

THE PASNI FISHERIES HARBOUR AUTHORITY'S

LEAVE RULES, 2003

CONTENTS

RULES

Preamble.

1. Short title, extent and commencement.
2. Definition.
3. When the Leave is earned.
4. Earning & accumulation of leave.
5. Leave on full pay.
6. Leave on half pay.
7. Leave to be applied etc in terms of days.
8. Leave account.
9. Leave pay.
- 9.A) Extraordinary Leave (Leave Without Pay).
10. Recreation leave.
11. Study leave.
12. Hajj leave.
13. Leave not due.
14. Special leave.
15. Maternity leave.
16. Disability leave.
17. Leave ex-Pakistan.
18. Leave preparatory to retirement.
19. Encashment of refused leave preparatory to retirement.
20. Inservice death.

21. Reasons need not be specified etc.
22. Leave when starts and ends.
23. Recall from leave etc.
24. Overstay after sanctioned leave etc.
25. Any type of leave may be applied.
26. Combination of different type of leave etc.
27. An employee on leave not to join without permission before its expiry.
28. Leave due may be granted on abolition of post etc.
29. Manner of handing over charge when proceeding on leave.
30. Assumption of charge on return from leave etc.
31. Account officers to maintain leave account.
32. Leave to lapse when an employee quits his service.
33. Departmental leave (when applied).
34. Sick leave to a Seaman.
35. Leave to disable Seaman.
36. Leave farmed by an employee in non-continuous establishment.
37. Leave on medical grounds.
38. Leave application in sanction, etc.
39. Hospital leave and study leave.
40. Casual leave.
41. Explanatory instructions for filling up the leave account from PFHA-EL.

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NOTIFICATION

These rules have been issued by the Coastal Development and Fisheries Department, Government of Balochistan, vide its Notification No. SO-I (CD&F)12-12/2003/533, dated 8" July, 2003; and published in the Balochistan Gazette (Extraordinary) N dated 8" July, 2003.

[8 July, 2003]

No. SO-II(CD&F)12-12/2003/533/. In exercise of the powers conferred by Section 30 of the Pasni Fisheries Harbour Authority Ordinance, 1983? (VIII of 1983) the Authority with the prior approval of the Government of Balochistan is pleased to make regulations to regulate the Leave of Pasni Fish Harbour Authority, namely:—

1. Short title, extent and commencement. — (1) The rules may be called the Pasni Fisheries Harbour Authority's Leave Rules, 2003.

(2) They shall apply to all of its employees.

(3) They shall come into force at once.

2. Definition. — In these rules unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

1. "Appointing Authority" means the authority referred to in the Pasni Fisheries Harbour Authority Service Regulations, 20037.

2. "Authority" means the Pasni Fisheries Harbour Authority.

3. "Board" means the Board of Directors of Authority.

4. "Chairman" means the Chairman of the Board of Directors of Pasni Fisheries Harbour Authority.

5. "Chief Executive Officer" means the Managing Director of the Board of Director of PFHA designated to perform function of the Authority on behalf of the Board of Directors.

6. "Competent Authority" means the Board, the Chairman the Managing Director or any other officer of Authority designated to exercise any power.

7. "Directors" means the Director of the Authority.

3. When the leave is earned. —

i. All the service rendered by an employee qualifies him to earn leave in accordance with these regulations but shall not be earned during the period of leave.

ii. Any period spent by an employee in foreign service qualifies him to earn

leave provided that contribution towards the leave salary is paid to the Authority on account of such a period.

4. Earning & accumulation of leave. —

2 Balochistan Ordinance VIII of 1983; promulgated by the Government of Balochistan on 25" June, 1983; published in the Bal

Gazette (Extraordinary) No. 164, dated 25" June, 1983; protected and declared continue in force by article 270A of the Constitution of Islamic Republic of Pakistan (1973).

i. An Employee shall earn leave on full pay only and shall be calculated at the rate of four days for every calendar month of the period or duty rendered to the authority and credited to the leave account of the employee as "Leave on full pay" Here the duty period of fourteen days or less served in a calendar month, shall be ignored and those exceeding fifteen days shall be treated as a full calendar month for the purpose.

ii. If an employee proceeds on leave during a calendar month and returns there from during another calendar month and the period of duty in either month is more than fifteen days the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.

iii. There shall be no maximum limit on the accumulation of such leave.

5. Leave on full pay.— The maximum period or leave of full pay that may be granted to an employee at one time shall be as follows:-

- (a)
- (b)
- (c)

Note:

without Medical Certificate — 120 days.

with Medical Certificate — 130 days.

on Medical Certificate from leave account in entire 365 days.

service —

The maximum periods prescribed in clauses (a) and (b) above, are independent of each other. In other words, an employee may be granted, at a time, total leave on full pay on medical certificate up to the permissible extent in continuation of leave up to 120 days without medical certificate, subject to the given conditions by the Authority under these rules.

6. Leave on half pay. —

- (i)
- (ii)
- (iii)

Leave on full pay may be converted at the option of the Employee into leave on half pay provided the leave account will be charged at the rate of one day of the former for every two days of the latter, fraction of one half counting as one full day's leave on full pay.

The request for conversion of leave referred to in sub-regulation shall be stated specifically by the Employee in his application for the grant of leave.

There shall be no limit on the grant of leave on half pay so long as leave on full pay

is available for conversion in the leave account into leave on half pay.

7. Leave to be applied etc in terms of days.— Leave shall be applied for expressed and sanctioned in terms of days.

8. Leave account. — The leave credit account of an Employee shall be maintained as soon as the employee enters the service of PFHA and expressed in terms of leave on full pay and the leave of half average pay in a progressive manners and this leave account be debited charged at the following rates. With effect from the date of his return from leave as under:

(i) Leave on average pay:

(a) 1 month 30 days.

(b) 1 day 1 day.

(11) Leave on half average pay:

(a) 1 month 15 days.

(b) 2 days 1 day.

9. Leave pay. — (1) An employee shall be entitled to the leave pay at the revised rate of

pay if a general revision in pay of an employee takes place or an annual increment occurs during the period of leave of the employee. The leave period also includes the period of leave preparatory to retirement (LPR)

9.A) Extraordinary Leave (Leave without pay). —

(i) Extraordinary leave without pay may be granted on any ground up to maximum period of five years at a time, provided that the employee to whom such leave is granted has been in the continuous service of the authority for a period of not less than ten years, and incase an employee has not completed ten years of continuous service, extraordinary leave without pay for maximum period of two years may be granted at the discretion of the Managing Director Pasni Fisheries Harbour Authority provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with the extraordinary leave.

(11) Extraordinary leave up to a maximum period prescribed under sub-regulation (1) may be granted subject to the condition stated therein irrespective of the fact whether an employee is a permanent or a temporary employee.

(iii) | Extraordinary leave may be granted retrospectively in lieu of absence without leave.

10. Recreation leave.— Recreation leave of 15 days may be allowed by the Authority to the employee of PFHA once in a calendar year, subject to the condition it is admissible under the tules of the Government of Balochistan. The leave account may however be charged for ten days leave on full pay in such a manner that the work of the Authority do not suffer adversely.

11. Study leave. — A confirmed employee may at the sole discretion of the Board of Directors be granted study leave on half average pay upto a maximum period of 365 days subject to title during the whole service on the same terms and conditions as are applicable for grant of Extraordinary leave without pay.

12. Hajj leave. — Subject to such conditions as may be prescribed Haj leave on full pay upto a maximum of 60 days will be admissible once during the entire service to the employees who perform Haj under their own arrangement by sea or air.

15.

Leave not due. —

- i.
- il.
- iii.
- lv.

Leave not due may be granted on full pay, to be offset or recouped against leave to be earned in future for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

Such leave may be converted into leave on half pay.

Such leave may be granted only when there are reasonable chances of the employee resuming duty on the expiry of the leave.

Such leave may be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to temporary employees.

Special leave. —

- i.
- il.
- iii.

A female employee on the death of her husband, may be granted special leave on full pay, when applied for a period not exceeding one hundred and thirty days (i.e. iddat period).

Such leave may not be debited to her leave account.

Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either along with her application for special leave or if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

Maternity leave. —

- i.
- il.
- iii.

lv.

Maternity leave may be granted on full pay, outside the leave account, to a female employee to the extent of ninety days in all from the date of its commencement or forty-five days from the date of her confinement whichever be earlier.

Such leave may not be granted for more than three times in the entire service of a female employee.

For confinements beyond the third one, the female employee would have to take leave from her normal leave account.

The spells of maternity leave availed of period to the coming into force of these regulations shall be deemed to have been under these Regulations.

Maternity leave may be granted in continuation of, or in combination with any other kind of leave including extraordinary leave as may be due and admissible to a female employee.

16.

vi. The leave salary to be paid during maternity leave will, therefore, remain unaffected even if an increment accrued during such leave and the effect of such an increment will be given after the expiry of maternity leave.

Disability leave. —

i. Disability leave may be granted outside the leave account on each occasion, upto a maximum of seven hundred and twenty days on such medical advice as the competent authority may consider necessary, to an employee, other than a seaman or an employee in part time service, disabled by injury, ailment or disease contacted in course or in consequence of duty or as a obligation to the Authority.

ii. The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

Leave ex-Pakistan. —

i. Leave ex-Pakistan may be granted on full pay to an employee who applies for such leave or who proceeds abroad during leave or takes leave while posted abroad or in otherwise on duty abroad, and makes a specific request to that effect.

ii. The leave pay shall be payable in sterling if such a leave is spent in Asia other than in Pakistan and India.

iii. Such leave pay shall be payable for the actual period of leave spent abroad subject to a maximum of one hundred and twenty days at a time.

iv. The employees appointed after the 25 June, 1983 shall draw their leave salary in rupees in Pakistan irrespective of the country where they spend their leave.

v. Leave ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in regulations 5.6 and 9 above.

Leave preparatory to retirement. —

i. The maximum period upto which an employee may be granted leave preparatory to retirement shall be three hundred and sixty five days.

ii. Such leave may be taken subject to availability, either on full pay, or partly on full pay and partly on half pay, or entirely on half pay at the discretion of the employee.

Encashment of refused leave preparatory to retirement. —

i. If in case of retirement on superannuation (or voluntary retirement on completion of thirty years qualifying service) an Employee cannot for reasons of Authority Service, be granted leave preparatory to retirement duly applied for in sufficient time he will in lieu thereof be granted lump sum leave pay for the leave refused to him subject to a maximum of one hundred and eighty days leave on full pay.

ii. Such leave can be refused partly and sanctioned partly but the cash compensation shall be admissible for the actual period of such leave so refused not exceeding one

hundred and eighty days.

iii. The payment or leave pay in lieu of such refused leave may be made to the employee either in lump-sum at the time of retirement or may, at his option, be drawn by him month wise for the period of leave so refused.

iv. For the purpose of lump-sum payment in lieu of such refused leave, only the "Senior Post Allowance" will be included in "Leave Pay" so admissible.

v. In case an employee on leave preparatory to retirement dies before completing one hundred and eighty days of such leave, his family shall be entitled to lump-sum payment equal to the period falling short of one hundred and eighty days.

20. In service death. — (1) In case an employee dies or invalidated while in service, lump-sum payment equal to full pay upto one hundred and eighty days out of the leave at his credit shall be made to his family.

(2) For the purpose of lump-sum payment to the family of the employee who dies while in service only the "Senior Post Allowance" will be included in the "Leave Pay" so admissible.

21. Reasons need not be specified etc. — (1) It shall not be necessary to specify the reasons for which leave has been applied so long as that leave is due and admissible to an employee.

(2) Leave applied for on medical certificate shall not be refused.

Provided that the authority competent to sanction leave may, at its discretion assure medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have the applicant medically examined.

22. Leave when starts and ends. — Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from the day following that on which an employee hands over the charge of his post and may end on the day preceding that on which he resumes duty.

22. Recall from leave etc. — (1) If an employee is recalled to duty compulsory with the personal approval of the competent Authority from leave of any kind that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case the employee is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) If the return from leave is optional, then the employee is entitled to no concession.

23. Overstay after sanctioned leave, etc. — (1) Unless the leave of an employee is

extended by the Competent Authority an employee who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action of such absence shall be debited against his leave account.

(2) Such debit shall, if there is insufficient credit in the leave account be adjusted against future earnings.

24. Any type of leave may be applied. — Any employee may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground the another type of leave should be taken in the particular circumstance; for example the employee may apply for

extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than that on full pay, half pay, and without pay.

25. Combination of different type of leave, etc. — One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the employee provided that

leave preparatory to retirement shall not be combined with any other kind of leave.

26. An employee on leave not to join without permission before its expiry.— Unless he who is permitted to do by the authority which sanctioned his leave on employee on leave may not return to duty before the expiry of the period of leave granted him.

27. Leave due may be granted on abolition of post etc. — (1) When a post is abolished, leave due to the employee whose services are terminated in consequences thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such case shall, so long as he does not attain the age of superannuation, be deemed automatically to have also extended the duration of the post and the tenure of its incumbency.

28. Manner of handing over charge when proceeding on leave. — (1) An employee proceeding on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he

shall while handing over charge of the post sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, then the Employee shall take abroad with him a copy of the medical statement of his case.

29. Assumption of charge on return from leave, etc. — (1) An employee, on return from leave, shall report for duty to the authority that sanctioned his leave and report charge

of the post to which he is directed by the authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave travel expenses as on transfer shall be payable to him.

30. Account officers to maintain leave account. — (1) Leave account in respect of an employee shall be maintained as a part of his service book.

(2) The accounts offices shall maintain the leave accounts of the employee whom they were maintaining the accounts immediately before coming into force of these regulation.

31. Leave to lapse when an employee quits his service. — All leave at the credit of a civil servant shall lapse when he quits service

32. Departmental leave (when applied). — (1) Departmental leave may

be granted to the employees drawing pay in Grade-1 to 9 in the pay scale of the Authority subject

the conditions laid down in these Regulations.

- (2) Departmental leave may be granted only to an employee whose service are temporarily not required and no leave other than leave not due is admissible.
- (3) A subsistence allowance at such rate as the officer granting the leave may think fit but not exceeding half pay may be granted during departmental leave.
- (4) The allowances shall be payable only on return to and resumption of duty after the expiration of the leave, whether taken by itself or combined with departmental leave without pay.
- (5) Departmental leave with subsistence allowance may be granted during the recess by the head of the office to which the employee belongs only when the officer granting the leave considers it desirable to re-employ him in the ensuing field season and the leave so granted may, in special cases, be extended by the Managing Director up to a maximum of five hundred and forty days at a time.
- (6) Departmental leave with subsistence allowance may be granted at times other than the recess for not more than one hundred and eighty days at a time by the Managing Director or the Director of PFHA, provided such leave is granted in the interest of Authority's service or work and not at the employee's own request.
- (7) Leave granted may in special cases be extended by the Managing Director up to a maximum of three hundred and sixty days at a time.
- (8) Leave on medical certificate shall in no circumstances be regarded as granted in the interest of Authority's services or work.
- (9) Departmental leave without pay may be granted by the Authority in continuation of departmental leave with subsistence advance in special cases as may be authorized by the authority by a general or special order.
- (10) When an employee holds a post in which the Managing Director considers that he is unlikely to be eligible for departmental leave in future, the Managing Director may, by special order in writing, declare that, with effect from such date not being earlier than the employee's last return from departmental leave as the Managing Director may fix, any balance of leave at debit in the employee's leave account shall be cancelled, and all leave earned after such date will be credited as due in the employee's leave account, and all leave taken after such date, including departmental leave with allowances, if any, will be debited to it.
- (11) Departmental leave may be combined with any other kind of leave which may be due.

33. Sick leave to a Seaman. — An employee serving as an officer on the Authority vessel may while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave on full pay, outside his leave account, for a period not exceeding forty five days by the Managing Director provided that the employee is not malingering or his ill health is not due to

such of his own action as to cause or aggravate disease or injury.

34. Leave to disable Seaman.— An employee referred to in Regulation 33 who is disabled while performing his duty may be allowed leave on full pay for a maximum period not exceeding ninety days on each occasion if:—

- (a) The disability is duly certified by an Authority's Medical Officer.
- (b) The disability is not due to the Employee's own carelessness and
- (c) The vacancy caused by his absence is not filled up.

35. Leave earned by an employee in non-continuous establishment.— An employee in a non continuous establishment of the authority may be granted only earned leave and disability leave as admissible to, and subject to the conditions of the Authority and no other.

36. Leave on medical grounds. — Leave applied for on medical certificate shall not be refused. The authority competent sanctioning leave may, however, at its discretion, secure a second medical opinion by requesting the authorized Medical Officer of the Authority to have the applicant medically examined by a Medical Board or by asking the applicant to produce at his own expense, medical certificate from any other medical practitioner.

Provided that leave on medical grounds supported by medical certificate is applied for within 9 days of absence from duty on such grounds. Application for leave submitted after 9 days shall not be considered by the authority competent to sanction the leave and the employee shall render himself liable to disciplinary action.

(i) If the leave is refused or postponed the reasons there of shall be recorded.

(11) Application for leave for three days or over shall normally be made at least seven days previous to the time from which the leave is required except in cases of sickness and emergency.

(iii) Before proceeding on leave the employee shall ensure that leave has been sanctioned to him.

(iv) An employee availing himself of leave shall inform the competent authority in writing of his address while on leave.

(v) Application for extension of leave shall be submitted by the employee to the competent authority before the expiry of the leave already granted.

(vi) | Application for leave on medical grounds for a period exceeding two days shall be supported by a certificate from the authorized Medical Officer of the authority or a registered medical practitioner.

Provided that where a registered medical practitioner is not available within a reasonable distance from the employee's residence, the authority may accept any other certificate acceptable to him for extension of leave of an employee on medical grounds.

(vii) | Every employee proceeding on leave on medical grounds shall not report for duty unless he produces medical certificate and fitness certificate from an authorized officer of the authority.

(viii) An employee before proceeding on leave and immediately on return from leave shall furnish reports of handing and taking over charge.

1X An employee intending to leave the station of his posting during leave shall obtain prior permission from the authority competent to sanction the leave.

(x) An employee who remains absent for 10 days in excess of the period of leave originally sanctioned, shall be liable to disciplinary action unless he is able to explain his overstay in a manner satisfactory to the competent authority. Breach of this regulation shall be treated as misconduct and the employee shall be liable to punishment in accordance with these regulations.

37. Leave application in sanction, etc. — (1) Except where otherwise stated an application for leave or for an extension of leave by an employee must be submitted to the competent authority through proper channel and the extent of leave due and admissible shall be

stated by the employee in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When an employee submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant in the form attached to these Regulations.

(4) Leave as admissible to a employee under these Regulations may be sanctioned by the Authority, office or any other officer authorized by the authority to do so and, when so required, leave shall be notified.

(5) In case where all the applications for leave cannot, in the interest of authority's service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the application consider:-

(i) Where and how many applications for the time being best be spared.

(11) Whether any applicant(s) were last recalled compulsorily from leave; and

(111) Whether any applicant(s) were required to make adjustment in the timing of their leave on the last occasion.

38. Hospital leave and study leave. — Subject to these regulations the provisions regarding hospital and study leave contained in the Government rules shall apply to the employees of the PFHA.

39. Casual leave. — (1) The casual leave admissible to an employee of the Authority shall not exceed a total of 25 days in one calendar year.

(2) The casual leave may not be granted by the competent authority for more than 10 days at a time. However, under special circumstances, casual leave may be granted upto 15 days at a time.

(3) Casual leave may be granted in combination with Friday and other holidays of the authority subject to maximum of 15 days but shall not be combined with any other kind of leave or joining time.

(4) Normally, the approval of the competent authority is required for availing casual leave with the exception of such circumstances which cannot be foreseen.

(5) An employee of the authority on casual leave, shall not leave his headquarter without the prior permission of the competent authority.

(6) The sub-ordinate staff may be allowed casual leave upto 4 days if due, by the competent authority on its leave application. However, written orders shall be issued by the sanctioning authority in case the casual leave exceeds 4 days.

(7) The casual leave account shall be maintained for every employee on casual leave form appended herewith to these leave regulations.

(8) Entries shall be made at the first instance in the casual leave register for all the casual leave that an employee avails and authenticated by the sanctioning authority.

(9) Permission to leave the Headquarter of an employee intending to avail casual leave may not be allowed till such time the name of the place and postal address is not mentioned in his application.

Explanatory instructions for filling up the leave account form PFHA-EL. —

(1) This leave account will be maintained for the employees who come in service of the PFHA since 26th June 1983 or thereafter.

(2) All leave at credit in the account of the employees who are in service of the PFHA since 25th June 1983 or thereafter be converted in terms of leave on full pay at the following rates;

(i) L.A.P.

(a) 1 month. 30 days.

(b) 1 day. 1 day.

(ii) L.H.A.P.

(a) 1 month. 15 days.

(b) 2 days. 1 day.

(3) The leave account shall commence with an opening entry. Due immediately after

25.06.1983 on in the case of an employee who was on leave immediately after 25.06.1983 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service after 25.06.1983 will be taken into account. The leave due in terms of leave on full pay in days will be noted on Column No. 21.

(4) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose, if an employee proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on accumulation of this leave.

(5) (a) Leave on full pay may be converted into leave on half pay at the option of the employee. The debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as one full day leave on full pay. The request for such conversion shall be specified by the employee in his application for the grant of leave.

(b) there shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

(6) L.P.R on full pay will be noted in column No. 10 while that on half pay in column No. 13 and 14.

(7) Leave not due may be granted on full pay to be offset against leave to be earned in future for a maximum period of 365 days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed 90 days in all such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the employee resuming duty.

(8) The grant of special leave, maternity leave, disability leave Extraordinary leave, payment of leave pay for refused L.P.R upto maximum of 180 days, lump-sum payment equal to full pay upto 180 days out of leave at credit made to the credit of an employee, whose death

occurs while in service: be half such leave. Departmental leave, study leave, and Hospital leave shall be noted in column No. 22.

Maternity leave other than three times in entire service shall, however, be debited to the relevant column of the leave account.

(9) When an employee applies for leave, column 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which an employee intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para-4 above.

(10) When an employee returns from leave column 8 to 23 shall be filled in according to the nature of leave. If leave not due is availed off the minus balance to be shown in column No. 21 should be written in red ink.