

No.20/14/2012-Admn.  
Government of India  
Ministry of Water Resources

Shram Shakti Bhawan, Rafi Marg,  
New Delhi, Dated 3<sup>rd</sup> May, 2013

Subject:- Consolidated instructions relating to action warranted against Government  
Servants remaining away from duty without authorization/grant of leave - reg.

A copy of DoPT's OM No.13026/3/2012-Estt (Leave) dated 28<sup>th</sup> March, 2013  
and OM No.11013/7/04-Estt.(A) dated 18<sup>th</sup> May, 1994 on the subject cited above are  
forwarded herewith for information and strict compliance.

2. Attention is also invited to the provisions contained in DoPT's OM No.  
11013/7/04-Estt. (A) dated 18<sup>th</sup> May, 1994, which requires all Government Servants to take  
prior permission to leave the Headquarters/Station while proceeding on leave or otherwise.  
All employees/controlling officers are advised to adhere to the instructions strictly and failing  
to do so will be viewed seriously.



( L.P.Sharma )

Under Secretary to the Govt. of India  
Tele No:23738126

Encl: Copies of DoPT's OM dt.28<sup>th</sup> March, 2013.  
& 18<sup>th</sup> May, 1994.

To

1. All Officers/Sections in the Ministry of Water Resources.
2. NIC Cell for uploading on the circular page of the intranet.
3. All Heads of Organisations of MoWR.

No. 13026/3/2012-Estt (Leave)  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

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New Delhi, the 28<sup>th</sup> March, 2013.

OFFICE MEMORANDUM

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

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

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

(a) Proviso to FR 17(1)

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

(b) FR 17-A

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

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

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

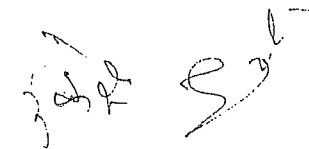
- i the Government servant shall not be entitled to any leave salary for such absence;
- ii the period shall be debited against his leave account as though it were half pay leave to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave
- iii wilful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

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

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

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

3. All Ministries/ Departments should initiate appropriate action against delinquent Government servants as per rules.
4. Hindi version will follow.

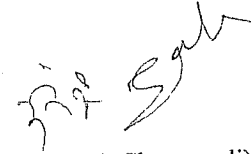


(Mukesh Chaturvedi)  
Deputy Secretary to the Govt. of India

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6. All Members of Staff Side of the National Council of JCM/ Deptt. Council
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10. Railway Board, New Delhi
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(Mukesh Chaturvedi)

Deputy Secretary to the Govt. of India

No.11013/7/04-Estt. (A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)

New Delhi, dated the 18th May, 1994.

**OFFICE MEMORANDUM**

Subject: Requirement of taking prior permission by Government servants for leaving station/headquarters - clarification regarding.

The undersigned is directed to say that doubts have been expressed by Ministries/Departments as to whether a Government servant is required to take permission before leaving station/headquarters during leave or otherwise, especially for visits abroad.

2. Attention of the Ministries/Departments is invited in this connection to the provisions of FR. 11 which provides that 'unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him .....'. Article 56 of the Civil Service Regulations also provides that 'no officer is entitled to pay and allowance for any time he may spend beyond the limits of his charge without authority.' It is implicit in these provisions that a Government servant is required to take permission for leaving station/head-quarters. It is thus clear that such permission is essential before a Government servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such visit may have wider implications.

3. However, separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarter/station alongwith Leave address while applying for leave. The Leave application form prescribed under the CCS (Leave) Rules, 1972 contains necessary columns in this regard. In case the leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted; and therefore leave sanctioning authorities should keep this aspect in mind while granting the leave applied for. In the case of officers who are competent to sanction leave for themselves they should obtain permission for leaving station from their superior authority. Failure to obtain permission of competent authority before leaving station/headquarter especially for foreign visits is to be viewed seriously and may entail disciplinary action.

4. Ministry of finance etc., are requested to bring the contents of this Office memorandum to the notice of all Government servants serving under their control and ensure that these are strictly followed by all concerned.

Hindi version will follow.

(KRISHNA MENON)  
UNDER SECRETARY TO THE GOVT. OF INDIA