

## Un Earned Leave – Clarifications

**Copy of GovtLr.No.64435/FRV/94-5, dated 27.3.95 from Thlru M.B. Pranesh, I.A.S., Secretary to Government, Personnel and Administrative Reforms (FR.V) Department, Fort St. George, Madras-9 addressed to AH Heads of Department.**

Sub: Fundamental Rules - Prefixing and / or suffixing Of holidays to Earned Leave  
- Clarifications Issued - Further clarifications

Ref. : 1. Lr.Ms.No.125, P & A.R.(F.R.III-2) Dept. dated 30.5,1994

2. From the Accountant General (A&E)/TM/I/1 -3/MLE/94-95, dated 16.8.1994.

I am directed to state that in the reference first cited, it has been clarified that holidays as defined under Explanation 2(a) and (b) under FR.68(3) may be prefixed and/or suffixed to Earned Leave only. The position prevailing in Government of India is that prefixing and suffixing of Government Holidays is allowed automatically to leave granted, other than on Medical Certificates.

2. The matter was examined in detail and it has been decided to fall in line with the position prevailing with the Government of India, as suggested by the Accountant-General in his reference 2nd cited. Therefore, the following further clarifications are issued:

1. Prefixing and suffixing of holidays to leave, other than leave on Medical Certificate, shall be allowed automatically, except in cases where for administrative reasons, such permission is specifically withheld and where no substitute is "posted in the leave vacancy.

2. In the case of U.R.L. on M.C. the leave starts from the day on which the Certificate is issued by the Medical Officer and ends on the day on which the Fitness Certificate is issued by the Medical Officer.

3. If the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his Medical Leave, and such days shall not be counted as leave.

Yours faithfully

For Secretary to Government.

**GOVERNMENT OF TAMILNADU**

P.&A,R.(FR.III) Department Letter No.16213A/FRIII/87-10 dt 26-2-1988

***Sub: Leave-Un-earned Leave on Medical Certificate - Reference to Medical Board-Further instruction issued,***

As per Rule 9(a)(i)(c) under Fundamental Rule 74, the recommendation of Medical Board shall be compulsorily obtained where a Government servant applied for Un-earned 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, before sanction of the leave,

2. The intention of the above rule is to prevent misuse of Medical Leave by the Government servants just to evade transfer by applying for Un-earned Leave on medical Certificate. It has come to notice that there are cases where Un-earned leave on Medical Certificate knowing the transfer but earlier than the date of receipt of the order of transfer and thereby getting the Un-earned Leave on Medical Certificate. In such case, the purpose for which the rule was introduced is defeated. A question arises 'Whether the Government Servant applying for Un earned Leave on Medical Certificate on transfer need be referred to the Medical Board Certificate even in the cases where the posting Order is dated earlier to the commencement of the Unearned leave on Medical Certificate, but issued belatedly to the Government servants after the date of application of Un-earned Leave on Medical Certificate.

3. After careful examination of the above points the Government direct that Where a Government Servants applied for Un-earned Leave on Medical/Certificate on or after the date of issue of the order, transferring him to another post place etc. irrespective of the period of leave applied for the recommendation of the Medical Committee shall be compulsory obtained ( To be more specific, in all cases where Un-earned Leave on Medical Certificate is applied for on receipt of the posting order by the individual transferring him to another post/place, the recommendation of the Medical Board shall be obtained). Failure to refer, such cases to Medical Board within the stipulated time after receipt of application for Un-earned Leave on Medical Certificate will entail disciplinary action against those responsible in office, as already indicated in letter No.65114/82-6 dt.5-4-83.

Yours Faithfully,-

Sd. xxxxxxxxxxxx  
For Deputy Secretary to Government.

**GOVERNMENT OF TAMILNADU**

**Personal and Administrative Reforms (FR .11) Department Memo.No 1642/78-2, dated 22nd march 1978.**

***Sub: Leave-Granting of Un-earned Leave on Medical Certificate avoiding of  
Misuse - Further instructions - Issued.***

Ref: (1) G.O.Ms.No.'460, Finance (FR.II). dt.21.4.1976.

(2) From the Director of Medical Education No. 132280 MEI (3)/77, December 1977.

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In. G.O.Ms.No. 460, Finance (FR.II)dated 21st April 1976,-orders have been issued stipulating a reference to the Medical Committee in certain cases, as to avoid misuse of availing un -earned leave on medical certificate. In cases, when the unearned leave on medical certificate exceeds 2 months the recommendati6n of the Medical Committee is necessary for the sanction of un-earned leave on medical certificate.

2. The Director of Medical Education in this connection has stated that the Medical Committee can recommend the leave for the further period only. If the leave in question has already expired and the individual is referred to the Medical committee on a latter date, the committee can only certify the physical fitness of the individual and it cannot recommend the leave already availed, and hence he has requested that necessary instructions may be issued to all Heads, of Departments stating that the Medical Committee can give their opinion only with regard to the fitness or Otherwise of the candidate as on the date of medical examination and recommend further period of leave in cases where they feel it necessary at the time of the candidate appears before the Medical Committee immediately after, the Government. Servants apply for Un-earned Leave on Medical Certificate exceeding two months as required in G.O cited,

3. The Government after careful consideration of the point made by the Director of Medical Education agree with him and direct that the Head of Departments shall refer all the cases, which are required to be referred to the Medical Committee with reference to the G.O. cited, immediately after the receipt of such applications for Un-earned Leave On Medical Certificate before the expiry of the leave applied for. In cases, where the individual could not be on medical certificate need not he granted to him but the absence may be regulated by sanctioning other categories of leave to which, the individual may be eligible.

(True Copy)

(Please also refer Govt. Memo.No.60429/78-6 P&AR (FRII) dt. 26-4-1979)