to normal annual increment in time-scale of pay during such leave of absence.
- f) Such leave shall be counted as duty in calculating service for pension and shall not be debited against the leave account.

27. Leave on Duty :

An employee may be granted leave of absence on duty for a maximum period of 30 days in a year on the following grounds :-

- a) for participating in International, All India or Regional Games, Sports, or cultural activities organised by bodies recognised as such by the University or State Government.
- b) for attending meetings of recognised public bodies as an elected representatives of the people.
- c) for participating in conference/symposium/seminar/workshop or the like to be conducted by any organisation recognised by the University.

Provided that such leave of absence on duty shall not be combined with any other kind of leave and duty leave is not debited against leave account.

Provided further that the date of annual increment in the time-scale of pay shall not be disturbed on account of an employee being on leave of absence on duty.

28. Encashment of Earned Leave :

- a) An employee who retires on attaining the age of superannuation, shall be entitled to cash equivalent of leave salary for earned leave, if any, at the credit of the employee on the date of retirement, subject to a maximum of upper limit to be fixed by the State Government time to time.
- b) An employee who retires from the service on attaining the age of superannuation, while under suspension, shall become eligible for the benefit of cash equivalent of earned leave that was at his/her credit on the date of retirement, on conclusion of the proceedings against him/her, if the authority competent to reinstate him/her in service holds that the suspension was wholly unjustified.
- c) An employee who retires voluntarily may be granted cash equivalent of leave salary in respect of earned leave at his/her credit subject to a maximum of upper limit of accumulation of earned leave prescribed by the State Government from time to time provided this period does not exceed the period between the date on which he/she so retires and the date on which he would have retired in the normal course after attaining the age of superannuation.
- d) An employee who resigns from service, shall be entitled to cash equivalent earned leave at his credit on the date of cessation of service to the extent of half of such leave at his credit, subject to a maximum of half of upper ceiling of accumulation of earned leave fixed by the State Government from time to time.