Note 1.—The words 'duties' and 'responsibilities' used in this rule are to be interpreted in a wide sense as including besides the works to be performed the general responsibilities and liabilities incidental to being member of a particular service. See also note 7 below rule 4.4.

Note 2.—Higher officiating pay is not permissible to old incumbents in cases where different posts on different scales of pay have been merged into a single time-scale for entrants into Government service after 31st December, 1930.

Note 3.—With reference to the 2nd proviso in clause (1) of this rule it has been decided not to issue a list of the posts of the kind referred to therein, but to deal, on its merits, with each case as it arises. In each case so dealt with, adequate safeguards should be laid down so as to prevent the tenure of posts outside the ordinary line of a service by unduly senior Government employees which might cause undue expense and be in other ways contrary to public interest and also to prevent Government employees from receiving the rate of pay awarded to selection posts which they would have been regarded as unwise to hold if present in the ordinary line. This point should be carefully kept in view by the authority recommending a case for the declaration by the competent authority.

Note 4.—(i) Punjab Government have sanctioned the adoption of the following guiding principles for purpose of clarifying the position and for the working of the convention usually known as the "next below rule":

(1) A Government employee out of his regular line should not suffer by forfeiting officiating promotion which he would otherwise have received, had he remained in the regular line.

(2) The fortuitous officiating promotion of some one junior to a Government employee who is out of the regular line does not in itself give rise to a claim under the next below rule.

(3) Before such a claim is established, it should be necessary that all the Government employees senior to the Government employee who is out of the regular line have been given officiating promotion.

(4) It is also necessary that the Government employee next below him should have been given promotion, unless in any case the officiating promotion is not given because of inefficiency, unsuitability or leave.

(5) In the event of one or more of the three bars mentioned above being applicable to the Government employee immediately below the Government employee outside his regular line, a more junior Government employee should have been given officiating promotion and the Government employees, if any, in between should have been passed over for one of these reasons.

(ii) The holders of special (interim) posts such as Secretaryship to a Governor or a State Government should be ready to accept loss of officiating promotion in a higher scale or grade to higher posts in the ordinary line for short periods, not exceeding three months, in consequence of their incumbency of special posts, and that when the same is reached at which their retention involves loss of substantive or lengthy officiating promotions the proper course would be to make arrangements to enable them to be released from the special posts rather than to compensate them for the loss of officiating promotion under the next below rule.

(iii) In cases where an officer is deprived of officiating promotion to a higher paid post owing to it being impracticable for the time being to release him from the special post outside the ordinary line, no compensation shall be granted in respect of the first three months of his retention in the lower paid post unless the conditions of the next below rule are satisfied.

(iv) In cases where the period for which officiating promotion is lost exceeds three months the officer concerned may be granted the pay of the higher paid post for the excess period but arrangements should be made wherever possible to avoid depriving officers of lengthy period of officiating promotions.

(v) Save in exceptional circumstances no officer to whom the next below rule would apply should be retained in a lower paid post for more than six months beyond the date on which he becomes entitled to officiate continuously in a higher post.

*Substituted vide Haryana Govt. Notification No. 6/1/(4)/78/FRI dated the 22nd August 1978.
(vi) The expression "posts outside the ordinary line of a service" in the second proviso to rule also includes, besides ex-cadre posts, special posts outside the ordinary line, which are borne on the cadre of a service. Holders of such posts can be given the benefit of a declaration under that rule provided that the condition's precedent to the application of the next below rule are fulfilled in their case.

(vii) Cases of these holders of posts in the ordinary line, who may suffer loss of officiating promotion owing to it being impracticable to release them from their posts can also be dealt with under the second proviso to rule 4.13 if the conditions precedent to the application of the next below rule are satisfied in any case.

(viii) In the case of officers, who in the public interest have to be deprived of officiating promotions whether they are serving outside the ordinary line or in the ordinary line and in which case the conditions laid down in the next below rule are not satisfied, the instructions contained in clauses (iii) and (iv) above will apply.

Orders of the Punjab Government.

In some instances claims have been supported for the protection of more than one officer in respect of a single officiating appointment in cases where a consecutive series of two or more officers in a cadre are on deputation to posts outside the regular line, and the officer next below them is promoted to officiate in a higher post in the cadre. In order to eliminate any doubt in the matter it has been decided by Government that one officer and one officer only namely, the most senior fit officer who is not debriefed by the conditions prescribed for the application of the rule should be allowed the benefit under the "next below" rule.

It may happen that the senior most officer serving outside the regular line does not require to be protected under the "next below" rule by his belonging to one or other of the types indicated below:

(i) An officer serving outside the ordinary line holds a post carrying a scale of pay identical with that of an administrative post in the ordinary line, and is eligible for the pay and incremental benefits of the higher post in the ordinary line and also for the benefit of special additional pension by virtue of a declaration under rule 6.15 of Punjab Civil Services Rules, Volume II.

(ii) An officer outside the regular line holds a post (generally temporary) carrying better pay than the "identical" scale and qualifying per se or by special declaration, for special additional pension as for the higher post in the ordinary line.

In such cases, the protection under the "next below" rule in respect of any one vacancy occurring in the regular line may go to the next senior-most fit officer of the series serving outside the cadre who is not independently protected in respect of pay, increment or pension by belonging to one or other of these types.

Note 5.—In the case of ministerial and other establishment in which there are no grades in the sense in which the word was used in the Civil Service Regulations the proviso in clause (1) of this rule is intended to cover, where necessary, all cases of the grant of officiating allowances from one fixed rate of pay to another, without change of duty.

Note 6.——(i) It is not intended that the phrase "outside the ordinary line of service" in the second proviso to clause (1) of this rule should be rigidly interpreted either as "outside the cadre of a service" or as "outside the ordinary time-scale". The form of words adopted in this rule gives discretion to the competent authority in regard to a case where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(ii) The specification of a post under this proviso will enable a Government employee, who has been holding the specified post, to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

Note 7.—The pay of a Government employee officiating in a post the pay of which is subject to increase upon the passing of an examination or on the completion of a certain period of service is the pay which he would, from time to time, receive if he held the post substantively.
Note 8.—The pay of a Government employee officiating in a post of pay which has been reduced from the next succession therefor is the reduced pay.

Note 9.—It is not the intention behind rule 4.14 under which the title to presumptive pay is always subject to the provisions of this rule that the presumptive pay of the post as determined by rule 4.4 (a) (ii) be allowed as a matter of course. According to rule 4.13, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance, it is not permissible for the Government employee to draw pay higher than his substantive pay (if any) in respect of a permanent post. In other words, while the Punjab Civil Services Rules are not prohibitive in respect of officiating promotions in such circumstances they, undoubtedly restrict the officiating pay to the substantive pay, from time to time of the Government employee concerned.

The case of a Government employee without a permanent post and, therefore, having no substantive pay in respect of such a post is, however, different. Rule 4.13 being inapplicable in such cases, he is entitled to have his pay regulated exclusively under rule 4.14 read with rule 4.4 (b) but to check any extravagance in officiating pay in such cases, it is always open to the competent authority to take resort to the provisions of rule 4.16.

Note 10.—Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in India.

Note 11.—A declaration by Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government employee appointed to the post from another post in the same cadre.

*Note 12.—Nominally no pay higher than the substantive pay is admissible on an officiating appointment to a selection grade post which does not involve assumption of duties or responsibilities of greater importance except where such a post has been included in the schedule to rule 4.13 of Punjab Civil Services Rules Volume I, Part I. It has now been decided in relaxation of the provisions of rule 4.13 ibid, that:

(i) officiating appointments to the Selection Grade may be permitted in such cases;

(ii) The pay of the employee in the Selection grade may be fixed at the stage next above his pay at the relevant stage of the time scale and the date of next increment would be on the completion of the normal period. The provision of sub-rule (2) of rule 4.14 shall also be applicable in such cases.

(iii) the benefit of the “next below rule” may be extended in such cases, subject to all the conditions of that rule being satisfied.

SCHEDULE

1. District and Session Judges, Selection Grade.

4.14. (1) Subject to the provisions of Rules 4.13 and 4.16 a Government employee who is appointed to officiate in a post shall draw the presumptive pay of that post.

(2) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government employee shall be re-fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage.

Note 1.—See also notes 7 and 8 below rule 4.13.

Note 2.—In the case of a Government employee whose officiating pay on re-fixation under clause (2) of this rule carries his pay above the efficiency bar stage in the time-

*This amendment will take effect from the 9th July, 1964.

**Substituted vide Haryana Govt. Notification No. 6/l(1)/82-JFRI dated 18-10-82 effecting from 1-4-79.
scale of the officiating post, the Government employee concerned should be deemed to have automatically crossed the efficiency bar at the time of redaction of officiating pay and the question of application of efficiency bar shall not arise. In the case of a Government employee officiating in a post and whose pay had been reduced under clause (2) of his rule, if he is confirmed in that post from a retrospective date, the redaction of pay done under clause (2) above after the date of his confirmation will have to be revised and consequently overpayments, if any, should be recovered.

**Note 3.—**In the case of a person proceeding on leave, if the period of leave counts for increment in the officiating post under rule 4.9(6) subject to the fulmination of the conditions and production of the necessary certificates, his officiating pay may be reduced under rule 4.14(2) from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of redaction of pay.

If, however, the period of leave does not count for increment in the officiating post, Government employee loses all connection with that post during that period and he will be entitled to get his officiating pay fixed only from the date he returns from leave in which case the next increment will fall due on the date of resumption of duties unless he becomes entitled to redaction of pay under rule 4.14(2) once again from an earlier date.

**Note 4.—**Where the increment of a Government employee in the post in which he is officiating has been withheld under rule 4.7 without any reference to the increments that will accrue to him in the post held by him substantively, the provisions contained in sub-rule (2) of this Rule shall not apply before the date from which the orders withholding the increment are lifted. However, the Government employee may be allowed during the period of penalty of withholding of increment, his substantive pay from time to time if the same happens to be more than the officiating pay.

These provisions shall also apply in respect of a Government employee whose pay in the post held by him in an officiating capacity has been with held at a particular stage or the efficiency bar stage of the time-scale of that post for failure to pass a departmental examination.

**Note 5.—**The pay of the Government employee who was not actually officiating at the time of enhancement of his substantive pay, but would have officiated under the “next below regular” or “deputation” or “some other post/officiating appointment to a still higher post shall be reduced under clause (2) above notionally in the post in which he would have continued to officiate, but for his deputation to some other post/appointment in an officiating capacity to a still higher post. As and when he Government employee reverts to that post, from deputation/higher post, the actual pay to be given to him on the date of reversion will be arrived at with reference to such notionally pay. Once the national pay in respect of the lower officiating post has been fixed under this note, the pay of the Government employee concerned in the still higher post shall be fixed with reference to his notionally pay of the lower officiating post in accordance with the provisions of rule 4.4(c).

**4.15.** When a Government employee officiates in a post, the pay of which has been fixed at a rate personal to another Government employee, the competent authority may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

**Note 1.—**This rule prescribes the initial rate of pay only. If the pay personally fixed is on a time-scale it is not intended that an officiating incumbent should be debarred from drawing increments in that time-scale according to the ordinary rates.

**Note 2.—**Omitted.
4.16. A competent authority may fix the pay of an officiating Government employee at an amount less than that admissible under these rules.

Note 1.—One class of cases falling under this rule is that in which a Government employee merely holds charge of the current duties and does not perform the full duties of the post.

Note 2.—When a Government employee is appointed to officiate in a post on a timescale of pay but has his pay fixed below the minimum of the time-scale under this rule he must not be treated as having effectually officiated in that post within the meaning of rule 4.4 or having rendered duty in it within the meaning of rule 4.9. Such a Government employee, on confirmation, should have his initial pay fixed under rule 4.4 (b) and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

Note 3.—The power conferred by this rule is not exercisable save by a special order passed in an individual case and on a consideration of the facts of that case. A general order purporting to oust universally the operation of rule 4.14 would be ultra vires of this rule. Although, the practice of passing ostensibly special order on every individual case would not be ultra vires of this rule it would constitute the grossest possible fraud thereon.

4.17. A competent authority may issue general or special orders allowing acting promotions to be made in the place of Government employees who are treated as on duty under rule 2.16(b).

Note.—Acting promotions have been permitted under this rule in place of Government employees who are treated as on duty under item (i) of the Schedule to Chapter II.

PERSONAL PAY

4.18. Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient’s pay may be increased and shall cease as soon as his pay is increased by an amount equal to his personal pay.

4.19. Cancelled

PAY OF TEMPORARY POSTS

4.20. When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

4.21. When a temporary post is created which will probably be filled by a person who is already a Government employee, its pay shall be fixed by the competent authority
with due regard to—

(a) the character and responsibility of the work to be performed; and

(b) the existing pay of Government employees of a status sufficient to warrant their selection for the post.

Note 1.—Under these rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government employee the rules 4.21 and 4.22 will apply.

Note 2.—Omitted.

Note 3.—(1) Temporary posts may be divided into two categories, viz., posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent and isolated posts created for the performance of special tasks unconnected with the ordinary work which a service is called upon to perform. An example of the latter type of post would be a post on a Commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of posts should be considered to be a temporary addition to the cadre of a service wherever may be the individual appointed to the post; while the latter class of temporary posts should be considered as unclassified and isolated ex-cadre posts.

(2) Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service, ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pay. If the posts involve increase in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition. Such special pay may only be allowed with the approval of the competent authority.

(3) For isolated ex-cadre posts, it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a service, it will ordinarily be preferable to create the post in time-scale of the holder's service. The observations contained in paragraph 2 above will apply with equal force to the grant of special pay over and above the ordinary time-scale.

**COMBINATION OF APPOINTMENTS**

*4.22. A competent authority may appoint a Government employee already holding a post in a substantive or officiating capacity to officiate as a temporary measure, in one or more of other independent posts at one time. In such cases, his pay is regulated as follows—

(i) where a Government employee is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed

*Substituted vide Haryana Govt. Notification No. 648-6-FR-75/877 dated the 27th February, 1975.*
the pay admissible to him, if he is appointed to officiate in the higher post unless the competent authority reduces his officiating pay under Rule 4.16; but no additional pay, shall, however, be allowed for performing the duties of a lower post;

[(ii) where a Government employee is formally appointed to hold dual charge of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible regardless of the period of dual charge; provided that if the Government employee is appointed to an additional post, which carries a special pay, he shall be allowed such special pay;

(iii) where a Government employee is formally appointed to hold charge of another post or posts which is not or are not in the same office or which, though in the same office, is not or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post or of the highest post if he holds charge of more than two posts, in addition to ten percent of the presumptive pay of the additional post or posts; provided the additional charge is held for a period exceeding 39 days but not exceeding 3 months;

Provided further that if in any particular case, it is considered necessary that the Government employee should hold charge of another post or posts for a period exceeding 3 months, the concurrence of the competent authority shall be obtained for the payment of additional pay beyond the period of 3 months;

(iv) no additional pay shall be admissible to a Government employee who is appointed to hold current charge of the routine duties of another post or posts regardless of the duration of the additional charge;

(v) if compensatory or sumptuary allowances are attached to one or more of the posts, the
Government employees shall draw such compensatory or sumptuary allowances as the competent authority may fix: Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

4.23. When a Government employee holds charge of the current duties of a post after being relieved of those of his substantive post, he officiates in that post. If it is not considered that he is entitled to the full officiating pay of the post, his pay may be fixed under rule 4:16. This should be done whenever the Government employee is not carrying out the full duties of the post.

Note.—See also note 1 below rule 4.1(2).

*4.24. Deleted

CHAPTER V—Additions to pay

1—Compensatory Allowances

GENERAL

5.1. Subject to the provisions of rules 5.2 to 5.8 and to the conditions that the amount of compensatory allowance is so regulated that it is not on the whole a source of profit to the recipient, a competent authority may grant such an allowance to any Government employee.

Unless in this section it be in any case otherwise expressly provided and subject to the provisions of rule 4.22(v), a compensatory allowance attached to a post will be drawn in full by the Government employee actually performing the duties of that post and will not be drawn in whole or in part by any one else. Save as provided by the rules in this part, a compensatory allowance attached to a post will cease to be drawn by a Government employee when he vacates the post.

Note 1.—Compensatory allowances to the personal staff of the Governor (including the Military Officers, if any), are regulated by the Government of India (Governors' Allowances and Privileges) Order, 1950.

Note 2.—The grant of T.A. (which is also a compensatory allowance,—vide rule 2.13) is regulated by the rules in Volume III of these rules.

5.2. In this section—

(a) 'Leave' means leave taken for a period not exceeding 120 days; other than leave preparatory to retirement. The title to compensatory allowance will remain intact—

(i) when the original leave not exceeding 120 days is not subsequently extended, or if extended, the total does not exceed 120 days, throughout the period;

(ii) when the original or extended leave not exceeding 120 days referred to in sub-clause (i) is subsequently extended and the total period exceeds 120 days, up to the date of expiry of the original or extended leave not exceeding 120 days or the date of sanction to the first subsequent extension which causes the total period of leave to exceed 120 days, whichever is earlier;
(b) 'Temporary Transfer' means a transfer to duty in another station which is expressed to be for a period not exceeding 120 days. For the purpose of this section it includes deputation. Subject to the limit of 120 days, the title to compensatory allowance, if the temporary duty is subsequently extended beyond 120 days in all, will remain intact up to the date of the orders of extension.

**Note 1.**—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of 120 days provided in this rule.

**Note 2.**—When vacation is combined with leave, the entire period of vacation and leave should be taken as one spell of leave for the purpose of clause (a) of this rule.

**Note 3.**—"Leave" as defined in this rule includes "extraordinary leave".

**Compensatory allowances, other than a house-rent allowance or motor car or motor cycle allowance**

5.3. An allowance granted owing to the expensiveness of living, other than a house-rent allowance, may be drawn—

(a) during leave, if—

(i) the authority sanctioning the leave certifies that the Government employee is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or at another station in which he will be entitled to a similar allowance; and

(ii) the Government employee certifies that he or his family or both reside for the period for which the allowance is claimed, at any of the stations mentioned in sub-clause (i) above.

**Note.**—The provisions of this clause do not apply to the case of industrial or other employees whose leave terms are governed by special orders and not by the Revised Leave Rules. In such cases, the compensatory allowance should be granted only during holidays or leave with pay. For this purpose, a weekly holiday, where admissible, will be treated as a holiday with pay except when it forms a part of spell of leave without pay or holiday without pay.

(b) during temporary transfer, if—

(i) the authority sanctioning the transfer certifies that the Government employee is likely on the expiry of the temporary duty to return to the station from which he is transferred.
(ii) the Government employee draws no allowance of the same kind in the post to which he is transferred; and

(iii) the Government employee certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.

Note 1.—To obviate all misunderstanding the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders, in terms of rules 5.3 to 5.9, a certificate regarding the likelihood of the Government employee returning to the post or station as the case may be.

The certificate mentioned above must be embodied in the original order sanctioning the leave or transfer, otherwise, it will not be accepted in audit except in cases where such an order is revised before the Government employee actually hands over the charge to proceed on leave or temporary transfer.

Note 2.—Subject to the fulfilment of the requisite conditions laid down in rules 5.3 to 5.9, an officiating Government employee will draw compensatory allowance during leave if he is expected to return on the expiry of his leave—

(a) either to the same post from which he proceeded on leave or to another post in the same or another station carrying a similar allowance at the same rate as he was drawing immediately before proceeding on leave;

(b) to another post in the same or another station carrying a similar allowance at a reduced or enhanced rate— at the same rate at which he was drawing it immediately before proceeding on leave or at the rates admissible for the post to which he is expected to return whichever is less; and

(c) to another post in the same or another station not carrying similar allowance— no allowance.

These orders will apply uniformly in all cases, irrespective of whether the post to which the allowance is attached is held by the Government employee in a substantive or officiating capacity.

Note 3.—The underlying intention of rule 5.3 is to restrict Government employees' title to compensatory allowance during leave to periods of leave prescribed in rule 5.2 (a) other than leave preparatory to retirement. Authorities empowered to sanction leave should, therefore, scrutinize with special care leave applications from Government employees on the verge of retirement and should in cases where there is an obvious intention to evade the rule by taking leave for four months or less, returning to duty for a few days only and then retiring, refuse to grant leave of any other kind than "leave preparatory to retirement".

Motor Car or Motor-Cycle Allowance.

5.4 A portion not exceeding Rs. 25 of an allowance granted on condition that a motor car or motor cycle is maintained, may be drawn during leave or temporary transfer, if—

(i) the substantive pay of the Government employee during the period of claim does not exceed Rs. 1,500.
(ii) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary duty to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency; and

(iii) the Government employee certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

Note 1.—See note 1 below rule 5.3.
Note 2.—The maximum allowance for a motor cycle is limited to Rs. 10.
Note 3.—The provisions of note 1 below rules 5.3 and 5.6 apply mutatis mutandis to the provisions of proviso (ii) and (iii) to this rule.
Note 4.—The grant of motor car or motor cycle allowance during joining time is governed by rule 2.13 of the Punjab Travelling Allowance Rules.

House-rent Allowance.

5.5. A house-rent allowance may be drawn by a Government employee during leave or transfer in the circumstances specified in clauses (a) (i) or (b) (i) and (ii) of rule 5.3: Provided that he certifies that his previous rate of expenditure for a house continues during his absence and that he places his house, free of rent, at the disposal of the Government employee if any, who officiates in his post. The officiating Government employee cannot, in such case, draw the house-rent allowance attached to the post. If, however, the officiating Government employee for a reason which a competent authority considers to be sufficient, refuses the accommodation placed at his disposal, he and not the absent Government employee, will draw the allowance.

Note 1.—See note 1 below rule 5.3.
Note 2.—A Government employee who, on transfer, has been permitted to retain Government accommodation at the old station will be eligible for house-rent allowance, in respect of the new station, if otherwise admissible, without regard to the fact whether he has been permitted to retain the Government accommodation at old station on payment of normal rent or penal rent.

Conveyance Allowance

5.6. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave, if—

(i) the authority sanctioning the leave certifies that the Government employee is likely, on the expiry of the
leave, to return to the post from which he proceeds on leave, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and

(ii) the Government employee certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted.

For periods of temporary duty, it can only be drawn with the sanction of competent authority.

Note 1.—See note 1 below rule 5.3.

Note 2.—No allowance shall be drawn by Head Constables and Constables of the Mounted Police sick on leave except to meet expenditure actually incurred on the feeding, shoeing and maintenance of the animals and for chanda subscriptions for the period of absence of men concerned.

Note 3.—Mounted Police Officers who temporarily cease to be members of the Chanda Fund owing to their transfer to a post where they are not required to maintain a horse and whose substitutes in the posts from which they are transferred are not members of the said Fund will cease to draw horse, pony or camel allowance, as the case may be, and will hand over their mounts to the Line Officer or the Officer-in-charge of the Mounted Police who shall be responsible for the feeding and keeping of such animals under the supervision of a gazetted Government employee. A Mounted Police Officer temporarily ceasing to be a member of the Chanda Fund will not be given the conveyance allowance admissible when a mount is maintained, but may draw any other conveyance allowance to which he may otherwise be entitled under any rules for the time being in force as a non-Mounted Police Officer. The term "Mounted Police Officer" includes members of the Mounted Police as well as Upper Subordinates who keep mounts.

Note 4.—Mounted Police Officers proceeding on leave or undergoing promotion courses at the Police Training College, Medibhan and sub-Inspectors when posted to the mobile patrols who are in possession of horses, or camels, shall hand over these mounts to the Line Officer or the Officer-in-charge of Mounted Police who should be responsible for the feeding and keeping of such animals under the supervision of a gazetted officer. No conveyance allowance shall be drawn for them for the period of their absence on leave or training at the Police Training College, Medibhan, or in the case of Sub-Inspectors when posted to the Mobile Patrol except to meet expenditure actually incurred on feeding, shoeing and maintenance of animals. The account shall be kept in form 7.24(3) of the Police Rules. Such horses and camels shall be looked after and may be used for instruction or duty by mounted Upper Subordinates under orders of the gazetted officers in supervisory charge.

In such cases, responsibility under Police Rule 7.12(b) for loss or injury by misconduct or neglect shall rest with the officer so ordered to look after or use the animal; provided that no policeman shall be held responsible for more than one animal at a time. Where, however, adequate accommodation for horses and the yokes is not available in the Police Lines, the Superintendent of Police may authorise such officers to make their own arrangements for the care and maintenance of animals and draw the prescribed conveyance allowance admissible to each of them. Assistant Sub-Inspectors are not Mounted Police Officers.—Ride Police rule 7.2 and are exempted from the operation of the rule.

Note 5.—When a conveyance or horse allowance of a Government employee has been reduced during leave by the competent authority under this rule and the Government employee is transferred immediately on the expiry of leave to another post carrying a similar allowance, then during joining time the allowance shall be granted at the rate at which it was drawn during leave.
5.7. A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

Other Compensatory Allowances

5.8. A compensatory allowance other than an allowance for the regulation of which provision is made in any of the rules 5.3 to 5.7 may be drawn during leave or temporary transfer if

(a) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and

(b) the Government employee certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

Note 1.—See note 1 below rule 5.3.

Note 2.—With reference to clause (b) of this rule, a Government employee, who desires to avail himself of the benefit of the rule, should submit his claim with a statement of the relevant expenses to the authority sanctioning the leave or transfer. That authority should then decide having regard to the provisions of rules 5.1 and 5.2, how much of the allowance should be drawn and communicate his decision to the Accountant-General, with a copy of the statement of expenses referred to above. The copy of the statement of expenses may be sent to the Accountant-General, in a confidential cover, if this is considered desirable. It will then be open to the Accountant-General, either to accept the decisions or to challenge such of them as reveal any manifest breach of the canons of financial propriety.—vide P.F.R. 2.10.

In regard to the drawal of local and other hill compensatory allowances during leave, it will suffice if it is certified by the Government employee concerned that he or his family or both resided at the hill station concerned for the period for which the allowance is claimed.

Note 3.—A Medical Officer in receipt of non-practising allowance during leave under this rule should certify under clause (b) that he did not conduct private practice during the period of such leave.

COMPENSATORY ALLOWANCE DURING JOINING TIME

5.9. A Government employee on joining time under rule 9.1(b), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates.
If the Government employee in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clause (a) and (b) of rule 9.1; provided that if the rates differ in the two posts, he may draw the lower rate only.

5.10. and 5.11 Cancelled.

5.12. Omitted

II.—RENT OF GOVERNMENT RESIDENCES

GENERAL

5.13. The following rules govern the allotment to Government employees for use by them as residences of such buildings owned or leased by Government of such portions thereof as may be made available for the purpose.

Note.—When a Government employee of a government, other than the Haryana Government, occupies by official arrangement a residence provided by the Haryana Government or vice versa, rent shall be recoverable from the Government employee in accordance with the rules in Appendix 4 to the Punjab Financial Rules.

5.14. Nothing contained in these rules shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those Government employees who have been exempted from such payment under the provisions of law or to affect the amount of rent or charges payable by those Government employees in whose case the amount so payable is prescribed by law for the time being in force.

Capital Cost of Buildings and Assessment of rents

(i) Capital Cost of a Residence

5.15. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either—

(a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(b) the present value of the residence.
Provided that, where it is so directed by general or special order, the value of the site and the cost of its preparation shall be included in the capital cost, and the cost of sanitary, water-supply and electric installations may be excluded. If the cost of sanitary, water-supply and electric installations are ordered to be excluded rent for such installations shall be levied at the rates specified under rule 5.23(d).

Note 1.—For cases in which the above proviso will apply, see paragraph 3.27, Punjab Public Works Department Code, 2nd Edition.

Note 2.—The cost of restoration or special repairs shall not be added to capital cost or present value unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

5.16. For the purpose of rule 5.15—

(i) expenditure incurred on works such as—

(a) raising, levelling and dressing sites;

(b) construction of revetments and retaining walls, unless when incurred in connection with the provision of a tennis court;

(c) storm water drains; and

(d) boundary pillars;

shall be considered as expenditure on preparation of a site; and

(ii) expenditure incurred on works such as—

(a) compound walls, fences and gates;

(b) approach roads, culverts and paths within the compound;

shall be included in the capital cost of the residence for the purpose of assessment of standard rent.

5.17. When the present value of a residence and of the site on which it stands is unknown,—vide clause (b) of rule 5.15, the value of the residence and of the site shall be estimated separately by the Divisional Officer, who shall, if the estimated value of either does not exceed Rs. 25,000, submit the estimate to the Superintending Engineer who shall determine the present value. If the Divisional Officer's estimate of either the site or the residence exceeds Rs. 25,000 he shall submit it to the Superintending Engineer, who shall forward it
to the Chief Engineer, who shall determine the value of the residence and of the site. The Divisional Officer's estimate shall, in both cases, be accompanied by a report of the Chief Civil Officer of the district in regard to the value of the land and also the value of the building with reference to the market value of similar building in the vicinity.

5.18. A competent authority may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under rule 5.17 above, and may revise the capital cost of any or all such residences on the basis of such revaluation.

Note.—The intention of this rule is to authorize revaluation of a residence or residences in accordance with rule 5.17 even when the factors specified in clause (a) of rule 5.15 are known.

5.19. The capital cost, however calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant, other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges.

Note.—Full departmental charges should be levied in cases referred to in note (1) below rule 5.15.

5.20. Renewals of a building or of its subsidiary works, such as out houses, roads, drains, culverts, etc., or new construction, such as retaining walls, necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity will be chargeable to the capital cost, but on completion a competent authority will decide what amount should be written off the original capital cost. When a portion of a building required to be dismantled to make room for alterations and additions, the capital value of the dismantled portion should be dealt with under the rules in the Public Works Department Code applying to buildings generally.

5.21. A competent authority may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government employee to whom the resi-
dence is allotted, for the reception of official and non-official visitors visiting him on business; or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided.

Note.—See also rule 5.39.

5.22. In assessing the cost or value of the sanitary, water-supply and electric installations and fittings (vide rule 5.15) the following shall be regarded as comprising the installation and fitting:

**Electric Supply.**

(1) Wiring including the supply line from the main and all connected apparatus such as fuse boxes and switches.

(2) Fixed lamps (bracket and pendant) including shade holders but excluding shades and bulbs.

(3) Walls plugs of table lamps, table fans, and electric and water heaters.

(4) Fan points (excluding ceiling fans and regulators)

(5) Lightning interceptors.

(6) Meters when supplied by Government.

**Sanitary and Water-Supply.**

(1) Pipe, including service pipe from the main;

(2) Apparatus for hot water supply;

(3) Cisterns, taps and other necessary equipment;

(4) Baths, basins and lavatory fittings;

(5) Meters when provided at the cost of Government;

(6) Drains, including the main connection with the sewer; and all connected apparatus such as gulleys, channels, traps and vent pipe for the disposal of house-wastes and sewage.

**Note 1.—** The inclusion of these articles in this rule does not bind Government to provide all or any of them in a residence.

**Note 2.—** When table lamps, table fans or other electrical appliances not included under "Electric Supply" above, have already been supplied, their cost should be included in the capital cost of the residence, but on their becoming unserviceable they should not be replaced, the capital cost of the residence being reduced accordingly.
5.23. The standard rent of a residence shall be calculated as follows:

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor plus an allowance for meeting during the period of lease the probable cost of charges for—

(i) both ordinary and special maintenance and repairs of the residence as may be charged on Government including maintenance and repairs of any additional work done at Government expense;

(ii) capital expenditure on additions and alterations as may be a charge on Government;

(iii) interest on capital expenditure referred to in (ii) above; and

(iv) the rates or taxes in the nature of house or property tax, if any, payable under any law or custom by the owner to a municipality or other local body (but not recoverable from the Government servant to whom the residence is allotted).

The allowances for meeting such capital expenditure on additions and alterations as may be a charge on Government and the Interest and depreciation in connection therewith, shall be as laid down in paragraph 3.22(3) of the Punjab Public Works Department Code (Second Edition).

(b) In the case of residence owned by Government the standard rent shall be calculated on the capital cost of the residence, (including cost of addition & alteration if any), and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by competent authority plus an addition for municipal and other taxes in the nature of house or property tax in respect of the residence payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rule 5.28; or
(ii) Six per cent per annum of such capital cost, whichever is less. The restriction of 6 percent per annum shall not apply in the case of residences the capital cost of which is calculated under the proviso to rule 5.15.

*(bb)* in the case of residence gifted to Government or leased on a nominal rent or on a rent free basis to Government, the standard rent shall be the same as in the case of a residence owned by Government.

(c) In all cases mentioned in clauses (a), (b) and \( \text{bb} \) above standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above subject to the proviso that, in special localities or in respect of special classes of residences, a competent authority may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a competent authority takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 5.48 below bears to one year.

(d) When sanitary, water-supply and electric installations as defined in rule 5.22 are not included in the capital cost of residence, rent shall be assessed on the capital value of such installations at the following percentages:

<table>
<thead>
<tr>
<th></th>
<th>Interest</th>
<th>Maintenance</th>
<th>Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanitary Installations</td>
<td>As per rule 5.26</td>
<td>6½ per cent (ordinary 5 per cent and special 1½ per cent)</td>
<td></td>
</tr>
<tr>
<td>Water-supply installations</td>
<td>Ditto</td>
<td>4 per cent</td>
<td>5 per cent</td>
</tr>
<tr>
<td>Electric installation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) The employees who have retired/ transferred but do not vacate Government accommodation within twenty one days of transfer or retirement shall be required to pay the following rent:

(i) Upto one month after 21st day 20% of the pay

5.23—5.24]  ADDITIONS TO PAY  [Chap. V

(ii) For one month thereafter 30% of the pay.

(iii) After that, till the employee vacates the Government accommodation.

Note 1.—Municipal taxes, which by local rule or custom are levied on the occupant will be payable by the occupant in addition to the rent payable to Government under these rules.

Note 2.—See also rule 5.40 infra.

Note 3.—For the purpose of clauses (a), (b) and (bb) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under rule 5.19 above. Full departmental charges should, however, be levied in cases referred to in note (1) below rule 5.15.

5.24 (a) When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased subject to the following conditions:

(i) the total cost of such additions and alterations shall not exceed 5 per cent of the capital cost on which the standard rent was last calculated; and

(ii) such additions and alterations shall be made within five years after the last calculation on the standard rent.

(b) When by reasons of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st of April next following or from the date upon which a new tenant becomes liable for the payment of rent whichever is earlier.

(c) Subject to the provisions of clause (b) the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculations and the recalculation shall take effect from the 1st of April next following or from such other date as the competent authority may direct.

(d) When the portion of a capital cost of a residence is written off under the orders of a competent authority the rent should be recalculated forthwith.

Note 1.—It is the duty of the Executive Engineer to give timely notice to the tenant concerned of the increase in rent. Omission, however, on his part to give such intimation in any case will not constitute a reason for the enhancement of rent taking effect from a date later than that on which it is due under the above rule.
5.25. If a building is actually occupied prior to the closing of the accounts of expenditure on its construction, acquisition or equipment, rent is nevertheless chargeable from the date of occupation and should be fixed provisionally with the sanction of the competent authority. The rent, thus fixed provisionally while the accounts are open, is subject to revision with retrospective effect when they are closed and no remission of rent on this account can be made save with the sanction of the competent authority.

5.26. The rate of interest given in the following table should be applied in calculating the standard rent of residences under rule 5.23 (b):

<table>
<thead>
<tr>
<th>Date of acquisition or construction of the residence</th>
<th>Rate of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Buildings occupied on or before the 19th June, 1922</td>
</tr>
<tr>
<td>Before 1st April, 1919</td>
<td>Per cent</td>
</tr>
<tr>
<td>1st April, 1919 to 31st July, 1921</td>
<td>3½</td>
</tr>
<tr>
<td>1st August, 1921 to 31 December, 1921</td>
<td>3½</td>
</tr>
<tr>
<td>From 1st January, 1922 until further orders</td>
<td>3½</td>
</tr>
</tbody>
</table>

Note.—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed.

5.27. The average annual cost of maintenance and repairs will consist of two parts—special and ordinary charges—as explained below:

(i) Special charges will be those incurred in the renewal of floors or roofs, or on other special repairs or replacements occurring at long intervals. Provisions for such charges should be made in the
form of percentages on the capital cost of each building. These percentages will vary for different classes of buildings and are laid down in rule 5.28. When repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such special repairs should be shown separately in the Capital and the Revenue Accounts under Revenue Charges during the year, and should not be included in the total charges or taken into account as a basis for a revision of the rent.

(ii) Ordinary charges will include the cost of ordinary annual repairs together with a proportional share of the expenditure that may be required quadrennially or at other short intervals. The amount of these charges as regards buildings constructed or acquired by the Irrigation Branch is estimated as laid down in rule 5.28. For buildings constructed or acquired by the Buildings and Roads Branch these will be estimated within the limits laid down in rule 5.28 by the Executive Engineer of the Division and approved by the Superintending Engineer.

*Note:* See also rule 5.29.

5.28. The following percentages of cost will be assessed on account of ordinary and special repairs in calculating the standard rent under rule 5.23(b)(i):

(I) When acquired or constructed through the agency of the Public Works Department, Irrigation Branch—

<table>
<thead>
<tr>
<th>Class of buildings</th>
<th>Description</th>
<th>Assessable percentage on the capital cost of the building excluding value of site</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Those in good order built by the Works Department in a semi-permanent style, i.e. with pucca foundations, Kutch puccas outside walls, lime pointed puccas parapets and chimneys terraced jack arch or wooden katuri roofs over steel girders.</td>
<td>Special repairs: ½</td>
</tr>
<tr>
<td>B</td>
<td>Those of a similar style of construction but not in good condition either built by the Public Works Department or purchased from private individuals and added to and altered after purchase.</td>
<td>Special repairs: 4</td>
</tr>
<tr>
<td>C</td>
<td>Temporary buildings i.e., those with walls of mud masonry with a roof of thatch or tiles or wooden katuri.</td>
<td>Special repairs: 1</td>
</tr>
</tbody>
</table>


(2) When acquired or constructed through the agency of the Public Works Department, Buildings and Roads Branch.

<table>
<thead>
<tr>
<th>Class of Buildings</th>
<th>Description</th>
<th>Assessable Percentage on the Capital Cost of the Building excluding Value of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Those in good order built by the Public Works Department in a semi-permanent style, i.e., with pucca foundation kutchha-pucca outside walls, lime pointed pucca parapets and chimneys terraced jack arch or wooden kadi roof over steel girders.</td>
<td>Special repairs 1 to 3 Ordinary repairs 3 to 5</td>
</tr>
<tr>
<td>B</td>
<td>Those of a similar style of constructions, but not in good condition, either built by the Public Works Department or purchased from private individuals and added to or altered after purchase. Temporary buildings, i.e., those with walls of mud masonry with thatched or tiled roof.</td>
<td>Special repairs 3 to 5 Ordinary repairs 5 to 7</td>
</tr>
</tbody>
</table>

(3) A charge of 4½ per cent of the capital cost will be made in addition to the above to cover the maintenance of water-supply, sanitary and electric installations, where such exist.

Note.—With reference to the minimum and maximum rates fixed above for annual ordinary repairs, Superintending Engineers of the Public Works Department, Buildings and Roads Branch, should arrange to communicate to the Accountant-General such percentages as are actually applied in fixing the standard rent in each individual case, so that the rents fixed may be susceptible of scrutiny.

(C) Conditions of Tenancy and Rent payable by Government Employees.

5.29. When Government supplies a Government employee with a residence leased or owned by it, the following conditions shall be observed:—

(a) the scale of accommodation supplied shall not, except at the Government employee's own request, exceed that which is appropriate to the status of the occupant;

(b) Unless otherwise expressly provided in these rules, he shall, except where the residence meant for one Government employee is shared by more than one Government employee, pay:—

(i) rent calculated at the rate of ten per cent of his monthly emoluments; and
(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

Note 1.—Government employees who have been allotted (without their having asked for such allotment) accommodation of a lower category than to which they were entitled and if that accommodation carries standard rent less than ten percent of their emoluments shall be charged only standard rent for that accommodation. This note shall not apply in a case where Government employee has himself asked for accommodation of a lower category than to which he was entitled.

Note 2.—Shared accommodation has been categorised as follows:
(a) where the portions do not have independent amenities like kitchen, bath room and lavatory, etc., as in the case of sharing being done at Chandigarh; and
(b) where a big residential building has been converted into independent portions provided with essential amenities like both room, lavatory and kitchen, etc.

Note 3.—In cases falling under category (a) of note 2 above,
(1) at Chandigarh, where accommodation is shared by
   (i) two Government employees, each Government employee shall be charged rent at the rate of five percent of his monthly emoluments; and
   (ii) three Government employees, each Government employee shall be charged rent at the rate of 5 percent of his monthly emoluments; and

(2) at places other than Chandigarh where the accommodation can be equally shared by two or three Government employees, the principle of charging rent applicable in Chandigarh shall apply and where accommodation cannot be equally shared, the rent shall be charged proportionately to accommodation shared.

Note 4.—In cases falling under category (b) of note 2 above, the residential accommodation shall be allotted to suitable category of Government employees according to norm of cost and space (to be calculated on the basis of Chandigarh norm and rates) and Government employees shall be liable to pay ten percent of their emoluments irrespective of the standard rent.

Note 5.—The Government employees living in chawls, house or shed, which do not provide the minimum residential amenities shall be charged standard rent or ten percent of their emoluments, whichever is less.

Note 6.—The leased accommodation shall be treated as per with the Government owned accommodation in the matter of charging of rent and the Government employees shall be charged at the rate of ten percent of their emoluments irrespective of the rent paid for it by the Government to the owner.

5.30. Notwithstanding anything contained in clause (b) of rule 5.29 above, Government may—
(i) at any time, after the standard rents have been calculated under the provision of rule 5.23 above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled—
   (1) that the basis of assessment is uniform; and
   (2) that the amount taken from any Government employee shall not exceed 10 percent of his monthly emoluments;
(ii) by the general or special order provide for taking a rent in excess of that prescribed in rule 5.29 (b) or clause (i) above from a Government employee—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him; or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him; or

(3) who, is in receipt of a compensatory allowance granted on account of dearness of living; or

(4) who is permitted to sub-let the residence supplied to him; or

(5) who sublets without permission the residence supplied to him; or

(6) who does not vacate the residence after the cancellation of allotment; or

(7) at whose request additions or alterations are made in the residence supplied to him.

Note 1.—Under clause (ii) of this rule rent may be recovered in excess of 10 per cent of a Government employee’s emoluments but not in excess of the standard rent as defined in rule 5.23.

Note 2.—If the rent of a building allotted to a Government employee is enhanced from a previous date nothing shall prevent Government from effecting the recovery at the enhanced rate with retrospective effect.

5.31. A Government employee who, at his own request, is supplied with a residence owned or leased by Government of a class higher than that for which he is eligible or affording accommodation in excess of that which is appropriate to his status, shall unless otherwise decided by the competent authority, be charged the full standard rent as calculated under rule 5.23 et seq and shall not be given the benefit of the 10 per cent concession afforded by rule 5.29 (b).

5.32. Omitted.

5.33. For the purposes of clause (b) of rule 5.29 above “emoluments” means:

(i) Pay;

(ii) Payment from Government revenues and fees if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;
(iii) Compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery, whether drawn from the general revenues or from a local fund;

(iv) Exchange Compensation Allowance;

(v) Pension, other than a pension drawn under the provisions of Chapter VIII of Volume II of these rules or compensation received under the Workmen’s Compensation Act, 1923, as subsequently amended;

(vi) In the case of a Government employee under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government employee is subsequently allowed to draw pay for the period of suspension, the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to Decorations and Medals conferred on Civil, Military and Police personnel.

Note 1.—The emoluments of a Government employee paid at piece-work rates shall be determined in such manner as the competent authority may prescribe.

Note 2.—The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 3.—The amount of pension to be taken into account will be the amount originally sanctioned i.e., before confirmation, if any, and will also include the pension equivalent of death-cum-retirement gratuity and other forms of retirement benefits, if any e.g., Governments contribution to a Contributory Provident Fund, commuted value of pension, etc.

Note 4.—Omitted.

Note 5.—Under clause (ii) above, fees received by a Government employee in shape of a fixed addition to monthly pay and allowances as a part of the authorised remuneration of a post count as emoluments for the purposes of clause (b) of rule 5.29, whereas under rule 5.58 a part of any fees is required to be credited by the Government employee concerned to Government revenues and the remaining fees is retained by him, only that portion of the fees received by a Government employee which he is allowed to retain under the rules, will count as “emoluments” for the purpose of clause (b) of rule 5.29.

5.34. The Government employee to whom a residence is allotted,—vide rule 5.45 et seq is responsible for the rent recoverable under the rules during the period of allotment unless exempted by competent authority under the provisions of rule 5.35.
Rent shall be recovered monthly in arrears for the period of allotment.

(d) Rent free accommodation and waiving or reducing the amount of rent.

5.35. In special circumstances, for reasons which should be recorded, a competent authority—

(a) may, by general or special order, grant rent free accommodation to any Government employee or class of Government employees; or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government employee or class of Government employees; or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any Government employee or class of Government employees.

Note 1.—The following are types of cases in which such exemption or reduction may be sanctioned:

(a) When a Government employee is performing the duties of a post in addition to those of his substantive post and already pays rent for a house.

(b) When a Government employee, in addition to the duties of a post carries on those of another post which preclude him from occupying the house.

(c) When a Government employee has been promoted or transferred to a post in the same station and it is not considered necessary that he should change his residence.

(d) When a Government employee, officiating in a post for a period not exceeding two months is actually prevented from occupying the house provided for him by circumstances which the competent authority considers sufficient to warrant an exception being made in his favour.

Note 2.—When rents are fixed in accordance with rule 5.23 and when one or more Government employees supplied with residences in the particular areas are granted a house free of rent or at reduced rent, the proper course is to apply rule 5.23 first and rule 5.33 afterwards: that is, the ordinary rent of the occupant of each house should be fixed under rule 5.23 and any reduction necessary should then be made under this rule.

Note 3.—The Assistant Superintendent of Hisar Live-stock Farm is allowed to occupy quarters at a reduced rent of Rs. 25 per mensem.

Note 4.—A list of Government employees who have been granted rent-free accommodation under this rule is given in Appendix 7.

5.36. When, under clause (a) of rule 5.35, a Government employee is provided with quarters free of rent the exemption from rent shall, in the absence of any orders of Government to the contrary, be considered to be complete, i.e., no additional charge shall be made in respect of the rent or special services, i.e., sanitary, water supply and electricity, in the building the cost of which has been included in the capital cost of the building.
5.36–5.40]  ADDITIONS TO PAY  [Chap. V

The concession of rent-free quarters does not carry with it the free supply of water and electric energy, the cost of which must be defrayed by the Government employee himself. The rent of water and electric meters the cost of which has not been included in the capital cost of the building is also payable by the Government employee.

Note 1.—The occupants of staff quarters and other buildings appurtenant to Government House are exempt from payment of charges for electricity consumed. As regards water charges see the “Exception” below the section “water charges” in Rule 5.44.

Note 2.—See also rule 5.44.

5.37  Omitted.

5.38  A competent authority may sanction remission of rent due for the occupation of a Government building when the building is rendered uninhabitable by reason of extensive repairs being in progress, or from any other cause: Provided that if the occupier finds that the house has become uninhabitable he shall at once report the matter to the Executive Engineer in charge of the building, who will immediately inspect it and forward a report on the subject to the Superintendent Engineer. The latter will take such steps in the matter as he considers necessary, reporting his action to the competent authority, who will then decide whether partial or total remission of rent is to be allowed.

Note.—Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant remission of rent which should be granted only when extensive structural repairs, justifying in the opinion of the competent authority the vacating of the building, are carried out.

5.39  When a building is occupied partly as a residence and partly as an office the capital value of the portion occupied as a residence should be separately estimated for the purpose of rule 5.23. The cost of maintenance of the residential portion should also be separately estimated and accounted for. This is usually done on the basis of plinth area.

Note.—When (a) separate office accommodation is provided for the occupant, and (b) the use of part of his residence for office or business purposes is optional, no deduction from the rent is permissible on this account. Where, however, a Government employee, though provided with office accommodation elsewhere, uses in his residence is, in the opinion of the competent authority, obliged to set apart a portion of his residence for the reception of visitors both official and non-official on business, a deduction from the rent is permissible on this account to the extent of half the assessed rent of the accommodation so used.

5.40  In leasing, acquiring or constructing an official residence for any one of the Government employees mentioned
in column 2 of the statement in rule 5.42. Government will arrange to provide accommodation for visitors in the shape of a waiting room, and for a Commissioner or Deputy Commissioner, quarters for a police guard. The accommodation so provided plus half of the room set apart for the reception of visitors will not be taken into account in calculating the standard rent fixed for such residence under rule 5.23.

Note 1.—Where waiting rooms have been set apart for visitors in residences of Gazetted Government employees entitled to rebate of rent under this rule, rebate will also be allowed for the portion of verandahs, if any, attached to the waiting rooms.

Note 2.—The quarters quarters and visitor's waiting room, with visitors Book shed, and half of the room set apart for the reception of visitors in the residence of the Honourable Chief Justice of the High Court are to be treated as non-residential portions for purpose of calculation of rent. Rebate of rent will be granted in respect thereof.

5.41. A rebate of rent will be allowed to the Deputy Collectors of the Irrigation Department for the room in their residential quarters occupied by peons when administrative requirements necessitate their living in the room provided in the quarters and it is not used for Deputy Collector's private purposes.

5.42. In the case of privately-owned buildings hired directly by the Government employee mentioned in column 2 of the statement below for use as residences, the following concessions will be admissible when suitable accommodation (other than a mere open verandah) for visitors or in the case of Commissioner or Deputy Commissioner for a police guard, as the case may be, is set aside to the satisfaction of the authority mentioned in column 3 of the statement:

(i) The rent of the waiting room and half the rent of the room in which visitors are received and the rent of the quarters for the police guard will be borne by Government;

(ii) The portion of the rent which is, thus, to be borne by Government on account of the waiting and reception rooms and quarters for the police guard will be assessed by the Executive Engineers concerned on the value of the accommodation in question. Its amount will bear the same proportion to the rent of the premises occupied as the space occupied by the accommodation provided bears to the total plinth area of the building.
(iii) The portion payable for the waiting and reception rooms will be paid by the Executive Engineer to the landlord. He will also arrange with the Police Department for the portion payable for the quarters for the police guard being paid by that Department as a police contingent charge direct to the Government employee occupying the building.

### STATEMENT

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<tr>
<td>1</td>
<td>Commissioners</td>
<td>Commissioner of Division concerned</td>
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<td>2</td>
<td>Deputy Commissioners</td>
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<td>3</td>
<td>Settlement Officers, Assistant Settlement Officers,</td>
<td>Honourable Judges of the</td>
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<td>Colonization and Assistant Colonization Officers</td>
<td>High Court of Judicature</td>
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<td>4</td>
<td>Members of the I.A.S. or H.C.S. in charge of Sub-Divisions</td>
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<td>6</td>
<td>Registrar, High Court of Judicature</td>
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<td>7</td>
<td>Inspector-General of Police, all Deputy Inspector-General of</td>
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<td>Police, and all Superintendents of Police—(except the Principal,</td>
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<td>Police Training College, the Personnel</td>
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<td>Assistant to the Inspector-General of Police and the Assistant</td>
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<td>to the Inspector-General, Special Branch)</td>
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<tr>
<td>8</td>
<td>Deputy Superintendent of Police, placed in charge of Sub-Division</td>
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### 5.43. Constant charges in the accommodation to be set apart for visitors are deprecated on principle, but so long as these changes are necessary and are made for sound reasons, Government employees concerned can set apart different rooms during summer and winter on condition that the accommodation set apart—

(a) is to the satisfaction of their superiors;

(b) is not less in area than that for which Government waives rent; and

(c) if in excess of that originally reserved, Government is not called upon to waive a larger portion of the rent than that already fixed.

### RENT FOR SPECIAL SERVICES

### 5.44. If a residence is supplied with services other than water-supply, sanitary, or electric installation and fittings such as furniture, fans, tennis courts or garden, the cost of which is not taken into account in calculating the standard
rent of the residence under rule 5.23 and which are maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under rules 5.29 to 5.32. The tenants will also be required to pay the cost of water, electric energy, etc., consumed. The additional rents and charges will be fixed and recovered in full as below. A competent authority may, however, in very special circumstances and for reasons which should be recorded, waive or reduce the additional rent and charges for any of the special amenities referred to above.

Note 1.—The value of the site shall not be taken into account in calculating the rent of special services under this rule.

Note 2.—Where, however, it is so directed by general or special order:

(a) The value of the site, and the cost of its preparation, shall be included in the capital cost of tennis courts and gardens.

(b) Departmental charges shall be included in the capital cost of furniture, ceiling fans, tennis courts and gardens as well as their maintenance, depreciation and storage charges. The percentage rates for maintenance, depreciation and storage shall not be levied on the capital cost after the addition of departmental charges but before such addition. Interest shall, however, be calculated on the capital cost including departmental charges.

(c) The cost of sanitary, water-supply and electric installations may be excluded from the capital cost of tennis courts and gardens.

Should the cost of sanitary, water-supply and electric installations be ordered to be excluded, rent for such installations shall be levied at the rates specified under rule 5.23 (a).

For cases in which the above provision will apply, see paragraph 3.27 of the Punjab Public Works Department Code under furniture.

(a) Furniture

The rent shall be recovered at the rate of 15 per cent per annum on the capital cost as detailed below:

\[
\begin{array}{ll}
\text{(a)} & \text{Maintenance} \\
\text{(b)} & \text{Interest} \\
\text{(c)} & \text{Depreciation including renewals and replacements} \\
\hline
\end{array}
\]

\[
\begin{array}{ll}
\text{Rs.} & \text{per cent} \\
4 & \text{per cent} \\
5 & \text{per cent} \\
6 & \text{per cent} \\
\hline
\text{Total} & \text{15 per cent} \\
\end{array}
\]

Note.—Free furniture is provided in the quarters of the Private Secretary to the Governor, Haryana, at Raj Bhawan, Chandigarh.

Ceiling Fans

The rent shall be recovered at the rate of 17 per cent per annum on the capital cost as detailed below and shall be recovered during the whole of the year.
5.44] ADJUSTMENTS TO PAY [Chap. V

<table>
<thead>
<tr>
<th>(a) Interest</th>
<th>Rs.</th>
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<th>4 per cent</th>
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<tr>
<td>(b) Depreciation</td>
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<td>...</td>
<td>6½ per cent</td>
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<tr>
<td>(c) Maintenance</td>
<td></td>
<td>...</td>
<td>4½ per cent</td>
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<tr>
<td>(d) Storage Charges</td>
<td></td>
<td>...</td>
<td>2 per cent</td>
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</table>

Total ... 17 per cent

(b) TENNIS COURT

Rent to be recovered for a tennis court should cover both interest on the capital outlay involved at the rate prescribed by the competent authority for the purposes of rule 5.23 (b) and average actual maintenance charges for the past three years. The charges which may be incurred in connection with the provision and maintenance of tennis courts are:

A. In regard to courts in the plains—

1. construction of the court and of retaining-walls, where necessary;
2. surfacing of the court with bajri, grass, cement, etc., at the time of construction.

B. In regard to courts in the hills—

1. and 2 as in section A above;
2. provision and erection of posts and wire-netting for the purpose of enclosing the court and of permanently fixed posts for suspending lawn tennis-nets;
3. Provision and erection of fixture and appurtenances for hanging screens; and
4. maintenance of items 3 and 4 only.

Note 1.—The cost of providing and renewing tennis-nets, the marking of courts, the provision of screens, the maintenance of the surface of the courts and also the maintenance of items 3) and 4) in section B above, insofar as they relate to the courts in the plains, should, on no account, be admitted as a charge against the State.

Note 2.—For the purpose of these rules the maintenance charges shall be revised after every three years.

Note 3.—See also note under the head "Garden" below.
(c) GARDEN

Both interest on the outlay incurred at the rate prescribed by the competent authority for “the purposes of rule 5.23 (b) and actual maintenance charges should be recovered.

The cost of planting shade trees, shrubs and hedges in the compounds of residential buildings, of transporting soil in a portion of the compound meant for a garden, if the nature of the existing surface soil renders such transporation necessary in order to form a garden, of grassing plots, of sinking a well and of providing irrigation channels may be debited to public funds as capital expenditure on the residence and included in the capital cost thereof for the purpose of assessment of standard rent. The maintenance of shrubs and hedges and of grass plots shall be a liability of the tenant. The sale-proceeds of timber shall be credited to Government.

Note.—If the capital outlay on the —— tennis court —— is not known, it may be determined by the Divisional Officer with reference to the market value of similar —— gardens —— in the vicinity.

(d) WATER CHARGES

Charges for water supplied to tenants of Government residential buildings are assessed as follows:

(a) Every official occupying a Government quarter with a separate water connection must pay water charges including the meter rent as fixed by a Municipality, District Board or the Public Health Department. No exception shall be granted in such cases.

(b) Where quarters have not been provided with separate water connections and the occupants have to use outside, and technically public taps, no water charges should be recovered from them.

(c) Where water tax as distinct from water charges is levied such tax is payable by the tenants.

Exception.—This rule does not apply to Class IV Government employees and employees entitled to rent-free quarters under item 14 in Appendix 7 to these rules and Government employees exempted in paragraph 3.18 (2) of the Punjab Public Works Department Code, Second Edition.
5.45. Government buildings intended for occupation as residences are divided into two classes:—

Class I—Buildings which will ordinarily be occupied by Government employees liable to pay the full standard rent subject to the limit of 10 per cent of their emoluments.

Class II—Buildings from which recovery of the full standard rent is not expected, that is, buildings which will ordinarily be occupied by Government employees who are entitled to accommodation free or at reduced rents under the sanction of competent authority.

Note 1.—The fact that a building in class I is occasionally occupied by a Government employee who is entitled to accommodation rent free, or at reduced rents, will not justify its removal from class I to class II, and similarly a building in class II should not be transferred to class I whenever it is occupied by a Government employee who may be required to pay the full standard rent (subject to 10 per cent of emoluments). Buildings should be transferred from one class to the other only when there is a permanent change in the conditions under which they will ordinarily be rented. Transfers should be made under the orders of the competent authority, and should have effect in all cases from the commencement of a financial year.

Note 2.—When a building in class II is occupied by any person who is not entitled to quarters rent free, the rent to be paid shall be fixed by the competent authority in accordance with the rules in this chapter.

Note 3.—In the Forest Department Gazetted Government employees not entitled to rent-free accommodation are permitted to occupy quarters meant for free occupation on payment of rents to be assessed by the Public Works Department under the rules in this chapter.

GENERAL RULES AND INSTRUCTIONS REGARDING ALLOTMENT OF RESIDENCE

5.46. The expression "allotted" means "provided" and a Government employee residing in a Government residence before definite allotment may be regarded as having been allotted that residence. Subject to the provision of rule 5.51-A, an incumbent, permanent or temporary, of a post for whose benefit a residence has been constructed, bought or leased is allotted that residence.

Note.—A residence will not be held to have been allotted to a Government employee who shares it by private arrangement with another Government employee to whom it has been allotted.

5.47. A Government employee shall not be considered to be in occupation of a residence when he proceeds on leave unless the competent authority otherwise directs.
§ 48. The period of allotment is determined as follows:

(a) If the house has been constructed, purchased or leased for the benefit of a particular post, it is the period of incumbency, permanent or temporary, of each Government employee in that appointment except in the case provided for in rule 5.51-A.

(b) otherwise it is for twelve months at a time, but terminates on his transfer from the place where he is stationed.

§ 49. When, during a twelve months' tenancy, a Government residence is vacated, owing either to the occupant's appointment having been altered or to his proceeding on leave, the residence should, when this is possible and always when occupation of the residence is a condition of the tenure of the appointment, be allotted to his successor in office and rent recovered accordingly.

When a Government employee takes over charge of an office entitling him to occupy a Government residential building, he should, apart from the usual charge certificate on assumption of office, sign a supplementary certificate stating that he becomes responsible for the rent of the building from a given date. The relieved Government employee should similarly state that his responsibility for rent has ceased. A copy of this certificate should be sent to the Accountant-General and the Executive Engineer concerned to enable the former to exercise a check on the prompt recovery of rent and the latter to complete his records, etc. A Government employee will be held responsible for the rent until such date as he vacates the building and:

(a) after informing the Executive Engineer of the division in which the house is situated of the vacation, hands over the key to him; or

(b) in the case of relief by another official, furnishes the Executive Engineer concerned with the certificate referred to above.

If an office does not carry with it any responsibility for the rent of a building, the supplementary certificate will be blank and will be signed with a line drawn across it.
5.50. A Government employee in occupation of a residence may sub-let it subject to the following conditions:

(a) the lessee shall be approved by the Chief Engineer, Public Works Department, in charge of the building;

(b) the sub tenancy shall not be recognised by Government;

(c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear;

(d) the sub tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted;

(e) the rent payable by the lessee shall, not except with the previous sanction of Government, exceed the rent payable to Government by the lessor;

(f) the rent payable to Government by the lessor shall be the rent payable by him, if he has not sub-let the residence or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher;

(g) in the case of sub letting of a Government residence when the lessor is not entitled to rent-free quarter or house-rent allowance in lieu but the lessee is so entitled, the rent payable by the lessee, should be the rent payable by him, if he had not sub-let the residence or the rent payable by the lessee, if the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher;

(h) when a Government residence is sub-let and the lessee and the lessor are, or the lessor is, entitled to rent-free quarters or house-rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent:

(i) when both the lessor and the lessee are entitled to rent-free quarters or house-rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house-rent allowances; and
(ii) when the lessor is entitled to rent-free quarters or house-rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent to the house-rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

Note 1.—Whenever a residence cannot be allotted to the incumbent of the post to which it is attached or to a Government employee of the class for which it was constructed it may be let to a Government employee not holding the particular post or not belonging to that class subject to the conditions that—

(i) the allotment ceases within two months of a Government employee for whom the residence is intended becoming available at the station as a tenant; and

(ii) the rent to be recovered under the rules from the temporary tenant is not less than two-thirds of the standard rent of the house.

A competent authority may relax the provisions of this note as a special case, if considered necessary.

Note 2.—Where only a part of the residence is sub-let, the rent payable by the lessee shall not exceed the rent calculated on the basis of the plinth area occupied by him.

5.51. A competent authority may permit Government employee during temporary absence from his station to store his furniture and other property at his own risk free of rent in the residence occupied by him prior to his absence when both the conditions specified below are fulfilled:

(a) If the house is allotted to another Government employee under rule 5.48 (a), subject to the condition that the latter does not require the residence and is exempted under rule 5.34 from responsibility for the rent.

(b) In any case subject to the condition that arrangements cannot be made to let the house under paragraph 3.10 of the Public Works Department Code—First Edition.

5.51-A. If a Government employee to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier. In such cases the recovery of rent should be governed
by Rules 5.29 (b) i.e., while the original allotment subsists, rent should be charged at the same concessional rate as was being paid by the Government employee before his death, dismissal or retirement as the case may be. Similarly the concession of rent-free quarters, if it was granted in any case, should continue during the period of grace.

5.52. In the case of residences under the control of the Forest Department these rules should be read as if the words “Public Works Department”, “Chief Engineer”, and “Executive Engineer” were “Forest Department”, “Chief Conservator of Forests” and “Divisional Forest Officer”, respectively.

III—COMPENSATIONS

5.53. Claims to compensation made by Government employees will ordinarily be considered only in cases in which—

(i) the exposure of the property to risk is directly connected with the duties on which the Government employee is employed at the time, e.g., when the action of an enemy or insurgents or of raiders or wild tribes on the frontier causes the loss of the property of the Government employee employed in the area affected; or

(ii) the property is lost in consequence of endeavours on the part of the Government employee to save the property of Government which was also endangered at the time; or

(iii) the property is destroyed under the orders of competent authority:

Provided that the mere fact that at the time of accident, the Government employee is technically on duty or is living in Government quarters in which he is forced to reside for the performance of his duties will not be considered as a sufficient ground for the grant of compensation. Compensation will not be granted to a Government employee for any loss of his property—

(a) which is caused by an act of God, e.g., earthquake, floods, etc., or
(b) which is due to an ordinary every day accident which may occur to any citizen, e.g., loss by theft, even when accompanied by violence or the result of a railway accident, fire, etc., or

(c) which is due in any way to negligence or other default on the part of the claimant.

Note 1.—Claims for compensation will be considered in respect of animals (1) which are killed, captured or stolen by the enemy, (2) which are destroyed by order of competent authority to prevent the spread of infectious or contagious diseases, or (3) when the loss of the animal is due to exposure or excessive wear necessitated by the use in the public service or to an accident directly due to such use.

Note 2.—Compensation is not admissible where, as a matter of ordinary prudence the owner of the property could and should have insured it. The question whether the property ought to have been insured is one of fact for the decision of the sanctioning authority. Failure to insure motor cars by their owners will, however, be considered as negligence within the meaning of this rule, and no compensation is admissible for any loss sustained by a Government employee who has omitted to insure his car. The kind of insurance contemplated in this case is the ordinary form of insurance which most motorists take out—the kind which a Government employee who buys a car with an advance from Government is required to take out. The ordinary policy provides fully against malicious damage, fire or theft, and it is not considered necessary that Government employees should cover their cars against any but the risks provided against in ordinary insurance policies.

5.54. When any one of the conditions in rule 5.53 is satisfied a competent authority may, as an act of grace and at its discretion, grant compensation to the Government employee up to the then value of the necessaries lost by him:

Explanation.—The question whether the articles lost are "necessaries" within the meaning of this rule will be determined by the sanctioning authority with reference to the Government employee's personal standing and circumstances. Care should be taken not to admit claims for articles which could clearly be regarded as unessential in the circumstances in which the Government employee was situated when the claim arose, or which, as a matter of ordinary prudence Government employees might have been expected to refrain from taking into situation.

IV. —HONORARIA AND FEES

Honoraria

5.55. Subject to the condition prescribed in rule 5.56 a competent authority may grant or permit a Government employee to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the
prior consent of the competent authority and its amount has been settled in advance.

Note 1.—In a case where an honorarium is to be granted to a Government employee there must first be an order of competent authority permitting acceptance of the honorarium by the Government employee, and there must also be an order sanctioning the grant of the honorarium. In a case where an honorarium is to be granted to a Government employee belonging to a department other than the one which is to pay it there should, therefore, be two sanctions, one for the payment of the honorarium by the department in which the expenditure, is to be incurred and the other for the acceptance for the honorarium which must be issued by the department to which the Government employee belongs. In order to avoid duplication of work in having to give two different sanctions, one single sanction should be given both to the grant and acceptance of the honorarium and this sanction should be given by the department paying the honorarium after obtaining the concurrence of the department in which the Government employee happens to be serving.

Exception.—A Government employee under the Haryana Government may accept remuneration upto any amount for work connected with an examination or examination conducted by the Union Public Service Commission or Secretariat Training School (Government of India) or the Director, Industrial Training, Haryana and up to the limit of Rs. 1,000 during a financial year for work connected with an examination or examination conducted by the Haryana Public Service Commission or Subordinate Service Selection Board, Haryana or the Director, Technical Education, Haryana, or for work connected with departmental examination or examinations conducted by State Government Departments, without the sanction of the authority competent to permit the acceptance of a fee or honorarium by him. For the acceptance of honorarium in excess of Rs. 1,000 in the case of work connected with the examination or examination conducted by the Haryana Public Service Commission or Subordinate Service Selection Board, Haryana, or the Director, Technical Education, Haryana, or for work connected with departmental examination or examinations conducted by the State Government, Departments, sanction of the Haryana Government in the Administrative Department under which the Government employee concerned is serving is necessary.

Note 2.—The sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in rule 3.10 and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

Note 3.—Note 2 above requires that the reasons for the grant should be recorded in writing as it is intended that the grant of an honorarium should be carefully controlled by Government and scrutinized by audit and that audit should be given an effective opportunity of comment if it be deemed necessary. Accountant-General may, therefore, require that the reasons for the grant of an honorarium should be communicated to him in each case.

Note 4.—The amount of an honorarium must be fixed with due regard to the value of the service in return of which it is given.

Note 5.—Temporary increase in work due to the holding of special conferences under the auspices of a department or subordinate authority or of inter-departmental committees are normal incidents of Government service and form part of the legitimate duties of Government employees according to the general principle enunciated in rule 3.10. Those so employed have, therefore, no claim to extra remuneration.

Note 6.—The grant of honorarium to the heirs of a deceased Government employee for work done by him is unobjectionable in audit.

Note 7.—No honorarium should be granted to gazetted officers engaged on work in connection with the setting up of companies, corporations, etc., which forms a part of their normal duties even if they work beyond office hours.
5.56. When the service rendered falls within the course of the ordinary duties of the Government employee performing it, the test of special merit prescribed in rule 5.55 must be very strictly applied.

Note.—The expression "within the course of the ordinary duties" has been defined as follows:

A service rendered by a Government employee is said to be within the course of the duties of that Government employee when it is of the same nature as that for which his regular employment exists. The test that should be applied is deciding any particular case is to determine whether the service rendered is such as the Government employee habitually performs in the course of his ordinary duties. A service does not cease to be within the course of the duties of the Government employee because it has been rendered for an object not connected with the usual operations of his department or involves an unusual expenditure of labour.

Fees

5.57. Subject to rules under which a fee may be received by a medical officer of Government for services other than professional attendance (see note 5 below) or an expert witness summoned in a criminal court (see note 6 below) and subject to rules 5.58 to 5.60, a competent authority may permit a Government employee, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of service for a private person or body or for a public body, including a body administering a local fund and to receive as remuneration therefore, if the service be material, a non-recurring or recurring fee.

Note 1.—The sanctioning authority must make it clear that sanction under this rule to perform work does not involve sanction to the acceptance of a fee in excess of his own power of sanction under this rule.

Note 2.—Acceptance of fees by medical officers of Government for professional attendance is regulated by the rules in Chapter VI the Punjab Medical Manual.

*Note 3—Government employee of the Education, Agriculture, Animal Husbandry, Fisheries and Forest Department  are authorised to undertake work of examining and setting papers in respect of University and other examinations and to accept remuneration therefor provided the total of sum so drawn by an individual does not exceed in the case of Agriculture, Animal Husbandry and Fisheries Department Examinations Rs. 500 and in the case of the Education and Health Department Examinations Rs. 1,000 in a financial year.

5.57—5.58] ADDITIONAL TO PAY

The Teaching staff of the Department of Agriculture, Animal Husbandry and Fisheries is permitted to retain fees up to Rs. 500 in a financial year for working as Supervisors, Superintendents, Deputy Superintendents, Instructors, etc., at the University examinations; or the examinations conducted by the School Education Board. Haryana provided the work is undertaken outside the normal hours of duty. The officials doing research work besides teaching work, are not permitted to undertake this work. Government employees of the Education Department are permitted to retain fees up to Rs. 1,000 for working as Supervisors or Superintendents at University Examinations or the examination conducted by the School Education Board provided the work is undertaken outside the normal hours of duty. For the excess of fees in excess of this sum the sanction of the competent authority should be obtained. In order to which the above-mentioned limits the Heads of Departments concerned should obtain annually from the Government employees of their respective departments, who receive remuneration under this note, a statement showing the amount received by each Government employee in the preceding financial year.

Note 4.—Notes 2 to 4 under rule 5.55 apply mutatis mutandis in the case of fees also.

Note 5.—The rules prescribing the conditions and limits subject to which a fee may be received by medical officers of Government other than professional attendance are contained in Appendix 8 of the Punjab Civil Services, Rules, Volume I, Part II.

Note 6.—The rules for the payment of fees to expert witnesses summoned in Criminal Courts are contained in Appendix 8A of Haryana Civil Services Rules, Volume I, Part II.

Note 7.—The Personal Assistants/Private Secretaries/Photographic, etc., attached to the officers nominated as Chairman and Members of the Board of Directors of certain Corporations and Companies should not be allowed any additional remuneration from Corporations or Companies when the officers with whom they are attached are allotted duties on the Board of Directors of Corporations or Companies as part of their normal functions.

5.58 Unless the competent authority by special order otherwise directs, one-third of the total amount of any fee in excess of Rs. 400 or, if a recurring fee of Rs. 250 a year, paid to a Government employee shall be credited to general revenues. Provided that the fee to be retained by the Government employee concerned will not be reduced below Rs. 400 if non-recurring or Rs. 250 a year if recurring and provided further that where a fee is paid for work done during the time which would otherwise be spent in the performance of official duties, the entire fee must be credited to Government, unless the competent authority for special reasons which should be recorded, directs otherwise.

Note 1.—Fees received by Government employees for giving expert evidence on technical matters before a court of law should also be governed by this rule.

Note 2.—Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose of crediting one-third to Government under this rule. In the case of the former the limit of Rs. 400 prescribed in this rule should be applied in each individual case, and in the case of the latter the limit of Rs. 250 should be applied with reference to the total recurring fees for the financial year.
Note 3. — The fees received by Government employees from the following institutions are exempted from the operation of this rule:

2. Indian Roads Congress.
3. India Cattle Show Committee.
4. Inter-University Board.
5. Inter-State Board for Anglo-Indian Education.
6. Indian Red Cross Society.
7. Bharat Scouts and Guides, Haryana (Exemption relates only to fees received by Government employees for doing clerical work).

Provided the work for them is done during the time which will not be otherwise spent in the performance of official duties.

Note 4. — The fees referred to in note 3 below Rule 5.57 in excess of Rs. 500 in the case of Government employees of Agriculture, Animal Husbandry and Fisheries Departments and Rs. 1,000 in the case of Government employees of the Education and Health Departments during a financial year shall be shared between the Government employee and the Government in the ratio of 2:1, i.e., one third of the amount in excess of these limits should be credited to Government. These orders will, however, not be applicable to the fees received by Government employees of the Health Department for acting as Examiners of the Punjab University, Punjabi University or Kurukshetra University or the Haryana State Medical Faculty. In their case, the orders regarding the sharing of fees would apply only to the fees received by them for acting as Examiners of the outside Universities and bodies.

When a medical officer conducting examination/inspection on behalf of an Indian University other than the Universities of the Haryana and the Medical Council of India does not take regular/casual leave for the purpose; he shall credit the entire fee received by him to the Haryana Government revenues. In case however, the period of his absence is treated as regular/casual leave, the order of sharing the fees will apply.

Note 5. — The term ‘Fee’ used in this rule shall not include conveyance allowance, provided the amount of conveyance allowance received by a Government employee from a source other than the revenue of the State does not exceed what would be admissible under the Haryana Government Rules not under similar circumstances and is not a source of profit to the Government employee concerned. In case of doubt, a competent authority may decide whether the conveyance allowance thus received by a Government employee is receivable as earned with the standard adopted by the Government for the grant of conveyance allowance and is not a source of profit to the Government employee concerned.

Note 6. — If any fee to which this rule applies exceeds Rs. 400 non-recurring or Rs. 250 a year recurring or Rs. 360 in the case of Government employees of Agriculture, Animal Husbandry and Fisheries Department and Rs. 1,000 in the case of Government employees of the Education and Health Departments referred to in note 3 below Rule 5.57 during a financial year credited to the total amount payable, as the case may be, should be credited to General Revenues, provided that the amount retained by the Government employee concerned will not thereby exceed the ceiling of Rs. 400 if non-recurring or Rs. 250 a year if recurring or Rs. 500 or 1,000 as the case may be.

Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose of crediting one-third to general revenues under this rule. In the case of the former, the limit of Rs. 400 prescribed in this rule should be applied in each individual case and in the case of the latter the limit of Rs. 250 should be applied with reference to the total recurring fees for the financial year.
5.58—5.63  ADDITIONS TO PAY  [Chap. V

Note 7.—The fee received by a Superintending Engineer of the Public Works Department Buildings and Roads Branch for acting as an arbitrator in a dispute arising between contractors and a Local Body relating to a contract, shall be apportioned between the Government, the officer and the staff employed in that connection, as follows:

- Government ........................................ 35 per cent
- Superintending Engineer ......................... 55 per cent
- Staff (Clerical employed) ......................... 10 per cent

In case no staff is employed, the fee shall be distributed as follows:

- Government ........................................ 40 per cent
- Superintending Engineer ......................... 60 per cent

No superintending Engineer shall, however, be allowed to draw more than Rs. 500 (Rupees Five hundred only) in any one arbitration case without the prior approval of Government.

Note 8.—Any scholarship or stipend received, during study leave or otherwise, by a Government employee from a source other than the Consolidated Fund of India or Consolidated Fund of a State for the purpose of procuring a course of studies or receiving specialised training in professional or technical subjects, will not be subject to a cut under the provisions of this rule.

However, this rule will continue to apply, unless specially relaxed, to the payments received by such Government employees as a result of full time or part-time employment undertaken by them.

Note 9.—This rule will not apply to the income derived by a Government employee from exploitation of a patent for an invention taken out by him with the permission of competent authority under rule 5.64.

5.59. The attesting and revising officers of outlying courts and officers of the Revenue Department and the attesting and revising officers of the Judicial Department are permitted to receive with the sanction of the presiding officers of the courts and offices concerned one-tenth of the copying and urgent fees received in respect of the copies attested and revised by them. All copies prepared at Government expense shall, however, be examined and attested without fee.

5.60. When a Government employee of an Educational Service is permitted to receive fees for private tuition, the financial limits of the powers of sanction accorded to by a competent authority shall be considered to apply to the total amount of fees to be accepted by such Government employee during any particular scholastic term or vacation.

5.61. Cancelled.

5.62. Cancelled.

5.63. Any Government employee is eligible to receive and, except as otherwise provided by a general or special order of the competent authority, to retain without special permission—

(a) the premium awarded for any essay or plan in public competitions;
(b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;

(c) any reward payable in accordance with the provisions of any Act or rules or regulation framed thereunder;

(d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and

(e) any fees payable to a Government employee for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

Note.—A fee payable to a Government employee under rule 5.63 (e) can be retained by him without special permission. In other words, rule 5.58, which requires that 1/3rd of all fees received by Government employees from private source should be credited to Government, does not apply to such remuneration. It is not considered desirable that a Government employee, who in his official capacity, is nominated as a Chairman or Member of a Government or quasi-Government body or governing body of an institution which receives a grant from Government, should be made eligible for any fee or other remuneration (except Travelling Allowance) which is admissible to non-Government employees for attending a meeting of the institution concerned or for performing other work thereof. This object can be served by making a suitable provision in the Articles of Association or other Regulations of the body concerned or any Act relating to its institution without having recourse to an amendment of rule 5.63.

5.64. A Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government employee save with the permission of the competent authority and in accordance with such conditions as the competent authority may impose.

If a question arises whether a Government employee is a Government employee to whom this rule applies, the decision of the competent authority shall be final.

Note 1.—The Administrative Instructions issued by Government under this rule are contained in Appendix 9 of Part II of this Volume.

Note 2.—The payment of honoraria as remuneration for the use by Government of inventions patented by persons in Government employ whose duties do not involve the carrying out of scientific or technical research should be regulated by the provisions of section 17 of the Inventions and Designs Act, 1888 and section 21 of the Indian Patents and Designs Act, 1911, and not by rule 5.55 or 5.64. The terms on which an invention may be used for the services of the Union should be settled with the approval of the Union Government before any payment is made to the patentee.
CHAPTER VI — Deputation out of India

6.1. No deputation of a Government employee out of India shall be sanctioned without the previous approval of the competent authority.

6.2. (1) When a Government employee is with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the Competent Authority to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India.

Provided that a Government employee, who is placed on deputation while already on leave out of India on earned leave may be required by the competent authority to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India, the cost of passage from and to India shall be borne by him.

Note.—The portion of the pay which a Government employee may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the competent authority in this regard from time to time.

(2) A Government employee deputed for work abroad may claim reimbursement of such expenses as may be incurred by him in connection with the performance of his duties abroad. Such expenses may be claimed in respect of travelling expenses, hospitalization expenses, etc., which are normally admissible to Government employees in respect of their work in India.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at the rate of exchange at the Union Government may be order prescribe.

The pay of free passages and of subsistence allowance of Government employees on duty in Europe and America is governed by the provisions of Part XIII of this volume and Appendix 10 of Part II of this volume respectively.
Note 1.—A competent authority may depute a subordinate police employee to any country outside India to accompany or take charge of criminals or lunatics, or any other business which is part of his duty as a police officer, and may grant to the officer so deputed—

(a) full pay, for the entire period of absence from India, with 

(b) actual travelling expenses, and a subsistence allowance not exceeding the following scale, while in any country outside India—

<table>
<thead>
<tr>
<th>Description</th>
<th>S.</th>
<th>d.</th>
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<tbody>
<tr>
<td>For Government employees of the Inspector class (including Sub-Inspectors)</td>
<td>22</td>
<td>6 a day</td>
</tr>
<tr>
<td>For Government employees of the sergeant class</td>
<td>15</td>
<td>0 a day</td>
</tr>
</tbody>
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Pakistan for the purposes of this note is treated as in India.

Note 2. Omitted.

Note 3. The period of deputation runs from the date on which the Government employee takes over charge of his office in India to the date on which he resumes it; or, if the Government employee is on leave out of India, the time he is placed on deputation, the period of the deputation being the time actually occupied by the duty.

Note 4. The term "pay" in this expression "pay which he would have drawn had he remained on duty in India" occurring in this rule, should be interpreted literally with reference to the definition in Rule 2.44 and the pay which a Government employee would have drawn if he were on duty in India, should be determined, for the purposes of this rule, with reference to what the competent authorities in India, state the Government employee's pay would have been if he were on duty in India. It will, therefore, be necessary for Accountant-General to intimate to the High Commissioner in each case after consultation with Government, the pay which a Government employee would have drawn if on duty in India.

As overseas pay is included in "pay" and as a Government employee would draw overseas pay under rule 6.26 if entitled to it had he remained on duty in India, it should be taken into account in the calculation of the deputation pay under this rule.

In the case of Government employees who are not deputed out of India for special items of works but are placed on continuous service with Commissions and Committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the Commission or Committee there.

Note 5. In the case of a Government employee proceeding on deputation, the grant of return passage to India on conclusion of the deputation is conditional on his return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary is specially permitted at the time the deputation closes or is about to close, and the proposed leave is begun.
6.2—6.3] DEPUTATION OUT OF INDIA [Chap. VI

Note 6. The provision of 1st class ordinary or P and O. "Special" rate to the place of deputation and back should be left to the discretion of the High Commissioner for India in cases in which Government employees are placed on deputation in some other country while on leave in England.

Note 7. For terms to be granted to Government employees sent on training abroad under the various training schemes see Appendix 28-A to Part II of this Volume.

6.3. When a Government employee is with proper sanction deputed for duty out of India to hold a regular constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the competent authority.
CHAPTER VII.—Dismissal, Removal and Suspension

CESSATION OF PAY AND ALLOWANCES ON REMOVAL OR DISMISSAL

7.1. The pay and allowances of a Government employee who is dismissed or removed from service cease from the date of such dismissal or removal.

ALLOWANCES DURING PERIOD OF SUSPENSION

7.2 (1) A Government employee under suspension shall be entitled to the following payments, namely:—

(i) In the case of a Warrant Officer in Civil employ who is liable to revert to military duty, the pay and allowances to which he would have been entitled had he been suspended while in military employment.

(ii) in the case of any other Government employee—

(a) a subsistence allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on leave on half pay, and in addition dearness allowance, if admissible, on the basis of such leave salary:

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:

(i) the amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government employee;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months;
if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Government employee.

(iii) the rate of dearness allowance will be based on the increased, or as the case may be, the decreased amount of subsistence allowance admissible under clauses (i) and (ii) above;

(b) any other compensatory allowances admissible from time to time on the basis of pay of which the Government employee was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government employee furnishes a certificate, and the authority which made or is deemed to have made the order of suspension is satisfied that he is not engaged in any other employment, business, profession or vocation.

Provided that in the case of a Government employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which—his earnings during such period or periods as the case may be falls short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him. Where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him nothing in proviso shall apply to him.

Note 1. Mounted Police Officers who are placed under suspension will cease to draw horse, pony or camel allowance, as the case may be, and will hand over their mounts to the Lines Officer or the officer-in-charge of the Mounted Police who shall be responsible for the feeding and keeping of such animals under the supervision of a gazetted Government employee. The actual expenditure incurred on this account will be debitable to Materials and Supplies under the head "Feeding and keeping of animals of Mounted Police under suspension."

The term "Mounted Police Officer" includes members of the Mounted Police as well as Upper Subordinates who keep mounts.
7.2—7.3] DISMISSAL, REMOVAL AND SUSPENSION [Chap. VII

**Note 2.** The initial grant of subsistence allowance payable at an amount equal to half salary on half pay shall be subject to the maximum limit prescribed in rule 8.122 (2). In the event of any increase or decrease in the subsistence allowance after the first six months of suspension, under the proviso to sub-rule (1) (ii) (a) of his rule, however, the increase or decrease shall be calculated on the amount of subsistence allowance initially fixed and will not be subject to any maximum limit.

**Note 3.** It is obligatory under this rule in sufficient time before the expiry of the six months of suspension the competent authority should review each case in which the period of suspension is likely to exceed six months, and even if it comes to the conclusion that the case is not to be altered having regard to all the circumstances of the case, specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken.

**ALLOWANCES ON REINSTATEMENT**

7.3 (1) When a Government employee, who has been dismissed, removed, compulsorily retired, or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation the authority competent to order the reinstatement shall consider and make a specific order:

(a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty, occasioned by suspension and/or dismissal, removal or compulsory retirement ending with his reinstatement on or the date of his retirement on superannuation as the case may be, and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority mentioned in sub-rule (1) is of opinion that the Government employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Government employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

(3) In other cases, the Government employee shall be given such proportion of such pay and allowances as such competent authority may prescribe:

Provided that the payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.
Provided further that such proportion of such pay and allowances shall not be less than the subsistence and other allowances admissible under rule 7.2.

(4) In a case falling under sub-rule (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.

(5) In a case falling under sub-rule (3) the period of absence from duty shall not be treated as a period spent on duty unless such competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government employee so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the Government employee.

Note 1.—This rule is absolute and unconditional and so the question of lien does not arise in the case of a Government employee who is dismissed from service and re-instated on appeal when the period of unemployment between the date of dismissal and re-appointment is declared by the appellate authority as duty.

Note 2.—Clause (b) of sub-rule (1) of this rule does not forbid the period spent under suspension being regarded as leave, and it is open to the revising or appellate authority to prescribe the proportion of pay and allowances to be paid the leave salary which would be permissible if the Government employee were on leave.

"Administrative Instruction.—A permanent post vacated by the dismissal, removal or compulsory retirement of a Government employee should not be filled substantially until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement, as the case may be. Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade."

Note 3.—A suspended Mounted Police Officer on reinstatement, even if such officer is found not guilty of charges preferred against him, will not be given conveyance allowance for the period of suspension.

Note 4.—The term “revising Authority” as used in this rule includes an authority revising its own orders.
7.3—7.51 DISMISSAL, REMOVAL AND SUSPENSION

[Chap. VII]

Note 5.—The period spent under medical treatment by a Government employee under suspension shall be treated as spent under suspension and the subsistence allowance as admissible under the rules shall be given for that period. On reinstatement, it shall be specified whether it is to be treated as 'duty' or 'non duty' with reference to the provisions of the above rule, unless the Government employee concerned desires that it may be converted into leave of the kind due and admissible.

Note 6.—The order of the competent authority regarding the treatment of the period of absence from duty passed under the proviso to sub-rule (3) above is absolute and no higher sanction would be necessary for the grant of extraordinary leave in excess of six months in so far as temporary Government employees are concerned.

Note 7.—The term "Proportion" used in sub-rule (3) of this rule does not mean "Whole".

Note 8.—If no order is passed under sub-rule (5) of this rule directing that the period of absence be treated as duty for any specified purpose, the period of absence should be treated as 'non-duty'. In such event, the past service (i.e. service rendered before dismissal, removal, compulsory retirement or suspension) will not be forfeited.

Note 9.—Where a Government employee under suspension is acquitted by a Court of Law and the order reinstating him is passed some time after the date of acquittal, full pay and allowances have to be paid from the date of acquittal to the date of re-joining duty and the period counted as duty for all purposes whereas for the period from the date of suspension/removal/demissal to the date of acquittal, he is to be allowed pay and allowances as directed by competent authority under sub-rule (2) or sub-rule (3) of this rule and the period treated as duty or non-duty under sub-rule (4) or sub-rule (5) of this rule, as the case may be.

Note 10.—As this rule is absolute, the law of limitation need not be invoked at the time of paying the arrears of pay and allowances for the period from the date of dismissal/removal/compulsory retirement/suspension to the date of reinstatement in respect of cases where the pay and allowances are regulated on reinstatement in accordance with the provisions contained in sub-rule(2) or sub-rule (3), as the case may be.

Note 11.—Where any amount is earned by a Government employee through an employment during any period between the date of dismissal/removal/compulsory retirement and the date of reinstatement and the emoluments admissible under this rule, exceed those earned during such employment, the former shall be reduced by the latter. Where however, the emoluments admissible under this rule are less than those earned during the employment, nothing shall be paid to the Government employee.

LEAVE TO A GOVERNMENT EMPLOYEE UNDER SUSPENSION

7.4. Leave may not be granted to a Government employee under suspension. See also note 2 under rule 7.3.

Note 1.—A suspension vacancy should be treated as filled by a reservist, if one is available at the time, a Government employee belonging to an establishment containing a leave reserve is placed under suspension. If no reservist is available at the time, an outsider may be appointed and replaced by a reservist as soon as one is available.

Note 2.—In an establishment where provision for leave reserve exists, any vacancy caused on account of suspension of a Government employee should be filled by a reservist and where a 'reservist' is not available, the post should be filled by an officiating appointment. It is, however, not necessary to create an extra post.

SUSPENSION DURING PENDENCY OF CRIMINAL PROCEEDINGS, OR PROCEEDINGS FOR ARREST FOR DEBT, OR DURING DETENTION UNDER A LAW PROVIDING FOR PREVENTIVE DETENTION

7.5. An employee of Government against whom proceeding have been taken either for his arrest for debt or
on a criminal charge or who is detained under any law providing for preventive detention should be considered as under suspension for any periods during which he is detained in custody or is undergoing imprisonment, and not allowed to draw any pay and allowances (other than any subsistence allowance that may be granted in accordance with the principles laid down in rule 7.2) for such periods until the final termination of the proceedings taken against him or until he is released from detention and allowed to rejoin duty, as the case may be. An adjustment of his allowances for such periods should thereafter be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame or (if the proceedings taken against him were for his arrest for debt), of its being proved that the officer's liability arose from circumstances beyond his control or the detention being held by the competent authority to be unjustified.

**7.6.** (1) A Government servant against whom a criminal charge is pending may, at the discretion of the competent authority, be placed under suspension by the issue of a specific order to this effect during the periods when he is not actually detained in custody or imprisoned (e.g. while released on bail), if the charge made against him is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude. However, as soon as a criminal charge is framed by a court against a Government servant in a case involving moral turpitude, suspension should follow automatically.

2. A Government servant against whom a proceeding for arrest for debt is pending should be placed under suspension by the issue of specific order to this effect during the period when he is not actually detained in custody or imprisoned (e.g. while released on bail) if the proceeding taken against him is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such.

3. In regard to pay and allowances in the cases referred to in sub rules (1) and (2), the provisions of rule 7.5 shall apply.

*Substituted vide Haryana Government notification No. 6/1(1)/80-TFR(1) dt. 8-9-83.*
CHAPTER VIII.—Leave

SECTION I.—GENERAL CONDITIONS AND EXTENT OF APPLICATION

I.—SERVICE COUNTING FOR LEAVE:

8.1. Leave is earned by duty only. For the purpose of this rule, a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

Note.—See also note below rule 2.16(b).

8.2. (a) If a Government employee, who quits the public service on compensation or invalid pension or gratuity, is re-employed, and if his gratuity is thereupon refunded or his pension is held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

Note.—Resignation of the public service even though it is followed immediately by re-employment should entail forfeiture of past service for the purpose of leave under the rules in this chapter and should, therefore, constitute an 'interuption of duty'.

(b) A Government employee who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

Note.—The re-employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient. The service of such a re-employment pensioner should, therefore, be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government employees.

II.—APPLICATION FOR AND GRANT OF LEAVE:

(1) GENERAL

8.3. Subject to any instructions issued by the Comptroller and Auditor-General of India in order to secure efficiency and uniformity of audit in relation to leave procedure, the following rules govern the procedure for making applications for leave and for granting leave in India.

Note.—The instructions issued by the Comptroller and Auditor-General of India are contained in paragraphs 1 to 5 of Part I of Appendix II in Part II of this volume.
Chap. VIII | The Punjab Civil Services Rules

(2) Application for leave.

(a) To whom to be submitted.

8.4. An application for leave, or for an extension of leave, shall be made to the authority competent to grant such leave or extension.

Note.—Applications for leave should be made on form Punjab C.S.R. No. 2.

*8.5. A Government employee on foreign service in India should submit all applications for leave, other than earned leave, with the report of the Accountant-General, through his employer, to the authority competent to sanction the leave.

(b) Procedure in case of leave on medical certificate. Instruction for Medical Officers.

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

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

Medical certificate for gazetted Government employees.

8.8. Before, a gazetted Government employee 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 Medical Certificate for Gazetted Officers.

Name (to be filled in by the applicant in the presence of the Chief Medical Officer or Deputy Chief Medical Officer (Medical) Appointment Age Total Service. Previous periods of leave of absence on medical certificate Habit Disease.

Chief Medical Officer or Deputy Chief Medical Officer (Medical)

After careful personal examination of the case hereby certify that ____________ 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/her health, and recommend that he/she may be granted ____________ month's leave with effect from _____________. In my opinion it is/is not necessary for the officer to appear before Medical Board.

Dated ____________, Chief Medical Officer, or Deputy Chief Medical Officer (Medical)

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. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide whether the applicant 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.—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government employee under the terms of his contract or of the rules to which he is subject.

Note 3.—In a case, where the period of leave initially recommended, or the period of leave initially recommended together with any extension thereof subsequently recommended, does not exceed two months, the medical Officer should invariably certify whether in his opinion it is or it is not necessary for the officer to appear before the medical committee.
8.9. Having secured such a certificate, the Government employee must, except in cases covered by rule 8.12, 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 or board. He should then present himself, with two copies of the statement of his case, before such a committee or board. The committee or board will be assembled under the orders of the Director, Health Services, Haryana, who will, where practicable, preside over the board. The committee or board will be assembled either at the headquarters of the State or at such other place as the Government may appoint.

8.10. Before the required leave or extension of leave can be granted, the Government employee must obtain from the committee or board a certificate to the following effect—

“We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of ___________ to be such as to render leave of absence for a period of ___________ months absolutely necessary for his recovery.”

Note.—In cases in which the leave recommended is for more than three months or leave for three months is extended beyond three months, the medical committee or board shall state, at the time of granting this certificate, whether the Government employee should or need not appear before another medical committee or board for obtaining the certificate of fitness for return to duty.

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

“________ 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 ________ under professional observation for ________ days.”

8.12. (1) If the state of the applicants health is certified by a commissioned medical officer of Government or by a medical officer incharge of a civil station to be such as to
make it convenient for him to present himself at any place in which a committee or board can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 8.10, either—

(a) a certificate signed by any two medical officers holding a gazetted rank or medical officers in charge of districts in whatsoever 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 district and countersigned by the Deputy Commissioner of the district or the Commissioner of the division.

(ii) Notwithstanding anything contained in sub-rule (i) the authority competent to sanction leave may dispense with the procedure laid down in rules 8.9 and 8.10—

(a) when the leave recommended by the Authorised Medical Attendant is for a period not exceeding two months; and he certifies that in his opinion it is unnecessary for the applicant to appear before a Medical Committee.

(b) when the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of Chief Medical Officer or Deputy Chief Medical Officer ('Medical') or Staff Surgeon for the period of hospitalisation or convalescence.

Medical certificate for non-gazetted Government employees

8.13. (a) Every application for leave on medical certificate made by a non-gazetted Government employee in Class III service shall be accompanied by a medical certificate given by a registered medical practitioner or a registered Vaid or Hakim defining as nearly as possible the nature and probable duration of the illness or by a request for the issue of a requisition for examination by a medical officer of Government.
(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion, by requesting the Chief Medical Officer; to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(c) It will be the duty of the Chief Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

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

Note 2.—A registered medical practitioner includes a medical practitioner—

(a) whose name appears in the latest annual medical list, and

(b) who having been registered after the closing of the latest medical list, certifies his registration number.

Note 3.—Non-Gazetted Government employees should obtain a medical certificate in the following form or as nearly in that form as the circumstances may permit:—

"Medical certificate for non-gazetted Government employees recommended for leave, extension or commutation of leave.

Signature of applicant ____________________________
(to be filled in by the applicant in the presence of Government Medical Attendant or medical practitioner).

I, ____________________________, after careful personal examination of the case here by certify that ____________________________ whose signature is given above is suffering from ____________________________, and I consider that a period of absence from duty of ____________________________ with effect from ____________________________ is absolutely necessary for the restoration of his health.

______________________
Government Medical Attendant or other registered practitioner.

Dated the ____________________________,
(Second medical opinion if called or by the authority competent to sanction leave).

______________________
Chief Medical Officer
Note 1.—The nature and probable duration of the illness should be specified.—vide rule 8.13.

Note 2.—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 to (or from) 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 3.—The term registered Vaid or Hakim used in Rule 8.13(a) would mean a practitioner registered in Part I or II of the register maintained under sub-section (2) of section 15 of the 'East Punjab Ayurvedic and Unani Practitioners' Act, 1949.

Note 4.—Should a second medical opinion be required the leave sanctioning authority should arrange for it to be at the earliest possible date. The Chief Medical Officers opinion both as to the facts of illness and the necessity for the amount of leave applied for should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him—vide rule 8.13 (b) and (c).

8.14. In support of an application for leave, or for an extension of leave, on medical certificate, from a Government employee in Class IV service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

(3) Grant of Leave

(a) General

8.15. Leave cannot be claimed as of right. When the exigencies of the public services so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

The nature of leave due and applied for by a Government employee, cannot be altered at the option of the sanctioning authority. So, while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave.

8.16. The grant of a certificate under rules 8.10, 8.12, 8.13 or 8.14 does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of the authority should be awaited. A Government employee who absents himself from his duty without permission of the competent authority is liable to have his absence treated as absence from duty without leave.
8.17. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account following considerations:

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

8.18. When a medical committee or board in India has reported that there is no reasonable prospect that a particular Government employee will ever be fit to return to duty, leave should not necessarily be refused to such a Government employee. It may be granted, if due, by a competent authority on the following conditions:

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

(b) If the medical committee or board declares the Government employee to be completely and permanently incapacitated for further service in India, he 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 board, or, if he is not on leave, from the date of the committee's or board's report.

Note—Omitted.
(c) A Government employee declared by a Committee or board 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 employee's breakdown in health has been caused in and by Government service, or when he 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.

8.19. Leave shall not be granted to a Government employee whom a competent authority has decided to dismiss, remove or compulsorily retire from Government service.

*8.20. Leave to Government employees must not be granted without obtaining report from the Head of Office in which he is employed or if he is himself Head of the Office from his immediate superior, upon his title to leave, except in case of emergency, and on the responsibility of the Government employee for the consequence of the leave asked for being inadmissible.

8.20-A. It is contrary to accepted principles in the case of a Government employee, on leave preparatory to retirement, either to grant an extension of leave on medical certificate on full pay or to permit the conversion of leave on half pay already granted, to leave on full pay on the production of a medical certificate.

(b). Leave beyond the date of compulsory retirement.

8.21. (a) leave at the credit of a Government employee in his leave account shall lapse on the date of compulsory

*Substituted vide Haryana Govt. Notification No. 158(2)77-AO(FD) dated the 17th January, 1979.
retirement: Provided that if in sufficient time before that date he has—

(1) formally applied for leave due as preparatory to retirement and the same has been refused; or

(2) ascertained in writing from the sanctioning authority that such leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service, then the Government employee may be granted, after the date of compulsory retirement, the amount of earned leave so refused subject to a maximum of 120 days.

(b) A Government employee retained in service after the date of compulsory retirement shall earn earned leave, at the rate of 1/12th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period of leave which he may take on each occasion shall not exceed 180 days earned leave. When his duties finally cease, the Government employee may be granted leave preparatory to retirement up to a maximum of 180 days or earned leave, as the case may be, as follows:—

(i) The balance after deducting the amount of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, plus

(ii) The amount of leave earned under this clause which is due to the Government employee and which he has, in sufficient time during the period of extension—

(1) formally applied for a preparatory to final cessation of his duties and has been refused; or

(2) ascertained in writing from the sanctioning authority that such leave would not be granted if applied for in either case, the ground of refusal being the requirements of public service.
The leave taken during the period of extension should be debited first against the credit of leave earned during that period, until it is exhausted; and then against any credit of leave refused under clause (a) and carried forward under clause (b).

Explanation 1.—For the purposes of this rule an officer may be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of public service or has ascertained in writing from the sanctioning authority that such leave if applied for would not be granted on the aforesaid ground.

Explanation 2.—Where a spell of extension of service is followed by a further period of extension, the entire period commencing from the date of compulsory retirement and ending on the date of final cessation of duties shall be treated as constituting the period of extension for the purpose of clause (b) of this rule and accordingly only the leave applied for during the last spell of extension as preparatory to final cessation of duties, and formally refused in the interests of public service should be treated as refused leave under clause (b) (ii) of this rule.

Note 1.—Regarding the date of compulsory retirement, see rule 2.5.

Note 2.—When a Government employee who is already on an extension of service applies for leave during the period of his extended service the conditions for the grant of such leave should be the same as for the grant of leave in an ordinary case after the age of compulsory retirement.

Note 3.—A Government employee retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of this rule and a debit balance, if any, on the date he attained that age should be considered as wiped off.

Note 4.—The period of 180 days mentioned in this rule includes any period of vacation with which leave is combined.

Note 5.—See also note 4 under clause (d) of rule 3.26.

Note 6.—A deduction under rule 8.117 on account of vacation enjoyed should also be made in the case of Government employees whose leave is regulated under clause (b) of this rule.

Note 7.—(1) Two classes of cases are provided for in this rule:—

(a) Government employees who are not required to be on active duty by Government after the date of compulsory retirement.

(b) Government employees who are required to be on active duty after the date of compulsory retirement.

In the case of the former the conditions in clause (a) and in the latter, the condition in both clauses (a) and (b) of this rule must be fulfilled before leave can be granted after the date of compulsory retirement. When acting under clauses (a) (2) and (b) (d) (2) the amount of leave which would have been refused should invariably be indicated. The leave refused cannot, of course, be such as would extend beyond the date of compulsory retirement.
(2) The refusal of leave does not automatically establish a Government employee's claim to what is a very rare privilege i.e., grant of leave after retirement and a recommendation for the grant of leave under this rule should only be made when the refusal of leave has been on very strong grounds of 'interest of the public service'.

(3) A Government employee applying for leave must do so in sufficient time to enable a competent authority to decide whether leave should be granted from the date it is asked for, and where necessary to arrange for a special substitute. Such authority has full discretion to grant or refuse leave, but should not hesitate to refuse where it considers that (1) leave is unnecessary or (2) where the grant may cause some administrative inconvenience, leave could have been asked for as granted, or (3) leave has been asked for only in an endeavour to establish a claim under this rule. When leave has been refused on any of the above conditions it should be clearly indicated to the applicant that leave under this rule will not be granted.

Note 8.—The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave, which, of which with the exception only of the net amount of leave refused lapses under clause (g) of this rule on the date of compulsory retirement. The grant of any leave between the date from which the refusal of leave took effect and the date of superannuation should therefore be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (g) after superannuation in such a case is, therefore, the amount of leave originally refused minus the amount of the 'post refusal' leave enjoyed. This difference is subject to a maximum of 180 days. This principle applies equally to leave available under clause (b), including that earned in respect of duty during a period of refused leave.

Note 9.—While the amount of leave refused under clause (g) or (h) of this rule is fixed the quality of the leave (i.e. on full pay or half pay) whether it is taken before or after the date of compulsory retirement or, as the case may be, the date of final cessation of duties may be varied to the advantage of the Government employee concerned within the normal leave rules by the leave earned in standing to his credit on the date he proceed on leave, and so a second application for leave in sufficient time and its refusal are necessary merely to ensure this variation.

Note 10.—Compulsory recall from leave preparatory to retirement would be deemed to be a constructive refusal of the balance of leave unenjoyed for the purpose of this rule.

*Note 11.—A Government employee who is granted refused leave under rule 8.21 extending beyond the date of compulsory retirement or the expiry of extension of service shall be deemed, for purposes of pensionary benefits, to have retired from the service on the date of his compulsory retirement or on the expiry of the extension of service, as the case may be, and shall become eligible for all pensionary benefits from such date. The leave salary admissible in such cases during the period of refused leave will be the same as admissible in the normal course but reduced by the amount of leave and pension equivalent to the retirement benefits. The calculation of pension equivalent of death-cum-retirement gratuity, by which the leave salary is required to be reduced, should be based on the full admissible amount of such gratuity and not on the amount of leave salary reduced as a result of the refusal of the leave. See paragraph 5 of the Family Pension Scheme, 1964 as reproduced in Appendix 1 of Volume II of these rules.

*Note 12.—A Government employee who was due to retire on superannuation pension on 16th September, applied for earned leave for 120 days from 16th February which was refused by Government in the exigencies of public service. He again applied for ninety-eight days earned leave from 16th June, which was again refused by Government in the exigencies of public service except 15 days. The employee again applied for leave from 16th September. The employee can be granted after the age of superannuation only the leave preparatory to retirement that was refused, viz., 98 days less 15 days allowed of by him: 120 days earned leave applied for by him was not preparatory to retirement and hence its refusal by Government in the interest of public service does not entitle him to the protection of rule 8.21 after the date of superannuation.

*Substituted vide Haryana Govt. F.D. Notification No. 6/14/78/PR dated the 22nd August, 1978.
8.22. Cancelled.

(4) AUTHORITIES COMPETENT TO GRANT LEAVE

8.23. Appendix 12 in Part II of this Volume specifies the authorities by whom leave admissible under these rules, other than leave on medical certificate under rule 8.18, leave after the date of compulsory retirement under rule 8.21, special disability leave under rules 8.124 and 8.125, study leave under rule 8.126 and extraordinary leave exceeding six months under rule 8.137 of these rules, may be granted: Provided that when the grant of leave involves—

(a) the creation of an additional post requiring the sanction of a higher authority; or

(b) reference to higher authority for a substitute; the sanction of the higher authority competent to create the additional post or to sanction a substitute will be necessary. Special disability leave and study leave and leave after the date of compulsory retirement can be sanctioned only with the consent of the Finance Department.

Before leave preparatory to retirement is refused in any case, prior concurrence of the Finance Department must be obtained.


III—COMMENCEMENT AND EXPIRY OF LEAVE AND COMBINATION OF HOLIDAYS WITH LEAVE

(1) Commencement and expiry of leave

8.25. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government employee returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation, or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.
8.26. An authority competent to grant leave may permit Sundays, other recognized holidays or vacation to be prefixed to, leave or affixed to, leave, or to be both prefixed and affixed to, leave in the circumstances and on the conditions laid down in rules 8.27 to 8.32.

Note.—See also rules 3.23 and 3.24.

8.27. When the day (or days) immediately preceding the day on which the leave of a Government employee begins is a holiday (or series of holidays), and a competent authority has permitted under rule 3.23, the said Government employee to make over charge (and the Government employee relieving him to receive charge) on the afternoon of the day immediately preceding the holiday or series of holidays, the leave of the Government employee making over charge and any consequent re-arrangement of pay and allowances shall, unless the competent authority in any case otherwise directs, take effect from the first day after the holidays.

8.28. When the day (or days) immediately following the day on which the leave of a Government employee ends is a holiday (or series of holidays), and a competent authority has permitted the said Government employee to receive charge (and the Government employee relieved to make over charge) on the forenoon if the day immediately following the holidays or series of holidays, the leave if the Government employee receiving charge is, unless the competent authority in any case otherwise directs, treated as having terminated on and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been affixed.

Note 1.—When a competent authority directs otherwise than as in this rule, it should convey the orders in the following form. "It is directed under Rule 8.28 that leave be treated as having terminated on ———and the consequent re-arrangement of pay and allowances takes effect from the same date.

Note 2.—The fundamental principle is that two Government employees cannot be on duty in the same post. Under rule ———, a competent authority cannot according to direct that both the relieving and the relieved Government employees shall be considered as on duty in the same post during the period of holidays. A competent authority proceeding on can 'under the rule' direct that the leave of the Government employee ——— returning from
8.28-8.30] LEAVE [Chap. MIII

leave and the consequent arrangement of pay and allowances shall take effect from the first day after one holiday or from same day during holidays. If a holiday comes close
beginning of leave the Government employee leave can
be allowed under rule 8.27 during that holiday where ordinarily no work is re-
quired of him to remain off and count the holiday as duty, as it would have counted
had he not gone on leave.

The Government employee does not thereby make over till the holiday is over
employee returning from leave returning from the spot in charge of, either (1) the Government employee returning from leave must remain during the holiday or (2) the Government employee to be relieved must retain the charge during the whole or part of the holidays according to the orders and he must do the work without drawing the pay of the post, outgoing leaving being allowed to be away from the station though being treated as on duty during the whole or part of the holidays.

8.29. In the case of Government employees serving in vacation departments, vacations may be prefixed or affixed to, leave, or both prefixed and affixed or allowed to intervene between two periods of leave subject to the conditions mentioned in rules 3:23, 3:24, 8.27, 8.28, and 8.117 (c). The previous approval of the Finance Department should be obtained in cases where combination of vacation with leave involves extra expense to Government.

Note: Recognized holidays intervening between leave and vacation of the same employee should be treated as part of the vacation and such holidays should, for the purpose of calculating the maximum amount of earned leave admissible for a Government employee at any one time.

8.30. When a Government employee is permitted to prefix vacation to leave; he will report, before leaving head- quarters, or if for urgent reasons, the leave is granted during vacation as soon as it is granted, that he makes over charge with effect from the end of the vacation, and the relieving
Government employee will then take over charge, and the leave and any consequent re-arrangement of pay will have effect from the end of the vacation.

8.31. When a Government employee is permitted to affix vacation to leave the Government employee to be relieved will make over charge before the vacation, and any consequent re-arrangement of pay will have effect from the beginning of the vacation.

8.32. In the case of District and Sessions Judges, vacations will be treated as recognised holidays, and may be prefixed or affixed to leave or both prefixed and affixed or allowed to intervene between two periods of leave subject to the conditions mentioned in Rules 8.23, 8.27 and 8.28 above, and provided further that—

(i) no additional expense is incurred by the State for the period of the vacation;

(ii) vacation shall be reckoned as leave in calculating the maximum amount of earned leave which may be included in the particular period of leave.

Exception.—As it is not possible to say at the time of sanctioning leave that condition(s) will necessarily be satisfied, any permission to combine leave with vacation is subject to withdrawal in the event of a Government employee being required to carry out the duties of the post during vacation. In such cases either the Government employee will be recalled or, if this is impracticable owing to his absence from India or for any other reason, a substitute will be appointed. In the latter case, the portion of the Government employee’s vacation during which the substitute discharges the duties of the post will be treated as leave.

8.33. Where the application of the above rules as to prefixing and affixing holidays to leave is doubtful, or inequitable, a competent authority will decide which Government employee shall be held to have been in charge, and to which the pay of the post for the holiday or holidays shall be paid.

IV—DEPARTURE ON LEAVE

8.34. Every Government employee proceeding on leave out of India should procure from the Accountant-General and take with him a copy of the “memorandum of information issued for the guidance of Government employees
proceeding on leave out of India" (Form Punjab C.S.R. No. 3). If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

8.35. A Government employee taking leave out of India must report his embarkation, through the Accountant-General, to the authority which granted his leave in form Punjab C.S.R. No. 4.

8.36. Every Government employee proceeding on leave must record on his application for leave, the address at which letters will find him during leave. Subsequently changes in address during leave, if any, should likewise be intimated to the head of the office or the head of department as the case may be.

8.37. If, in a case not covered by Rule 8.19, an authority competent to remove a Government employee from service decides, before such Government employee departs from India on leave, that he will not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

8.38. If, when a Government employee is about to depart from India, on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary; or if for any reason it is considered inexpedient that a Government employee on leave should return to India, a full report of the circumstances must be made by the department of the Government concerned to the High Commissioner for India to enable him to take any necessary measures before the Government employee, would, in the ordinary course, be permitted to return to duty. The report should in any case reach the India Office at least three months before the end of the Government employee's leave.

8.39. When leave on medical certificate has been granted to a Government employee, or in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, and the Government employee or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the department of the

Government must, without delay, forward a copy of the medical statement of the case to the High Commissioner for India.

8.40. When a Government employee, who has been granted leave for reasons of health, proceeds to any of the localities named in Rule 8.39, the authority which granted the leave shall inform the High Commissioner for India, whether a certificate of fitness is required under Rule 8.44.

V. ACCEPTANCE OF EMPLOYMENT DURING LEAVE

8.41. A Government employee on leave may not take any service or accept any employment (including the setting up of a private professional practice as accountant, consultant, or legal or medical practitioner), without obtaining the previous sanction of—

(a) the competent authority, if the proposed service or employment lies elsewhere than in India.

(b) the Government, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Note 1.—This rule does not apply to casual or temporary work or to service as an examiner or similar employment, nor does it apply to acceptance of foreign service which is governed by Rule 10.2. The provisions of this note cannot be used as a means of avoiding the rules governing foreign service and Government employees should in no case be permitted to take up foreign service, except on terms duly approved by the authority competent to sanction the transfer.

Note 2.—This rule should not be construed as permitting a Government employee who avails himself of leave on medical grounds to undertake regular employment during such leave.

Note 3.—The employment of Government employees who are on leave preparatory to retirement in trading concerns in India prima facie open to grave objection, and should be permitted only in very exceptional cases. Accordingly, all applications to take up such employment while on leave preparatory to retirement which may be received from officers in India, who are on leave preparatory to retirement, or who are contemplating premature retirement should be carefully examined and forwarded to Government with all explanation.

Note 4.—The leave-salary of a Government employee who has been permitted to take up employment during terminal leave under this or any other State Government, under a private employer or employment, payable from a Local Fund, should be restricted to the amount of leave-salary admissible in respect of half pay leave.

Note 5.—A Government employee who, volunteers for premature retirement in order to take up private employment, should be treated as having resigned his post of his own motion and granted terminal leave not exceeding half the amount of earned leave on half pay, and his leave-salary restricted to the amount of leave-salary admissible in respect of half pay leave.
8.41-A. The following are the terms granted to officers on appointment in Civil Departments, during leave preparatory to retirement—

(1) When a Government employee, who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under the Haryana Government, and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and subject to the provisions of Rule 8.21, it may be granted from the date of compulsory retirement of the Government employee. Such recall will be treated as optional for the purposes of Rule 8.42.

(2) When a Government employee is employed in any post under the Haryana Government; while he is on leave under Rule 8.21, he may continue to enjoy his leave concurrently with such employment, but his leave salary which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:

i) in the case of a Government employee eligible for pension, to the amount of pension, inclusive of pension, equivalent of any retirement gratuity admissible under the new pension rules, which it is anticipated, will be admissible to him on retirement. (No subsequent readjustment will be made on the basis of the actual amount of the pension, inclusive of gratuity finally sanctioned), and
(ii) in the case of a Government employee not eligible for pension, to the leave salary admissible in respect of leave on half pay.

In respect of the fresh employment during leave, the pay of the Government employee will be regulated according to the latest scale of pay attached to the new post in which he is re-employed as if he were in temporary employee. No leave will be earned in respect of such period of employment during leave.

During such employment he may also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

(3) The leave salary of a Government employee who is permitted during leave preparatory to retirement before attaining the age of superannuation, or during leave granted after the date of compulsory retirement, under rule 8.21 to take up employment under the Government of India, or a State Government, or under a private employer or employment payable from a Local Fund, will also be restricted during such employment as in (2) above.

Note 1.—The intention underlying clause (2) is not to fetter the discretion of the competent authority to recall a Government employee from leave preparatory to retirement granted under Rule 8.21, and the grant to him, if necessary, of further extension of service. When a Government employee, who has proceeded on leave preparatory to retirement under Rule 8.21 is recalled to duty during the period of such leave and is granted further extension of service the unexpired portion of his leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under Rule 8.21 (b).

Note 2.—In partial modification of Clause (2) and (3) above, the leave salary shall in future be restricted to the amount of leave salary admissible in respect of leave on half pay in all such cases (including the case of a Government employee eligible for pension).

Note 3.—The benefit of refused leave preparatory to retirement may be given to a re-employed Government employee on the termination of the period of re-employment on the same leave salary as would have been admissible to him in the normal course but for his re-employment.

VI.—RECALL FROM LEAVE

8.42. All orders recalling a Government employee to duty before the expiry of his leave, should invariably state whether the return to duty is optional or compulsory. If the

*It will take effect from the 15th May, 1973.
return is optional, the Government employee is entitled to no concession. If it is compulsory, he is entitled—

(a) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months; whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

(iii) to receive leave during the voyage to India and for the period from the date of landing in India to the date of joining his post at the same rate at which he would have drawn it, had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period 'travelling allowance under the Punjab Travelling Allowance Rules.'

(b) If the leave from which he is recalled is in India to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under the Punjab Travelling Allowance Rules for the journey but to draw until he joins his post leave-salary only.

Note 1.—Orders recalling a Government employee on leave out of India should be in all cases communicated to him through the High Commissioner for India and they should state whether the return to duty is optional or compulsory.

Note 2.—The 'concession' referred to in the second sentence of this rule is a concession of the category permitted by the rule. The concessions under this rule are clearly not intended to affect the privileges of Government employees which are admissible under other rules, the concessions may be availed of when they happen to prove additional to or better than the ordinary privileges.

Note 3.—The expression "on the termination of his leave" in clause (a) (iii) of this rule means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted." The effect of this interpretation will be to make the same leave-salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under Rule 9.1 as the case may be.
Note 4. — Vacation should be treated as leave for the purpose of clause (iv) of this
rule only up to the extent to which it operates to reduce the amount of earned leave and/or
commuted leave by virtue of the provisions of Rule 8.117.

VII.—RETURN FROM LEAVE

(1) Before expiry of leave

8.43. (1) A Government employee on leave may not return to duty before the expiry of the period of leave
granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government employee on leave preparatory to retirement
shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the
consent of the authority empowered to appoint him.

(2) Return from leave on Medical Certificate

8.44. (i) A Government employee who has taken leave in Asia on medical certificate may not return to duty until he
has produced a medical certificate in the following form:

Signature of the applicant

"We, the members of a Medical Committee/Board
Chief Medical Officer or Deputy Chief Medical Officer (Medical)

Registered Medical Practitioner of

do hereby certify that we/have examined A.B.C. of the
Department whose signature is given above and find that he has recovered from his illness and is
now fit to resume duties in Government service. We/have examined the original medical certificate(s) and statement(s)
of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration
in arriving at our/my decision."

The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended
shall be produced before the authority asked to issue the
above certificate. For this purpose, the original certificate (s)
and statement (s) should be prepared in duplicate, one copy
being retained by the Government employee concerned.

(ii) If the Government employee on leave is a gazetted
officer, such certificate should be obtained from the Medical
Board or Committee except in the following cases:

(a) Cases in which the leave is for not more than
three months;

(b) Cases in which leave is for more than three
months or leave for three months or less is ex- 
ded beyond three months and the Medical
Committee or Board granting the original certificate
or the Certificate for extension, state at the time
of granting such certificate that the Government
employee need not appear before another Medi-
cal Board or Committee for obtaining the certi-
icate of fitness.

In the exceptional cases, the certificate may be obtained
from a Commissioned Medical Officer or a Medical
Officer in charge of a Civil Station.

If the Government employee on leave is not a gazetted
officer the authority under which the Government employee
will be employed on return from leave, may, at his discretion
accept a certificate signed by any registered medical practi-
tioner.

Note—A certificate signed by one or two medical officers under Rule 3.1.2 is equivalent
for all practical purposes to a certificate from a Board or Committee and such cases should not
be excluded from the operation of this clause.

8.44-A. (a) A certificate in the following form should
be produced on return from leave by a Government employee
on leave on medical Certificate out of Asia elsewhere than
in Europe, North Africa, America or the West Indies:

"We certify that we have carefully examiners-
of the—Department and find that he is in
good health and fit to return to his duty in India.

Date—
Place——