

In the case in items (1) and (2) above, the certificate should be signed by a commissioned Medical Officer or a Medical Officer in-charge of a civil station. If the Government servant on leave is not a gazetted officer, the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any Registered Medical Practitioner [*vide* Government of India, Finance Department, No. F-7 (35)-R-1/34, dated 21st May 1935].

ANNEXURE II—PART I

Rules under Fundamental Rule 74

LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS.

SECTION I—LEAVE ACCOUNTS.

By whom maintained.

1. The leave account shall be maintained in F.R. Form No. 9-A, in respect of Government servants subject to the leave rules in the Fundamental Rules and in the Form prescribed in the Tamil Nadu Leave Rules, 1933, in the case of those governed by the said Tamil Nadu Leave Rules, 1933.

2. (a) The leave account of a Group A and B Government servant shall be maintained by, or under the directions of the principal auditor responsible for the audit of his pay.

(b) The leave account of Group C and D Government servant shall be maintained and the entries therein attested by the head of the office in which he is employed.

SECTION II—APPLICATION FOR LEAVE.

To whom application should be made.

3. Every application for leave or for an extension of leave should be sent to the competent authority through the immediate superior, if any, of the Government servant applying for leave. In the case of Group A and B officers, the application should also be sent through the Accountant-General. The application of a Government servant in foreign employ should also be sent through the Accounts Officer who accounts for the contribution recovered from the foreign employer.

5. Application for leave from Military Officers in Civil employ whether they are subject to Military leave rules or Civil leave rules, shall be submitted to Government through the Civil Accountant-General who audits the pay of the officer going on leave. No leave shall be sanctioned to such an officer before a report is received from the Civil Accountant-General concerned.

Note.—The leave application of the Aide-de-Camp to the Governor will be forwarded to the Government through the Defence Accounts Officer, Madras district, to whom a copy of the Government notification granting leave will be forwarded when the leave is notified.

7. A Government servant transferred to foreign service must before taking up his duties in foreign service make himself acquainted with the rules or arrangements which will regulate his leave during such service.

SECTION III—MEDICAL CERTIFICATES.

General Rules.

8. A medical officer must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

9. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract, or of the rules to which he is subject.

9-A. (i) Before leave is sanctioned, the recommendations of medical committee shall be compulsorily obtained in the following cases, namely:—

(a) All applications for unearned leave on medical certificate for periods exceeding two months.

(b) Where extension of leave is applied for piece-meal and the cumulative total of such leave exceeds two months; and

(c) Where a Government servant applied for unearned leave on medical certificate after orders transferring him to another post, place, etc., are issued to him, irrespective of the period of leave applied for.

(ii) The leave sanctioning authority should also exercise the discretion to refer cases to the medical committee where there are repeated applications for medical leave, although each such application may be for a period of less than two months.

(iii) Where a Government servant applies for leave on medical certificate for short periods and there is no time to constitute a medical committee, the head of office or the leave sanctioning authority may refer him to the nearest available Government doctor not below the rank of a Civil Surgeon.

(iv) Whenever a reference is made to the medical committee or to the nearest Government doctor, the medical committee or Government doctor as the case may be should specifically decide and record their or his opinion as to whether it is necessary for the Government servant to appear before them or him at the end of the medical leave period to get his fitness for rejoining duty. In all such cases, the fitness certificate issued by the medical committee or the Government doctor will have to be produced before the Government servant rejoins duty.

(v) The reference to the medical committee shall be made in the case of all diseases except in the case of in-patients in Government hospitals, provided they are admitted for treatment and not for diagnosis. In such cases, it is necessary that the Superintendent of the Hospital concerned issues the requiring certificate to that effect.

[G.O. Ms. No. 783, P. and A.R. (F.R.-I), dated 28th June 1977.]

This amendment deemed to have come into force with effect from 1st May 1976.

(vi) The reference to the Medical board shall not be necessary for granting Unearned Leave on Medical Certificate in the case of Government servants who are admitted as inpatients in Government hospital for the period of treatment and also if the period of leave recommended is co-terminus with the period of treatment. In such cases, a reference to the Medical Board is not necessary for granting Unearned Leave on Medical Certificate in the case of Government servants who are taking treatment even after discharge from the hospital, provided the treatment is continuous and the certificate regarding the treatment is issued by a Medical officer not below the rank of a Civil Assistant Surgeon serving in that particular department in the particular hospital where the Government servant concerned was admitted as inpatient for treatment"; [w.e.f. 12th July 1980.]

(vii) Where Government servants are admitted as inpatients in Private Nursing Homes/Hospitals and the Unearned leave on Medical Certificate applied for exceeds sixty days and stay in such institution is co-terminus with the period of treatment, the Government servant shall be directed to be produced before the Medical Board for check up and issue of medical certificate if the place where the Medical Board located is within a short distance from

the private Nursing Home/Hospital by using an ambulance. The hire charges therefore shall be reimbursed by the Government.

If the Government servant cannot be produced in person before the Medical Board, then the Medical records of the individual shall be furnished to the Medical Board and if the genuineness of the treatment given to the Government servant by the Private Nursing Home/Hospital is acceptable to the members of the Board, then unearned Leave on medical Certificate shall be granted. The grant of Medical Leave in such cases is subject to the condition that the Government servant shall appear before the Medical Board at the earliest opportunity as and when possible to attend the Board, while recouping health. The expenditure incurred by the Government servant for appearing before the Medical Board shall be reimbursed by the Government.

[w.e.f. 24th March 1980.]

[G.O. Ms. No. 293, Personnel and Administrative Reforms (Per.I) Department, dated 18-5-1989.]

In the said Fundamental Rules, in APPENDIX-I, in Annexure-II - Part-I, under the heading "LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS", in rule 9-A, to sub-rule (vii), the following proviso shall be added, namely :-

" Provided that the reference to the Medical Board shall not be necessary for grant of Unearned Leave on Medical Certificate in the case of a Government servant who is admitted as an inpatient in a Private Hospital or Nursing Home, which is accredited by the Government under the Tamil Nadu Government Employees Health Fund Scheme, 1991, for the period of treatment and also if the period of leave recommended is co-terminus with the period of treatment, subject to the following conditions, namely :-

- (a) the Government servant should produce medical certificate along with the case summary of treatment and a copy of the case sheet. If there appears to be any doubt as to the genuineness of the case, the leave sanctioning authority shall refer the same to an Expert Committee or Medical Board along with all connected records for second opinion ;
- (b) the Government servant is admitted only for treatment and not for diagnosis " .

(vide G.O.Ms.No.184, P&AR(FR.IV) Department, dated 10.10.2008)

In the said Fundamental Rules, in APPENDIX-I, in Annexure - II in PART-I, under the heading "LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS", in rule 9-A, in the proviso to sub-rule(Vii), for the expression "Tamil Nadu Government Employees Health Fund Scheme, 1991", the expression "New Health Insurance Scheme" shall be substituted.

(Vide G.O.Ms.No.63, P&AR(FR.IV) Department, dated 23.04.2010.)

9-B. The medical certificates issued to the Government servants for the purpose of sanctioning leave and for their fitness to rejoin duty on the expiry of such leave, by the following Indigenous Medical Practitioners may be accepted:—

(i) Indigenous Medical Practitioners with H.P.I.M., G.C.I.M., L.I.M., and B.I.M., qualifications who have registered their names with either the Board of Integrated Medicine, Madras or the Central Board of Indigenous medicine;

(ii) Indigenous Medical Practitioners of Kerala State with D.A.M., D.M.M., and I.S.M., qualifications who have registered their names with the Central Board of Indigenous Medicine;

(iii) Indigenous medical Practitioners of Mysore State with L.I.M., and D.U.M., qualifications who have registered their names with the Central Board of Indigenous Medicine:

Provided that Indigenous Medical Practitioners who have registered their names with the Central Board of Indigenous Medicine under "B" or "C" Class shall not be competent to issue medical certificate to Government servants for grant of leave or for fitness to rejoin duty on the expiry of such leave.

[G.O. Ms. No. 816, personnel and Administrative Reforms Department. (F.R. III), dated 31st July 1981—with effect from 23rd February 1973.]

"9-C. If a Government servant who is on leave and is out of India apply for expansion of leave on medical grounds, such an application shall be accompanied by a Medical Certificate from two qualified Medical Practitioners in the Proforma given below. If the two qualified Medical Practitioners belong to a foreign country, the said Medical Certificate shall be attested by the Consular or other authority as bearing the signature of qualified Medical Practitioners. If concurrence of the Central Government is required in respect of the leave, the matter shall be taken up with the Department of Personnel and Training, North Block, New Delhi as they are the competent authority in this regard.

**PROFORMA
MEDICAL CERTIFICATE**

We hereby certify that we have carefully examined Thiru/Thirumathi/Selvi.....of the.....Department of the Government of Tamil Nadu, who is suffering from.....and we solemnly and sincerely declare that, according to the best of our judgement, he/she is at present unfit for duty and that it is absolutely necessary for the recovery of his/her health that his/her present leave, which will expire on.....shall be extended by.....months/weeks/days.

Date :

Place :

Practitioner.

Signature of the Medical
(Name and seal)

seal),practitioner.

Signature of the Medical
(Name and

[w.e.f. 31st May 1994.]

[G.O. Ms. No. 123, Personnel and Administrative Reforms (FR. IV) Department, dated 29-5-1998.]

Procedure in the case of Gazetted Government Servants.

10. Before a Group A and B Government servant can be granted leave or an extension of leave on medical certificate, he must obtain a certificate in the following form:—

Statement of the case of

Name (to be filled in by the applicant in the presence of the official medical attendant.)

Appointment.
Age.
Total Service.
Service in India.
Previous periods of leave of absence on
medical certificate.
Habits.
Disease.

Surgeon of
I, after careful personal examination of the case hereby certify that
Medical Officer at or of

is in a bad state of health and I solemnly and sincerely declare that
according to the best of my judgment a period of absence from duty is essentially necessary for the
recovery of his health and recommend that he may be granted month's leave
with effect from

Dated the *Official Medical Attendant.*

Note 1.—This form should be adhered to as closely as possible and should be filled in after the
signature of the applicant has been taken. The certifying officer is not at liberty to certify that the
applicant requires a change from or to a particular locality or that he is not fit to proceed to a particular
locality. Such certificates should only be given at the explicit desire of the administrative authority
concerned, to whom it is open to decide, when an application on such grounds has been made to
him, whether the applicant should go before a Medical Board to decide the question of his fitness for
service.

Note 2.—Honorary Medical officers not below the rank of Civil Assistant Surgeons are also
competent to issue a medical certificate under this rule.

11. Having secured such a certificate, the Government servant must, except in cases covered by rule, 14 obtain the permission of the head of his office or if he himself is the head of an office, of the head of his department to appear before a medical committee. The committee will be assembled under the orders of the Director of Medical Services, who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the State or at such other place as Government may appoint and the Government servant will present himself with three copies of the statement of his case before the committee.

12. Before the required leave or extension of leave can be granted the Government servant must obtain from the committee a certificate to the following effect:—

“We do hereby certify that, according to the best of our professional judgment, after careful
personal examination of Thiru , we consider that he is suffering from
and that his health is such as to render leave of absence for a period of
months with effect from absolutely
necessary for his recovery.”

Note.—In cases where the leave recommended by the Official Medical Attendant or the Honorary
Medical Officer not below the rank of a Civil Assistant Surgeon under Rule 10 does not exceed two
months, the authority competent to grant leave shall dispense with the appearance of the Government
servant before the medical committee under Rule 11 and the obtaining of a certificate from the
committee under this rule, unless such authority doubts the bonafides of the application for the grant
of leave on medical certificate.

13. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding 14 days. In that case, it should grant to him a certificate to the following effect:—

“*C.D.* having applied to us for a medical certificate recommending the grant to him of
leave, we consider it expedient, before granting or refusing such a certificate, to detain *C.D.*
under professional observation for days.”

14.If the state of the applicant's health is certified by a medical officer in-charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in Rule 12 either—

(a) Certificate signed by any two medical officers in charge of civil stations in whatever State they may be serving; or

(b) If the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district, or in the case of officers of the Judicial Department by the District and Sessions Judge.

For the purposes of this clause, the Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani, shall be deemed to be medical officer in charge of civil station in respect of leper patients under his treatment, provided that he is registered under the Madras Medical Registration Act, 1914 (Madras Act IV of 1914) and the certificate given by him is countersigned by the Director of Medical Services.

15.The grant of a certificate under Rule 12 or 14 does not in itself confer upon the Government servant 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.

Procedure in the case of Group C and D Government Servants in Superior Service.

16.An Application by a Groups C and D Government servants in superior service for leave or for extension of leave on medical certificate must be accompanied by a certificate issued by the authorised medical attendant or by the applicant's own medical attendant, who should be a registered medical practitioner. Such certificates should distinctly state the nature of the illness, its symptoms, probable causes and duration, the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health and the date from which such absence should take effect. In cases where the Government servant produces a certificate from his own medical attendant, the authority competent to grant the leave may in its discretion either accept the certificate or secure a second medical opinion, by sending the applicant for medical examination either to the District Medical Officer or to the nearest Groups A and B Government servants (Medical Officer) available. Should it decide to secure a second Medical opinion, it must arrange for the medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. It will be the duty of the District Medical Officer or the other Medical Officer, as the case may be, to make an independent examination of the applicant and on the basis of such examination to express an opinion both as regards the facts of the illness and as regards the amount of leave required.

Note.—(1) The possession of a certificate as prescribed in this rule does not itself confer upon the Government servant concerned any right to leave.

*Note (2).—*The above procedure will not apply to the Group C and D executive officers and executive subordinates and menials of the Madras City Police. In their cases, the following procedure should be followed:—

No leave on medical certificate or extension thereof to those officers who are in Madras City or within 16 kilometers thereof at the time of applying for leave or extension of leave shall be granted, without a certificate from the Police surgeon. Certificates issued by registered medical practitioners to applicants who are, at the time of application, more than 16 Kilometers away from the Madras City for such leave or extension of leave shall not be accepted without the countersignature of the Police Surgeon.

(G.O. Ms. No. 209, Personnel and Administrative Reforms, dated 6th March 1981.)

17.No certificate should be submitted for counter-signature without the cognizance of the head of the office in which the applicant is serving.

18.The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case,

19. In support of an application for leave or for an extension of leave on medical certificate from a Groups C and D Government servant in Basic Service the authority competent to grant the leave may accept such certificate as it may deem sufficient.

SECTION IV—CERTIFICATE OF ADMISSIBILITY.

Group A and B Government Servants.

20. Leave will be sanctioned to Groups A and B Government Servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

Groups C and D Government Servants.

21. Before leave is sanctioned to a Group C and D Government Servant, the authority competent to grant the leave should either consult the leave account referred to in Rule 1, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account.

When the application is for study leave or other leave specifically granted for purpose of study out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant-General concerned before sanctioning the leave.

In the case of Government servants transferred as a temporary measure to the Central Government the authority competent to sanction the leave may get a certificate of admissibility of leave under the State leave rules from the Accountant-General administering the leave rules concerned when there is genuine cause of doubt. The same procedure shall be followed in the case of similar transfer to other State Governments.

Government servants in foreign service.

22. In the case of Government servant on foreign service, leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contribution has certified the amount of leave and the leave-salary admissible.

Explanation.—In the case of all non-gazetted and gazetted Government servants, the maximum of whose time scale of pay is Rs. 1,000 (Rupees one thousand only) and below who are deputed on foreign service terms to the State Government owned or controlled Corporation/Boards/Undertakings, the eligibility of leave shall be issued by the Head of Office who maintains the leave account/Service Books.

[G.O. Ms. No. 1043, Finance (F.R.I), dated 31st October 1975.]

SECTION V-GRANT OF LEAVE-GENERAL

Priority of claims to leave.

23. The grant of leave at a particular time cannot be claimed as a right by a Government servant. In exercising their discretion under these rules, authority competent to grant leave shall have regard to the following considerations:-

- (a) The exigencies of the service.
- (b) The Government servants who can, for the time being best be spared.
- (c) The amount of leave due to the various applicants.
- (d) The amount and character of the service rendered by each applicant since he last returned from leave.
- (e) The fact that any such applicant was compulsorily recalled from his last leave.
- (f) The fact that any such applicant has been refused leave in the public interests.

Grant of leave to a Government Servant who is unlikely to be fit to return to duty.

24. When a medical committee in Indian has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may, if due, be granted on the

following conditions by Government in the case of gazetted Government servants and by the head of the department concerned in the case of non-gazetted Government servants:—

(a) If the medical Committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave not exceeding twelve months in all, may be granted. Such leave should not be extended without a further reference to a medical committee.

(b) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service, in India, the Government servant 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 if he is not on leave, from the date of relief of his duties, which should be arranged without delay on receipt of the Committee's report.

(c) A Government servant declared by a committee 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 servant's breakdown in health has been caused in and by Government service or when the Government servant 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.

Grant of leave to a Government servant who ought to be dismissed.

25. Leave should not be granted to a government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

SECTION VII—PAYMENT OF LEAVE SALARY.

32. Leave-salary is payable in India after the end of each calendar month.

Group A and B Government Servants.

33. Group A and B Government servant on leave in India may draw his leave salary at any district of the State, but he cannot begin to draw it without producing a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave. If during leave he desires to change the office at which he receives the payment of his leave-salary, he should obtain a new certificate from the Audit Officer within whose jurisdiction his leave salary was last paid.

Note.—An officiating Group A and B Government servant who holds an active or suspended lien on a Group C and D post, will retain his gazetted status for all purposes during the period of leave taken by him including extension if any, but before, resuming duty as Groups C and D Government servant the authority sanctioning the leave should, in such cases intimate the fact to the head of the office where the Government servant is permanently borne sufficiently in advance to enable the latter to make necessary consequential arrangements.

34. If a Group A and B Government servant draws his leave-salary through an authorised agent, the agent, whether he has or has not the power-of attorney, must execute a bond to refund overpayments.

35. The provisions of rules 33 and 34 apply also to Group A and B Government servants who spend their leave out of India and who have to draw their leave-salary in rupees in India under fundamental Rule 91.

Group C and D Government servants.

36. The leave-salary of a Group C and D Government servant on leave in India or on leave out of India cannot be drawn in India, except over the signature of the head of his office and the latter is responsible for any over-charge.

The leave-salary of a Group C and D Government servant holding a permanent post in one office and officiating in a post in another office may be drawn at the office from which he proceeded on leave, if he would have continued in that office but for his leave and is expected

to return to it on its expiry. No last-pay certificate should be issued in such cases but the fact of the Government servants having gone on leave should, however, be intimated to the head of the first office so that he can show the necessary arrangements in the absentee statements of his office. The bills in which leave salary is drawn should also indicate the permanent post on which the absentee holds a lien to facilitate correct classification of leave-salary.

In the case of a Group C and D officer whose substantive appointment is not a local appointment but simply that of a member of a State staff, leave allowances should be drawn either at Madras by the head of his department or at the place where his salary was last disbursed, and in the latter case, if he was not himself the head of an office, he should be regarded as attached to the office in which he was last employed and the head of that office should draw the leave allowance and be regarded as responsible for over charges.

Leave salary during leave preparatory to retirement.

36-A. Group A and B Government servant on leave preparatory to retirement or on refused leave under Fundamental Rule 86 or any other corresponding rule or such other leave on the expiry of which he is not expected to return to duty should record a certificate on the leave-salary bill that, during the period for which leave salary is drawn, he was not re-employed under Government, local fund or a private employer.

In the case of Group C and D Government servants, similar certificate should be recorded by the drawing officer on the bills in which the leave salary is drawn after obtaining declaration regarding non-employment from them.

SECTION VIII-RETURN FROM LEAVE.

42. Group A and B Government servant, on return from leave, must report his return to Government.

43. A Government servant 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. He must, if necessary, also submit to such delay as may be required in the interest of the public service.

Note.—Controlling officer—should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at headquarters in due time to give over charge.

Return to duty.

44. Before returning to duty a gazetted Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer, who audits his pay. Without such a certificate, he cannot obtain payments of any arrears of leave-salary or pay due to him.

RULINGS.

(1) When a Government servant is appointed to officiate in a Group A and B capacity, the Audit Officer shall call for his leave account and maintain it. During leave, such a Government servant shall be deemed to hold a Group A and B status for purposes of drawal of leave-salary grant of extension of leave, issue of notifications, etc., irrespective of the fact whether on the expiry of his leave he would return to his Group A and B post or not. The Audit Officer will intimate the rate of leave-salary admissible to the officer direct and the officer will draw his pay accordingly. Any extension of leave will also be certified by the Audit Officer.

[Finance Memorandum No.83902-2-(C.S.R.), dated 7th January 1954.]

(2) In the case of an officer who is granted leave under rule 24 (a) under Fundamental Rule 74 (a) the leave should initially be treated as leave preparatory to retirement but if the officer returns to duty

subsequently, the leave should be treated as leave on medical certificate for purposes of the proviso to Rule 81(b). Necessary adjustments in the leave account, should be made and arrears of leave-salary, if any, should also be paid.

(G.O. No. 382, Finance, dated 21st October 1937.)

(3) The discretion allowed by rule 24 (c) may be exercised in the case of Government Servants who are sent before a competent medical authority either for grant of leave or for report as to their fitness for further service and the latter certifies them to be completely and permanently incapacitated for further service.

[G.O. No. 576, Finance (Pension), dated 17th July 1930 and No.348, Finance, dated 28th July 1936.]

(4) Rules 11 to 16 in section III of the rules under Fundamental Rule 74(a) regulating the grant of leave on medical certificate to gazetted Officers should be applied also to Government servants who are holding gazetted posts in an officiating capacity prior to their going on leave. An officiating Gazetted Government servant who applies for leave or extension of leave should accordingly produce a certificate from a medical committee in support of his application for leave or extension of leave.

(G.O. No. 326, Finance, dated 20th January, 1951).

Part II—OMITTED

ANNEXURE II—PART III.

Rules under Fundamental Rule 74 (iv).

MAINTENANCE OF RECORDS OF SERVICE.

Groups A and B Government Servants.

1. A record of the services of each Group A and B Government servant is maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

Note.—The service books of permanent Group A and B Government servants who retire or die while in service without earning any pension or gratuity shall continue to be under the custody of the Audit Officer concerned for a period of five years after their retirement or death. Whichever is earlier after which they will be destroyed.

Group C and D Government Servants and Group A and B Government Servants on scales of pay not exceeding Rs. 1,000.

2. Duty of the head of the office.—Except in the case of members of the Police force of rank not higher than that of head constable and Basic Servants of all sorts, a service book in Fundamental Rule Form No.10 should be opened for every Group C and D Government Servant at his own cost, as soon as he is regarded as selected for admission to a Government service and as an probation for that service. It should be kept in the custody of the head of the office in which he may be serving and transferred with him from office to office. It is the duty of the head of the office to see that all entries are duly made and attested.

Note (1).—Such service books should also be opened in respect of persons who are appointed under the emergency provisions and are likely to be retained in service for over one year.

Note (2).—If there is no head of office, the Service Book of the Group A and B Officer drawing pay in the scales of pay the maximum of which does not exceed Rs.1,000 shall be maintained by his superior officer or Head of the Department as the case may be. Where the Group A and B Officer is himself the head of office, his service book shall be maintained by himself, subject to the attestation of all the entries made therein by his immediate superior.

[G.O. Ms. No. 215, Finance (F.R.I), dated 7th March 1975.]

3. Duty of Group C and D Government servants.—It is the duty of every Government servant to see that his service book is properly maintained and that all erasures in it are attested. The head of the office will allow a Government servant to examine his service book, should be at any time desire to do so.

4. Certificates of character not to be entered.—Personal certificates of character should not be entered in a service book.

5. Kind of punishment.—When the probation of a Government servant is terminated or when a Government servant is reduced to a lower post, dismissed or removed from service or suspended from employment, the reason for the termination of the probation, reduction, dismissal, removal or suspension, as the case may be, should always be briefly stated thus; “Probation terminated on the ground of unfitness”, “Reduced for inefficiency”, etc. The head of the office should make efficient arrangements for these entires being made with regularity. The duty should not be left to the Group C and D Government servant concerned.

Copies of all orders regarding reduction, dismissal or suspension should be filed with the service book.

6. The maintenance of service books.—In the service book, every step in a Government servant’s official life, including temporary and officiating promotions of all kinds, the date on which the period of probation is satisfactorily completed, increments and transfers and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave statements and attested by the head of the office. If the head of the office has a gazetted assistant, he may delegate the duty of attesting the entires to such an assistant. If the Government servant is himself the head of the office, the attestation should be made by his immediate superior. Any special test examination passed by the Government servant should be entered in the service book, together with a reference to the number and date of the notification directing the publication of the names of the successful candidates in that test, and the part and date of the Tamil Nadu Government Gazette, in which the notification was published. Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The head of the office should also invariably give necessary particulars with reference to the proviso to Article 368, Civil Service Regulations and the note there under whether the temporary or officiating service was continuous followed by confirmation in a pension able post without interruption with a view to enable the Audit Officer to decide later on by reference merely to such particulars whether the temporary or officiating service shall count as qualifying service under the said Article. In the case of members of the Tamil Nadu Ministerial Service, the date of birth should be verified with reference to the date given in the lists of eligible candidates published by the Tamil Nadu Public Service Commission in the Tamil Nadu Government Gazette or the district Gazette, as the case may be. In other cases, the date of birth should be verified with reference to the entries in the applications for appointment as accepted by the Tamil Nadu Public Service Commission and transmitted to the appointing authorities. In the case of a Government Servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth.

Note 1.—The date of birth entered in the service book of a superior Government servant or in the service roll of a Basic Government Servant may be altered with reference to Rule 49 of the General rules for the Tamil Nadu State and Subordinate Services or the corresponding rule of the Special Rules for which the General Rules do not apply or with reference to rule 28 of the Special Rules for the Tamil Nadu Basic Service, as the case may be.

Note 2.—Managers of District Police Offices may attest entries in service books and service rolls on behalf of Superintendents of Police.

Note 3.—In the Tamil Nadu State Transport Department.—(a) The Superintendent in charge of the pay bill section may attest entries in the service rolls and leave rolls of the workers in the traffic branch and the Superintendent in charge of punishment rolls section may attest entries in conduct rolls of those workers.

(b) the Superintendent, Office of the Mechanical Engineer may attest entries in the service rolls, leave rolls and conduct rolls of the technical workers in the Transport House Depot; and

(c) the Superintendent, Office of the Works Manager, Government Transport, Central Workshop, Chromepet, may attest entries in the service rolls, leave rolls and conduct rolls of the technical workers of the Government Transport Central Workshop, Chrompet.

Note 4.—The Superintendent (Administrative Branch), office of the District Transportation Superintendent, Kanyakumari Branch, Nagercoil may attest entries in the service rolls, conduct rolls and leave rolls of the traffic and technical workers.

Note 5.—Whenever a certificate under Fundamental Rule 26 (bb) is issued by the appointing authority or the leave sanctioning authority, as the case may be, a very concise entry such as “Certificate under Fundamental Rule 26(bb) issued for the period fromto.....” should also be recorded after the entry regarding leave in the service book, in the case of Group C and D Government servants.

Note 6.—The Superintendent, Office of the District Fire Officer, Madras City, may verify and attest entries in the Service Books/Rolls of Fireman and equivalent ranks in Madras City Division, on behalf of the District Fire Officer, Madras City.

Note 7.—The Assistant Treasury Officers of the Huzur Treasuries may verify and attest the entries in the service registers of all Group C and D staff in the Huzur Treasuries. The entries in the Service Registers of Assistant Treasury Officers and Sub-Treasury Officers will however, be attested by the Treasury Officers.

Note 8.—Applications for rectification of incorrect entries relating to community in service records shall be made to the immediate superior officer enclosing records in support of the request. The immediate superior officer shall forward the application and the connected records to the Head of the Department concerned through the proper Channel. The Head of the Department shall refer the application to the Collector of the district concerned who shall arrange for a personal inquiry into the facts of the case by an officer of Revenue Department not below the rank of a Deputy Collector. On receipt of the records of the inquiry, the Head of the Department shall pass such orders as he deems fit having regard to the merits of each case. His decision thereon shall be final. Alteration relating to community in the service records shall invariably refer to the proceedings of the Head of the Department in which the alteration was ordered and attested by a Group A and B Officer or the Head of the Office concerned.

(G.O. Ms. No. 885, Finance, dated 6th August 1966).

Note 9.—The native place of Government Servants shall be entered in the service book with reference to the place of birth or place of domicile in Tamil Nadu certified by the Government servant concerned at the time of his entry into Government service. Such entry shall not be altered later by the Government Servant.”

[G.O. Ms. No. 174, Personnel and Administrative Reforms (F.R.III), dated 19th February 1985.—with effect from 25th September 1984.]

7. Transfer to another office.—When a Group C and D Government servant is transferred, whether permanently or temporarily from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred, and the book, after being duly verified to date and attested by the head of that office, should be transmitted to the head of the office to which the Government Servant has been transferred, who will thence forward the book maintained in his office. If he should find any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the book is taken over by him. The service book should not be made over to the Group C and D Government servant who has been transferred.

8. Transfer to foreign service.—If a Group C and D Government servant is transferred to foreign service, the head of the office or department should send his service book to the Audit Officer who will return it after noting therein, under his signature, the orders sanctioning the transfer and other necessary particulars in connection with the transfer. On the Government servant’s proceeding on leave from foreign service or on his re-transfer to service under Government his service books should again be sent to the Audit Officer for recording all necessary particulars connected with the leave or re-transfer to service under Government including the fact of recovery of leave and pension contributions.

8-A. In the case of ex-military men re-employed in the civil department, who refund the gratuity under Article 356/357-C Civil Service Regulations, the service books should, after the gratuity has been refunded in full, be sent to the Audit Office for recording therein the necessary particulars connected with the refund of the gratuity.

9. Transfer to a Group A and B post on scales of pay the maximum of which is over Rs.1,000.—When a Government servant is appointed to officiate in a Group A and B post, the maximum of which is over Rs.1,000 his Service Book together with the leave account duly completed should be forwarded to the Audit Officer within one month from the date of his promotion to facilitate the opening of the leave account. The service book of the officiating Group A and B Officer which will be returned by the Audit Officer should continue to be kept by the immediate controlling officer. When he is confirmed in a Group A and B post, the Service book should be forwarded to the Audit Officer who maintains the record of his service under Rule 1.

[G.O. Ms. No. 215, Finance (F.R.I), dated 7th March 1975.]

10. Service rolls for the police and basic servants.—In the case of members of the police force of rank not higher than head constables, there shall be kept up for each district by the Superintendent of Police a service roll in English in which shall be recorded the date of the enrolment of each person in the constabulary, his caste, tribe, village, age, height and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; and every other incident in his service which may involve forfeiture of portions of his service or affect the amount of his pension. The roll should be checked by the vernacular roll and order book and the punishment register and every entry in it should be signed by the manager of the District Police Office.

From this roll, the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

If the date of birth of any person on enrolment in the constabulary cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness for recruitment to the service should be entered in the service roll.

*Note.—*The Superintendent in charge of pay bills section in the office of the Director, Tamil Nadu State Transport, Madras, may attest entries in the service rolls of the workers in the Traffic Branch on behalf of the Director, Tamil Nadu State Transport.

11. Similar service rolls should be maintained for basic servants of all sorts.

Where the date of birth of a basic Government servant cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness to the Government servant should be entered in the service roll.

11-A. Service rolls for police constable, head constables, leading firemen, firemen and other equivalent ranks in the Fire Service Branch and the Service books in the case of basic Government servants shall be opened at the expense of Government.

12. Annual verification.—The service books and rolls in each office should be taken up for verification in January of every year by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in his service book or roll in conformity with the above instructions, should record therein a certificate in the following words over his signature:—"Services verified up to (date) from (pay bills, acquittance rolls and similar records to be specified by reference to which the verification was made)". The head of the office in recording the annual certificate of verification should in the case of any portion of service that cannot be verified from office records, distinctly state that, for the excepted periods (naming them), a statement in writing by the Government servant as well as a record of the evidence of his contemporary employees is attached to the book or roll. Heads of offices may delegate the duties imposed upon them to their Gazetted assistants if any. They should, however, inspect at least 10 per cent of the service books and rolls and initial them in token of having done so, unless the Government specially fix a lower percentage in any case.

Heads of offices should furnish a certificate regarding the completion of the annual verification of services in respect of all Government servants working under them and those on foreign service to the next superior officer by the end of April every year covering the

preceding calendar year. It shall also be the duty of every head of office to initiate action to show the service books to the Government servants under his administrative control every year and to obtain their signature therein the token of their having verified their service books. A certificate to the effect that he has done so in respect of the preceding calendar year, should be submitted by him to his next superior officer by the end of every July. In the case of a Government servant on foreign service, his signature shall be obtained after the Audit Office has made necessary entries connected with his foreign service.

[G.O. Ms. No. 792, Finance (F.R.I.), dated 3rd June 1974.]

Note 1.—The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

Note 2.—When a Government servant is transferred from one office to another, the head of the office under whom he was originally employed shall record in the service book or roll, under his signature, the result of the verification of service referred to above with reference to pay bills and acquittance rolls in respect of the period for which the Government servant was paid in that office and the verification of service for the remaining period shall be done in the office to which the Government servant is transferred.

13. Periodical inspection.—It is the duty of officers inspecting subordinate offices to inspect the service books maintained there. They should see that they are maintained up to date, that entries are properly made and attested, that verification has been properly carried out and the necessary statement and evidence secured and verification certificates have been properly recorded by the heads of the offices.

14. Deleted.

15. When a Government servant's service is terminated by dismissal his service book should be retained for a period of five years or until the Government servant's decease, whichever is earlier, after which it will be destroyed. A similar procedure should be followed in the case of a Government servant whose probation is terminated. The head of the office in which he was last employed should retain the service book in such cases.

16. When a Government servant's service is terminated by resignation or discharge without fault and no pension is given to him, his service books should be retained for a period of five years from the date of his resignation or discharge. In the event of his death within the period of five years, the service book should be retained for a period of six months only from the date of his death.

17. The service book of a Government servant who has been dismissed and who is afterwards reinstated should, on requisition, be returned to the head of the office in which he is re-employed.

A similar course should be adopted when a Government servant has been discharged without fault or resigns and a subsequently re-employed.

RULINGS.

1. In the case of officers directly recruited to posts in services other than the subordinate services, the date on which the period of probation is satisfactorily completed should be noted in the History of Services.

The dates will be communicated by Government.

(G.O. No. 82, Finance, dated 9th February 1933.)

Verification of entries made in service books.

2. The verification of entries made by a clerk in service books may be entrusted to his immediate departmental superior if the head of the office sees fit, but the responsibility as to their accuracy will rest with the latter officer who has to attest them.

[Paragraph under C.S.R. 821 Note (1) in the Tamil Nadu Supplement.]

PART IV-FORMS.

F.R. FORM No.9-A (ORDINARY LEAVE RULES)

(See Rule 1 of Part I of Annexure II.)

Leave account of _____ Date of attaining the age of 55/60 years.
 Date of commencement of service _____ Date of coming under Civil Leave Rules.
 Date of contract, if any. _____

Duty			Leave earned			Leave at Credit	
1	2	3	4	5	6	7	8
Government served under	From : to	y.m.d	1/11 th the of duty [Rule 81(b)].	Balance of 2/11 th of duty	1/11 th of duty [cols.(16) + (4)].	Balance of 2/11 th of duty [cols.(17)+(5)].	Total [cols.(6) + (7)]
y.m.d	y.m.d	y.m.d	y.m.d	y.m.d	y.m.d	y.m.d	y.m.d

Leave account of _____ Date of attaining the age of 55/60 years
 Date of commencement of service _____ Date of coming under Civil Leave Rules
 Date of contract, if any. _____

Leave taken

On average pay _____ On half or quarter average pay _____

On average pay		Leave Taken		On half or quarter average pay		
(9)	(10)	(11)	(12)	(13)	(14)	(15)
Dates From	To ymd	Against entry in col. (6)-(10)]	Dates ymd	Actual period ymd	Actual period converted into period in terms of leave on average pay. ymd	To tal [cols.(10 + (11) + (14)] ymd
		Against limit of one year for leave on medical certificate and leave spent elsewhere than in India, Pakistan, Ceylon, Nepal or Burma , [Proviso to Rule 81 (b)]				

Balance (on return from leave)

Of leave equivalent to 1/11 th of duty Rule 81 (b) [cols. (10)].	Of leave equivalent to balance of 2/11 th of duty [col. (7)-cols. (11) + (14).]	Total [cols. (8)-(15)].	Remarks
(16)	(17)	(18)	(19)
y.m.d.	y.m.d.	y.m.d.	

Instructions for filling up F.R. Form No. 9-A.

1. The account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column (13) should be divided by two and posted in column (14).

2. The sum total of the entries in columns (6) and (7) and in columns (11) and (14) should be entered in columns (8) and (15) respectively. The difference between the entries in columns (8) and (15) should be entered in column (18) and the entry in column (4) or (6) should be repeated in column (16) while the entry in column (5) or (7) minus the sum total of the entries in columns (11) and (14) should be shown in column (17).

3. When a Government servant applies for leave, columns (1) to (8) should be filled up. Columns (1), (2) and (3) should show the government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns (4) and (5) should each show 1/11th of this period [but see Note (2) below] the sum total of the two entries representing period of leave (i.e., 2/11th of duty) earned under rule 77. To the new entry in column (4) should be added the last entry in column (16) and the resultant figure should be posted in column (6); similarly to the new entry in column (5) should be added the last entry in column (17) and the resultant figure should be posted in column (7). The total of the entries in columns (6) and (7) will be shown in column (8).

Note.—(1) If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments the period of duty and the leave earned under each Government should be shown in separate lines in columns (1) to (5) and the sum total of the new entries in column (4) and the last entry in column (16) should be posted in column (6) and of those in column (5) and the last entry in column (17) in column (7), the total of the entries in columns (6) and (7) being shown in column (8).

(2) The sum total of the entries in column (5) should not exceed 2½ years [rule 81 (a)] and no entry should be made in this column when this limit of 2½ years is reached.

When columns (1) to (8) have been posted, column (8) will show the *maximum* amount of leave which may be granted *in terms of leave on average pay* [but see rule 81 (d)] to a Government servant on the date on which he intends to go on leave. The *maximum* amount of leave on *average pay* which may be granted on that date with medical certificate or out of India, Pakistan, Ceylon, Nepal, Burma will be the sum total of the last entry in column (6) and the unspent balance of "one year" limited to eight months at a time, provided this sum total is covered by the period entered in column (8); in the case of leave in India, Pakistan, Ceylon, Nepal, Burma without medical certificate the maximum will be the last entry in column (6), limited to four months at a time.

4. When a Government servant returns from leave, columns (9) to (18) should be filled up. The period of leave taken on average pay should be entered in columns (9), (10) and (11), that

taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column (11) till the limit of one year is reached and thereafter in column (10). The actual periods of leave on half or quarter average pay and overstay of leave (*vide* Fundamental Rule 73) should be entered in column (13) and one-half of it in column (14).

Note.—(1) Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column (6) before the deletion of “*plus one year*” from rule 81 (b) should be entered in column (11).

(2) If leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column (17). If this debit shown in column (17) exceeds the credit, if any, shown in column (16) the net debit in column (18) will be recorded in red ink. The entry in column (18) is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column (16) remains unaffected by any debit entries in columns (17) and (18) but cannot be utilized until, under the operation of Fundamental Rules 77 and 81 (e) leave again becomes due under Fundamental Rule 80 and then only to the extent of leave due.

5. The total period of leave in terms of leave on average pay taken in a Government servant’s whole service as entered in column (15) should not exceed the sum total of all periods of leave entered in column (4) plus 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

RULING.

Where leave of the same nature constituting a continuous spell is sanctioned in different periods, it should be treated as one spell for the purpose of Instruction (4) and the leave account debited accordingly.

(Finance Memo. No. 27800 F.R. 57-2, dated 25th April 1957.)

F.R. Form No.10.

(See rule 2 of Part III of Annexure II.)

Service Book.

The opening page of the Service Book should contain the following entries:—

- (1) Name.
- (2) Schedule Caste (S.C.) or Scheduled Tribes (S.T.) or Most Backward Class (M.B.C.) or Other Backward Class (O.B.C.) or Convert to Christianity from the Scheduled Castes—
 - (a) Who is himself a convert [C.S.C.(1)].
 - (b) Who is *not* himself a convert [C.S.C.(2)].
- (3) Native district.
- (4) Residence.
- (5) Father’s name and residence.
- (6) Date of birth by the Christian era as nearly as can be ascertained.
- (7) Place of birth.
- (8) Exact height by measurement.
- (9) Educational and other qualifications.
- (10) Departmental tests of special tests, if any, passed with reference to number and date of the gazette notification.

- (11) Mother-tongue.
- (12) Personal marks of identification.
- (13) Signature of Government servant.
- (14) Signature and designation of head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (13) and (14) should be dated.

The remaining folios of the Service Book should be divided into fifteen columns, viz.:—

- (1) Name of appointment.
- (2) Whether substantive or officiating and whether permanent or temporary.
- (3) If officiating, state—
 - (i) substantive appointment, or
 - (ii) whether the officiating service prior to confirmation was continuous and if so, it counts for pension under Article 368. Civil Service Regulations.
- (4) Pay and scale of pay in the substantive appointment.
- (5) Additional pay for officiating (the scale of pay of officiating post to be indicated).
- (6) Other emoluments falling under the term "Pay".
- (7) Date of appointment.
- (8) Signature of Government servant.
- (9) Signature and designation of the head of the office or other attesting officer in attestation of columns (1) to (8).
- (10) Date of termination of appointment.

- (11) Reason of termination (such as promotion, transfer, dismissal, etc.)
- (12) Signature of the head of office or other attesting officer.
- (13) —

Nature and duration of leave taken.

Allocation of periods of leave on average pay up to four months for which leave-salary is debitable to another Government.

Period.

Government to which debitable.

- (14) Signature of the head of the office or other attesting officer.
- (15) Reference to any recorded punishment or reward of the Government servant.

ANNEXURE III.

The Tamil Nadu Leave Rules, 1933.

SECTION I—PRELIMINARY AND GENERAL.

1. These rules may be called the Tamil Nadu Leave Rules, 1933.
2. They shall apply to the holders of all posts under the rule making control of Government, whether for the time being in foreign service or not—
 - (a) who, before the 4th September 1933, were neither the holders of posts under such control in a substantive, officiating or temporary capacity nor probationers for such posts; or