

CHAPTER IV
PAY AND ALLOWANCES
SECTION - 'A'

INTRODUCTORY

Creation and abolition of posts and alterations in Pay

23. Without the sanction of the Board -
- (i) no new post, whether temporary or permanent, may be created and no addition may be made to the pay and allowances of any employee;
 - (ii) no post may be abolished and the pay and allowances of no post may be reduced;
 - (iii) no group or grade of employees may be created or abolished and the pay of no group or grade of employees may be raised or reduced.

Additional pay for additional duties

24. Sanction of the Board is required for giving any increase in the form of pay, bonus or honorarium to an employee from the Board funds for work done out of office hours and beyond the regular duties of his office, payment for which is a proper charge against Board Fund.

Note:- See Regulation 72.

SECTION - 'B'

REGULATION OF PAY

General

25. (a) Subject to any exception specially made in these Regulations, an employee shall begin to draw the pay and allowances attached to his tenure of a post with effect from the day he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

Note:- If the assumption of the duties takes place in the afternoon, (i.e.) after 12 noon, the employee will be entitled to pay and allowances from the following day.

(b) If however, the substantive appointment of an employee is changed while he is officiating in an appointment, or if while so officiating, an employee is appointed, for the first time to some substantive office, then, provided that the tenure of his officiating appointment is not interrupted by his new substantive appointment, he may draw the pay thereof without joining it, from the date on which the substantive office becomes vacant.

(c) A promotion involving change of duties shall take effect from the date, on which an employee assumes the duties of that post.

Personal Pay

26. Except where ordered otherwise by the Board, 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.

Pay during Training

27. In the case of an employee on a course of instruction or training, the Board may at its discretion authorise payment to him of the pay of his substantive appointment or of any lower rate of pay which it may consider suitable. If the Board so considers, instead of either of the rates just specified, the employee may be authorised to draw the pay of any officiating or temporary appointment held by him at the time he was placed on such course; but this rate of pay shall not be allowed for a period longer than that for which the employee would have held the officiating or temporary appointment had he not been placed upon the course of instruction or training.

Note:- See Regulation 78.

Officiating Appointments

28. An officiating appointment is permissible in a post of which either there is no holder or the holder is an absentee.

29. (a) Subject to the provisions of Regulations 30 and 32, an employee who is appointed to officiate in a post will draw the presumptive pay of that post.

- (b) On an enhancement in his substantive pay as a result of increment or otherwise, the pay of such an employee shall be refixed under sub-regulation (a), 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) Where the increment of an employee in the post in which he is officiating has been withheld under Regulation 40 without any reference to the increments that will accrue to him in the post held by him substantively, the provisions contained in sub-regulation (b) above shall not apply before the date from which the orders withholding the increments finally ceases to be operative. However, the 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.

- (2) Where an employee was not actually officiating in a higher post at the time of enhancement of his substantive pay, but would have either officiated in that post under the "next below regulation" (vide regulation 34) but for his deputation to someother post or would have officiated in that post, but for his officiating appointment to a still higher post, his pay shall be refixed under sub-regulation (b) notionally in that post in which he would have so officiated but for the occasions mentioned above. If and when the employee reverts to that post from deputation/ higher post, the pay to be given to him on the date of reversion will be arrived at with reference to such notional pay.
- (3) Where the period of leave of an employee counts for increment in the officiating post under clause (ii) of Regulation 42 (b) and an increment in the substantive post falls due during such leave, his officiating pay may, if advantageous to the employee, be refixed under sub-

regulation (b) of this Regulation, from the date of accrual of such increment. The financial benefit of such refixation will of course accrue to the employee only from the date of his return from leave; but his next increment in the officiating post will fall due after completion of the prescribed period counting for increment calculated from the date of such refixation.

If however, the period of leave during which an increment in the substantive post falls due; does not count for increment in the officiating post, the employee would be entitled to get his officiating pay refixed only after resumption of charge of the officiating post on return from leave and his service for the next increment in the officiating post counts from the date of such refixation.

- (4) On absorption in the Board service in the same scale of pay as a direct recruit, a tentative candidate continues to draw the pay he was drawing prior to the date of absorption with future increments as they fall due. His previous continuous service counts as officiating service for Regulation of his future increments, leave and pension.

30. (a) An employee who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attached to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended.

(b) For the purpose of this Regulation, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same time-scale as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

31. As a partial exception to Regulation 29, an employee officiating in a post with or without a lien, or a suspended lien on a permanent post when appointed to officiate in a higher post, is entitled to draw in the time-scale of the higher post, the stage next above the officiating pay drawn by him in the lower post.

Note:- Temporary tenure is deemed equivalent to officiate tenure.

32. The Board may fix the pay of an officiating employee at an amount less than that admissible under the foregoing regulations.
33. The Board may issue general or special orders allowing officiating promotions to be made in the place of employees who are deputed on a course of instruction or training vide regulation 9 (17) (c).

Next Below Regulation

34. When an employee is, for any reason, prevented from officiating in his turn, in a post on a higher scale borne on the cadre of the service to which he belongs, he may be granted by a special order of the competent authority, proforma officiating promotion to such post, and there upon be allowed the pay in the scale of that post, if that be more advantageous to him, on each occasion on which the person immediately junior to him in the cadre of his service (or if that person has been passed over for reasons of inefficiency, or unsuitability, or because he is on leave serving outside the ordinary line, or foregoes officiating promotion of his own volition to that scale, then the person next junior to him not so passed over) draws officiating pay in that post.

Provided that all employees senior to the employees to whom benefit under this regulation is to be allowed are also drawing unless they have been passed over, for one or other of the reasons aforesaid, officiating pay in the said; or some higher scale or grade within the cadre;

Provided further that not more than one employee (either) the senior most fit person in a series of adjacent persons holding posts outside the ordinary line; or if such a person either foregoes the benefit of his own volition or does not require the benefit by virtue of his holding a post outside the ordinary line which secures him not less benefits in respect of salary and pension, then the next below in that series may be given the benefit of such proforma promotion in respect of any one officiating vacancy within the cadre.

Note:- A purely fortuitous officiating promotion given to a person who is junior to one outside the regular line does not in itself give rise to a claim under this regulation.

Incharge Arrangements

35. Instead of appointing an employee to officiate as provided in Regulation 28, it is permissible to appoint him to be incharge of immediate higher post. In such a case, a charge allowance not exceeding 6% of the minimum pay of the higher post is admissible in addition to the pay he would have drawn in the lower post.

Note:- (1) The amount of charge allowance resulting in a fraction of a rupee shall be rounded off to the next rupee.

(2) When an employee not yet eligible for promotion to a higher post according to the Recruitment & Promotion Regulation has to be placed incharge of such post, in the exigencies of service or when an employee though eligible for such promotion cannot be promoted to such a post for administrative reasons, e.g. owing to an injunction issued by a Court of Law, the employee should be placed in independent charge of the duties of the higher post for such period as may be considered necessary. In other case also, incharge, instead of officiating, arrangements may be ordered at the discretion of the competent authority. If such an employee is subsequently held eligible for promotion to the higher post from the date on which he was placed incharge of the duties of that post, or from a later date, it is permissible to change the 'Incharge' tenure to 'Officiating' or 'Permanent' tenure with retrospective effect from such earlier date.

Substantive Appointments

36. The initial substantive pay of an employee who is appointed substantively to a post on a time scale of pay is regulated as follows:-

- (a) If he hold a lien on a permanent post other than a tenure post, or would hold a lien on such a post had his lien not been suspended under Regulation 19,
- (i) When appointment to the new post involves the assumption of such duties or responsibilities of greater importance (as interpreted for the purposes of Regulation 30) than those attaching to such permanent post, he will draw a initial pay the stage of the time-scale of the new post next above his substantive pay in respect of the permanent post.
- (ii) When appointment to the new post does not involve assumption of such duties or responsibilities he will draw as initial pay, the stage of the time-scale which is equal to his substantive pay in respect of the lower post, or if there is no such stage the next below that pay plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the lower post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the lower post, he will draw that minimum as initial pay.
- (iii) When the appointment to the new post is made on his own request under Regulation 20 and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the lower post, he will draw that maximum as initial pay.
- (b) If, the conditions prescribed in clause(a) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided that, both in cases covered by clause (a) and in cases other than cases of re-employment after resignation, or removal or dismissal from the Board service, covered by clause (b) that if he either:-

- (1) has previously held substantively or officiated in:-
- (i) the same post, or
- (ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post on an identical time-scale,

or

(iv) a temporary post on an identical time-scale, as a permanent post,

or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated; then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Board under Regulation 9(34) which he drew on the last such occasion and he shall count the period during which he drew that pay on such last and any previous occasions for increments in the stage equivalent to that pay in the time-scale of the new post. If however, the pay last drawn by the employee in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall be taken to be the pay which he last drew in the temporary post, for the purpose of this proviso unless ordered by the competent authority.

Note:- (1) When an employee who has held a temporary post or officiated in a permanent post for a period of not less than three years, is appointed substantively to another post, the temporary or officiating pay drawn by him in the previous post shall be treated as substantive pay for the purpose of fixation of initial pay in the new post. The provisions of the note under Regulation 38 apply in this case also.

(2) The personal pay, mentioned in sub-clause (a)(ii) of this regulation is given to an employee only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the employee might draw less pay than he would have drawn had he remained in the old scale. Accordingly, on the accrual of the next increment and the provisions of that sub-clause in the time-scale of the new post, he should forthwith lose the personal pay and all other benefits of the time-scale of his old post.

(3) In clause (a) of this regulation, the expression 'permanent post' includes a permanent post held by an employee in a provisionally substantive capacity, and the expression "substantive pay in respect of the permanent post" includes the pay drawn in respect of such provisionally substantive post.

(4) The criteria for assessing the relative degrees of responsibility of the affected posts is the same as that mentioned in Regulation 30(b), where the position is not obvious beyond doubt a declaration as to the relative degree of responsibility of such posts should be obtained from the competent authority.

(5) See Note 4 to Regulation 29(b).

36.A. (1) Notwithstanding anything contained in Regulation 36, where a Board employee appointed to a post or category of post as a tentative candidate or as regularly recruited candidate, is appointed regularly as per relevant Regulations of requirement to any other post or category or posts, his initial basic pay shall be so fixed in the scale of pay of the post or category of posts to which he is appointed at such stage that it shall not be less than the basic pay which he last drew in the post last held by him.

Provided that where the basic pay drawn in the post last held by him is more than maximum pay of the scale of pay of the new post or category of posts, his pay shall be fixed at the maximum pay of the scale of the new post or category of posts.

(2) The service rendered by him until the date of his appointment shall count for purposes of leave, pension and increments in the same manner and to the same extent and subject to the same conditions as one applicable to a temporary Board employee.

36.B.(1) After the initial pay is fixed under Regulation 36.A(1), the next increment in the scale of pay of the new post shall be granted on the date on which an increment in the time-scale of the old post would

have accrued, had he continued in that post or the date on which an increment accrues in the time scale of new post, whichever is earlier provided the appointment is to a post carrying lower or identical scale of pay.

- (2) Where the appointment is to a post, the scale of pay of which is identical with the scale of pay of the post of which he held last, his pay on his appointment shall be fixed at the stage which is equal to the pay drawn in the post last held by him.

Provided that after the initial pay is fixed as per Regulation 36.A(1), the next increment in the scale of pay of the new post shall be granted on the date in which an increment in the time scale of the old post would have accrued had he continued that in the post or the date on which an increment accrues in the time scale of the new post, whichever is earlier.

- 36.C. (1) Notwithstanding anything contained in these Regulations, when an employee is promoted to a post or appointed to an ex-cadre post and such promotion or appointment involves the assumption of duties and responsibilities of greater importance than those of the post held by him, his initial pay in the time scale of the higher post shall be fixed the stage next above the pay in the time-scale of the lower post at the time of such fixation.

Provided that where an employee appointed to a higher ex-cadre post is promoted while holding such higher ex-cadre post, to a higher post in accordance with the Recruitment Regulations, of the service to which he belongs the pay drawn in such ex-cadre post shall not be taken into account for the purpose of fixation of initial pay on such promotion, but his initial pay in the post which he is promoted shall be fixed with reference to the pay in which he would have drawn in the post held by him before his appointment to the ex-cadre post.

Provided further that if an employee either -

- (a) has previously held substantively or officiated in

- (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale; or
 - (iii) a permanent post other than a tenure post or a temporary post on an identical time scale, or
- (b) is appointed substantively to a tenure post on a time scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then proviso to Regulation 36 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.
- (2) The pay of an employee to whom sub-regulation (1) is applicable, and who would have normally earned his next increment in the time-scale of the lower post but for his promotion to the said higher post or appointment to the said higher ex-cadre post shall be refixed in accordance with the provisions of sub-regulation (1) in the time-scale of the higher post held by him as if he had been promoted to the said higher post or appointed to the said higher ex-cadre post after he had earned the said increment in the lower post.
- (3) The expression "ex-cadre post" used in this regulation means a stray post, which has been created in or outside the regular line of promotion for a purely temporary period to meet a special need and appointment to which is made by selection from employees possessing the required qualification and experience.
- (4) The principles of fixation of pay as laid down in sub-regulation (1) and (2) of this Regulation shall be applicable also to a Board employee appointed through direct recruitment to a post carrying higher scale of pay.

37.

The initial substantive pay of an employee who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to the post and who is not entitled to draw pay on the time-scale as it stood prior to reduction is regulated by clauses (a) and (b) of

Regulation 36 provided, both in cases covered by clause (a) and in cases, (other than those of re-employment after resignation or removal or dismissal from the Board Service) covered by clause (b) that if he either:-

- (1) has previously held substantively or officiated in:-
 - (i) the same post prior to reduction of its time-scale, or
 - (ii) a permanent or temporary post on the same time-scale as unreduced time-scale of the post, or
 - (iii) a permanent post other than a tenure post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post such temporary post being on the same time-scale as a permanent post other than a tenure post, or
- (2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post; then the initial pay shall not be less than the pay, other than special pay; personal pay or emoluments classed as pay by the Board under Regulation 9(34) which he would have drawn under Regulation 36 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments in the time-scale of the new post, the period during which he would have drawn that pay on such last and any previous occasions.

Employees appointed as Probationers and Apprentices

38. (a) The pay of an employee having a lien, or a suspended lien on a permanent post, or holding a temporary post or a permanent post on officiating basis for not less than 3 years, appointed as probationer in a post in another service or cadre and subsequently absorbed in such a post, temporarily or permanently, shall be regulated as follows:-

- (i) during the period of probation, he shall draw the pay, or if appointed at the minimum or at any higher stage of the time-scale of the post, such pay with increments accruing thereafter unless withheld by competent authority;

provided that if his pay in the permanent post other than a tenure post on which he holds a lien, or would hold a lien had his lien not been suspended, should be higher than the pay admissible under the above clause, during the period of probation or any part of it, he shall draw the pay of the permanent post for such period. If however, he held a non-substantive post of the kind referred to above prior to such appointment and the pay he last drew in such a post was higher than the pay admissible under the above clause, he shall draw such higher pay during the entire period of probation.

- (ii) on absorption, temporarily or permanently, in such a post on satisfactory completion of the period of probation he shall draw the minimum, or such higher stage as may be, admissible, in the time scale of the new post in the usual course, or such higher pay as he may be entitled to under the provisions of Regulations 29, 31 or 36.
- (b) in the case of an employee having a lien or a suspended lien on a permanent post, or holding a temporary post or a permanent post on officiating basis for not less than 3 years, appointed as an apprentice in a post in another service or cadre, and subsequently absorbed in such a post, temporarily or permanently, his stipend or pay shall be regulated as follows.
- (c) during the period of apprenticeship, he shall draw the stipend or pay prescribed that his pay in the permanent post other than a tenure post on which he has a lien or would hold a lien had his lien not been suspended, be greater than such stipend or pay during the period of apprenticeship or any part of it, he shall draw the pay of the permanent post for such period. If however, he held a non-substantive post of the kind referred to above prior to such appointment and the pay he last drew in such a post was higher than the stipend or pay admissible under the above clause, he shall draw such higher pay during the entire period of apprenticeship.

- (d) on absorption temporarily or permanently, in the new post on satisfactory completion of the period of apprenticeship, he shall draw the minimum, or such higher stage as may be admissible in the time-scale of the new post in the usual course or such higher pay as he may be entitled to under the provisions of Regulations 29, 31 or 36.

Note:- Where during the three year period referred to in this regulation an employee had been transferred or promoted, to an equivalent or higher temporary post or posts, or to an equivalent or higher permanent post or posts, on officiating basis, the post he would have held for not less than three years but for such transfers or promotions shall be reckoned for the purpose.

Time Scale Revised

39. The holder of a post, the pay scale of which is changed, shall be treated as if he were transferred to a new post on the new pay scale; provided that he may at his option retain his old scale of pay until the date on which he has earned his next or any subsequent increment in the old scale, until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Drawals and postponements of increments

40. (1) An increment accrues from the day following that on which it is earned. An increment that has accrued shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from an employee by the competent authority, if his conduct has not been good, or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

Note:- (1) When the authority passing orders to withhold an increment fails to specify clearly for which period the employee is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the employee would have drawn the increment withheld.

- (2) "As and from the 1st Oct. 1974 an increment which accrues on a day other than the first day of a month, shall be advanced to the 1st day of that month, subsequent increments being regulated accordingly" (they shall be deemed to have come into force from 1-10-74).

Increment above efficiency bar

41. Where an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to an employee without the specific sanction of the authority empowered to withhold increments.

Service Counting for Increment

42. The following provisions prescribe the conditions on which service counts for increments in a time-scale:-
- (a) All periods of duty in a post on a time-scale counts for increments in that time-scale.

Note:- (1) For definition of the term 'Duty' vide Regulation 9(17).

- (2) When the conditions of service of an employee are such that he is liable to be transferred between posts whether in the same office or outside, the pay and increments of which are identical, his service shall in such cases count for increments as if he had not been transferred.
- (3) Joining time counts for increment.
- (i) if it is under Regulation 88(a), in the time scale applicable to the post on which the employee holds a lien, or would hold a lien had his lien not been suspended, as in the time-scale applicable to the post the pay of which is received by the employee during the period, and
- (ii) if it is under Regulation 88(b) in the time-scale applicable to the post or posts in which the last day of leave before commencement of the joining time counts for increment.

(b) (i) periods of service in another post other than a post carrying less pay referred to in Regulation 20(a), whether in a provisionally substantive or officiating capacity, service on deputation, and periods of leave except extra-ordinary leave taken otherwise than on medical certificate shall count for increments in the time-scale applicable to the post or posts, if any; on which he would hold a lien had his lien not been suspended.

(ii) All leave except extraordinary leave otherwise than on Medical certificate and the periods on deputation out of India should count for increment in the time-scale applicable to a post in which an employee was officiating at the time he/she proceeded on leave or on deputation out of India and would have continued to officiate but for his/her proceeding on leave or deputation out of India or deputation to other departments of Government.

Note:- (1) In the case of group C and group D employees, a certificate in the following form shall be obtained from the appointing authority and appended to the increment certificate by the head of the office.

Certified that who has been allowed increment taking into account the period of his leave/ deputation from to would have actually continued to officiate in the post held by him during the said period but for his proceeding on leave/deputation.

(2) In the case of group A and group B employees the orders of the competent authority sanctioning leave/ deputation should indicate that the employee would have continued to officiate in the post but for his proceeding on leave/deputation.

(3) In the case of a Board employee proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Board employee concerned returns to the same post after the expiry of leave, the certificate mentioned in the Note-1 may be issued by the leave sanctioning authority.

- (c) If an employee, while officiating in a post or holding a temporary post on a time-scale of pay is appointed to officiate in a higher post or to hold a higher temporary post his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, or is appointed or re-appointed to a post on the same time-scale of pay counts for increments in the time-scale applicable to such lower post.

The period of officiating service in the higher post which counts for increment in the lower post is however restricted to the period during which the employee would have officiated in the lower post but for his appointment to the higher post. This clause applies also to an employee who is not actually officiating in the lower post, but who would have so officiated in such lower post or in a post on the same time-scale of pay, had he not been appointed to the higher post.

- (d) Foreign service counts for increments in the time-scale applicable to:-
- (i) the post in Board service on which an employee concerned holds a lien as well as the post or posts if any, on which he would have held a lien had his lien not been suspended, and
 - (ii) the post in Board service in which the employee was officiating immediately before his transfer to foreign service so long he would have continued to officiate in that post on the same time-scale but for his going on foreign service; and
 - (iii) any post to which he may receive officiating promotion under Regulation 296 (b), for the duration of such promotion.

Note:- A person holding no substantive appointment under the Board, who is appointed to officiate in a permanent post or to hold a temporary post on a time-scale of pay shall not be allowed to count for the purpose of increment in the time-scale, passed non-continuous officiating service in such permanent post or non-continuous service in such temporary post, service shall be deemed non-continuous only if it is interrupted by actual loss of appointment.

Reduction to lower posts or stages

43. The authority which orders the transfer of an employee as a penalty from a higher to a lower post or to a lower time-scale, may allow him to draw any pay, not exceeding the maximum pay of the lower post or time-scale, which it may think proper.

Provided that the pay allowed to be drawn by an employee under this Regulation shall not exceed the pay which he would have drawn by the operation of Regulation 36 read with clause (b) or clause (c), as the case may be of Regulation 42.

Note:- Once the pay is fixed in the lower post or time-scale in the manner indicated above the regulation of increments in the lower post time-scale will be made in the usual course unless the increment in the lower post or scale also is withheld.

44. If the pay of an employee is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, it shall operate to postpone future increments and, if so, to what extent.

Note:- Whereafter an order reducing the pay of an employee in his time-scale is passed, the time-scale gets upgraded either in a general revision or otherwise neutralising wholly the effect of the order, a sum equivalent to the emoluments which the employee would have lost had the scale not been upgraded shall be recovered from him. If however, the upgrading neutralises the effect of the order only partly, the recovery shall be restricted to a sum equivalent to the amount so neutralised.

45. If an employee is transferred to a lower post or time-scale as a measure of penalty, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified that authority shall, also state whether, on restoration, the period of

reduction shall operative to postpone future increments and, if so, to what extent.

Where the period of reduction is specified under this Regulation, the employee concerned shall be automatically restored to his old post/time-scale after the expiry of the specified period and his pay on such restoration shall be regulated as follows:-

Note: (i) If the order of reduction lays down that the period shall not operate to postpone future increments, the employee shall be allowed the pay which he would have drawn in the usual course, but for his reduction to the lower post/time-scale. If the stage pay drawn by him immediately before reduction was below the efficiency bar, he shall not however be allowed to cross the bar except in accordance with the provisions of Regulation 41.

(ii) If the order lays down that the period of reduction shall operate to postpone his future increments, for any specified period which shall not exceed the period of reduction to the lower post, the pay of the employee on restoration shall be fixed in accordance with (i) above but after treating the period for which increments are to be postponed as not counting for increments.

46. Where an order of penalty of withholding of increment(s) of an employee, or to a lower stage in his time-scale is set aside, or modified by a competent authority on appeal or review, the pay of the employee for the affected period shall be regulated as follows:-

(a) If the order is set aside, he shall be given for the period the order was in force, the difference between the pay he would have been entitled to had the order not been made and the pay he has already drawn.

(b) If the said order is modified, his pay shall be regulated with retrospective effect as if the order as so modified had been made in the first instance only.

Note:- (1) Where the pay drawn by an employee in respect of any period prior to the issue of the orders of competent appellate or reviewing authority, is revised under this regulation, the leave salary and allowances (other than travelling allowance) if and already drawn by the employee during that period based on the reduced pay, shall also be revised on the basis of revised pay.

(2) In respect of cases falling under sub-regulation (a), service rendered by an employee at the stage increment was withheld or in the lower post, or time-scale or in the lower stage of his time-scale shall count for increment(s) or for other purposes in the time-scale and its stage which he was holding immediately before the imposition of the penalty, from the date of imposition of such penalty by the disciplinary authority to the date on which the orders of penalty is set aside by the competent appellate or reviewing authority provided, that in the case of transfer to a lower post he would have continued to hold the higher post but for the order of penalty.

In respect of cases falling under sub-regulation (b), such service from the date of imposition of the penalty by the disciplinary authority to the date on which the order is modified by the appellate or reviewing authority shall be counted for the purpose of increment or for other purposes in the post which the employee was holding immediately before the imposition of the penalty or in any other post which he would have held but for the order of penalty to the extent the order of modification permits of such counting.

Advance Increments

47. (a) Advance increment/(s) shall be sanctioned to the eligible employees who acquired/acquires higher/additional qualification prescribed for the post other than for recruitment/promotion as per R&P Regulations and also as per the decision of the Board from time to time.

Grant of premature or advance increment/(s) to eligible employees in their time-scale requires the special sanction of the Board in each case. As it is contrary to the principle of the time-scale to grant an increment before it falls due proposals for grant of such increment/(s) shall not be entertained except in circumstances justifying the grant of advance increment/(s) to an eligible employee.

Where an advance increment/(s) is/are sanctioned under this Regulation, in the absence of any other directions, in the sanction order, the employee would be entitled to future increments if any as if he had reached that stage in his time-scale in the ordinary course.

Grant of advance increment/(s) shall be subject to the following conditions:-

- (i) the grant of advance increment/(s) shall be without prejudice to the normal increments;
- (ii) the benefit of advance increment/(s) shall be admissible only once during the entire service;
- (iii) advance increment/(s) shall not be granted beyond the maximum of the time-scale applicable to the post held by the eligible employee at the time of grant of the advance increment/(s).
- (iv) advance increment/(s) shall not be granted during the period of probation. But the same shall be granted from the date of satisfactory completion of probationary period or from the date of announcement of results of the prescribed higher/additional qualification whichever is later.
- (v) the grant of advance increment shall take effect from the date of announcement of result of examination.

Note:- Where the passing of an examination or test confers on an employee title to any benefits, such benefit shall accrue from the date of announcement of results. Where the examination or test is taken in more than one instalment, the benefit shall accrue from the date of announcement of the examination or the test.

Additional Increments

47. (b) An increment sanctioned to the eligible employees who passes the prescribed departmental examination/test and get themselves qualified either for satisfactory completion of probationary period or promotion to higher post as per R&P Regulations.

Only one increment in the existing time-scale shall be allowed to eligible employees as additional increment during the entire service without prejudice to the normal increment.

Additional increment shall be sanctioned from the date of passing the latest of the departmental examination or Kannada language test prescribed or should have been obtained exemption from passing Kannada language test.

Stagnation Increments

47. (c) An officer (i.e. other than those who covered under definition of workman) who draws the pay in the time-scale of pay which carry annual rate of increment and who have reached or who reaches the maximum of the scale of pay applicable to him may be granted five stagnation increments annually (i.e. year after year) at the rate of increment last drawn and such increments should be treated as part of 'Pay' for all purposes.

The first stagnation increment may be granted from the date immediately following the completion of one year from the date of reaching the maximum of pay scales or with effect from 1-4-1996 whichever is later and the subsequent stagnation increments shall accrue every year thereafter.

The total number of stagnation increments in the entire service inclusive of the stagnation increment already sanctioned prior to 1-4-1996 shall be limited to five only.

The grant of the stagnation increment is subject to the following conditions:-

- (i) an officer should have satisfactory record of service and he should otherwise be eligible for normal increments in the time-scale of pay, but for reaching the maximum of the scale.
- (ii) the satisfactory record of service for the purpose of stagnation increments shall be determined in the same manner as suitability for promotion is determined.
- (iii) the benefit of stagnation increments will not be admissible to an officer who foregoes his promotion voluntarily or who after his promotion seeks reversion on his own accord to the lower post held by him before his promotion.

Note:- In case of officers the maximum of the time scale shall be treated as increased to the extent of the increments on personal basis on grant of these stagnation increments.

Special Increments

48. (a) For promoting Small Family Norms

An employee or whose spouse undergoes sterilisation operation after having one surviving child or having two living children shall be granted a special increment in the form of 'Personal Pay' as incentive for promoting small family norms subject to the following conditions:-

- (i) The employee must be within the reproductive age group. In the case of a male employee, this would mean he should not be over 50 years and his wife should be between 20 and 45 years of age. In case of female employee, she must not be above 45 years and her husband must not be over 50 years of age.
- (ii) The sterilisation operation must be conducted in the Government Hospital or a Hospital run by the Municipal Corporations/ Municipalities and the sterilisation certificate in the prescribed form (Form-No.1 appended to this regulation) should be obtained and produced. In case, the sterilisation operation is conducted in Private Nursing Home or a Private Hospital or Private Hospital/Nursing Homes recognised by Board, the certificate so obtained shall be

countersigned by a Civil surgeon/District Medical Officer/Authorised Medical attendant of Government Hospital who would before countersigning the certificate shall satisfy himself that the employee/ spouse has actually undergone the sterilisation on the date mentioned in the certificate.

- (iii) An employee claiming this special increment should give an undertaking/certificate in the prescribed form (Form No. II appended to this regulation).
- (iv) The rate of special increment (to be granted in the form of personal pay) would be equal to the amount of next increment due at the time of grant of the increment and will remain fixed during the entire service. It will not be absorbed in future increase in pay either in the same post or on promotion to higher post. In case of an employee who has reached the maximum of the time-scale of pay, the rate of increment would be equal to the amount of the increment last drawn.
- (v) In case of an employee who is on deputation, the rate of special increment would be determined with reference to the scale of pay applicable to him in the Board.
- (vi) The benefit of special increment would be admissible from the first of the month following the date of sterilisation. In case if the employee is on regular leave who has undergone sterilisation operation, the benefit of special increment would accrue from the first of the month following the date of return to duty after expiry of leave.

Annexure to Regulation No. 48(a)

FORM NO.I

STERILISATION CERTIFICATE

1. I, Dr.....hereby certify that I have conducted Vasectomy/
Tubectomy operation on Shri/Smt..... Husband/wife of Shri/
Smt..... employed as in.....
at..... on.....
2. A sperm count was undertaken on..... and on the basis there
of it is certified that the Vasectomy operation has been completely
successful.

(Para 2 in the case of Vasectomy operation only)

Delete words wherever not applicable.

SIGNATURE

FORM NO.II

Undertaking/Certificate to be given by the Board Employee.

1. I/My spouse have /has undergone Vasectomy/Tubectomy operation
at.....on Necessary sterilisation certificate issued
by is enclosed. In case I/My spouse have to take report
to recanalisation for any reason whatsoever, I undertake to report this
fact forthwith to the Board.
2. I also certify that my wife Smt..... is not pregnant on this date.

(Para 2 for male Board employee only)

SIGNATURE

(b) For Achievement of Excellence in Sporting Events.

An employee shall be awarded,

- (i) one special increment for achieving excellence in National Sporting events,
and
- (ii) two special increments for achieving excellence in International Sporting events.

The total number of increments so awarded to an individual employee should not exceed 5 (five) in his/her career. The special increment so granted shall be treated as 'Personal Pay'.

This special increment shall be granted from the first of the month following in which the sporting events are completed.

This special increment shall be determined with reference to the scale of pay available to him/her as on the date of completion of overall competitions.

Combination of posts in different office / Establishment

49. The Board may appoint an employee to hold as a temporary measure, or to officiate in two or more independent posts at the same time. In such cases, the employee draws:-

- (a) the highest pay to which he would be entitled in any one of the said posts, if appointed alone;
- (b) for every other post he draws such pay as the Board may fix not exceeding half of the presumptive pay of the post.
- (c) If compensatory or other allowances are attached to one or more of the posts he draws such allowances as the Board may fix provided that the total amount thereof shall not exceed the total of the compensatory and other allowances attached to all the posts.

Note:- The minimum period of combined charge entitling increased pay or allowances under this Regulation shall be fourteen days.

Combination of posts in the same office / Establishment

50. An employee discharging the duties of more than one post in the same office, or on the same establishment, may be allowed with the sanction of the Board, the highest pay to which he would be entitled if he had held any one of the posts alone and nothing more. He may also be granted the special pay attached to any one of those posts.

Incharge of current duties

51. When an employee is appointed to be in charge of the current duties of another post in addition to the duties of his post and the charge entails substantial increase of responsibility and additional work he is entitled to draw for the additional charge, a charge allowance not exceeding 6% of the minimum pay of additional post.

Note:- (1) The amount of charge allowance resulting in a fraction of a rupee shall be rounded off to the next rupee.

- (2) The authority competent to appoint an employee to be in charge of the current duties of another post in the circumstances mentioned in this Regulation is competent to fix the quantum of the charge allowance also.
- (3) Charge allowance is admissible in respect of a post if the post is vacant or the incumbent thereof is an absentee.
- (4) The minimum period of additional charge for payment of charge allowance under this regulation shall be one month. If a period of leave with allowances intervenes two spells of additional charge of less than one month in each case, but amounting to not less than one month in the aggregate, charge allowance is admissible for the two spells provided it is certified by the authority sanctioning the leave, that but for the employee proceeding on leave he would have continued to hold the additional charge.

52. The charge allowance is payable even in cases where the pay of an employee together with the charge allowance, exceeds the pay which he would have received if he had officiated in the post. But it is not payable when the post of which the employee is placed in additional charge, carries a scale of pay lower than that of his own.

Exception:- In respect of an employee who has been sanctioned next higher scale and if placed in additional charge of an equivalent post, then he is entitled to charge allowance admissible.

53. An employee placed in additional charge of the current duties of a post is not entitled to any special pay, local or other allowances attached to that post except under the special orders of the Board.

Exception:- An employee who is already in receipt of an allowance or special pay when placed in additional charge of another post to which an allowance or special pay is attached, may at his option draw the allowance or special pay attached to either of the posts, but not both.

Overtime Pay

54. (a) An employee preferably workman, required to work for more than 9 hours on any working day or for more than 48 hours in any week shall in respect of every half hour of such overtime work be entitled to overtime pay.

In the bill in which overtime pay is claimed, full explanation should be furnished as to the circumstances in which overtime was necessitated.

For the purpose of this Regulation an employee means a workman as defined in Section 2(s) of Industrial Dispute Act 1947 which reads:-

“workman” means any person (including the apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person

Note:- (1) who is employed mainly in a managerial or administrative capacity; or

(2) who being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

- (b) Executive employees including supervisory staff upto and inclusive of Assistant Engineers working in other places may in similar circumstances be paid overtime pay, subject to the following conditions:-

(i) that the work to be covered by overtime was urgent and was necessitated by unforeseen circumstances and not by any delay or negligence in the discharge of any employees normal duties;

- (ii) that the hours of overtime were restricted to the absolute minimum;
 - (iii) that the work done by overtime has been inspected and that the same commensurate with the overtime pay payable;
 - (iv) that the overtime is sanctioned by the Divisional Officer; under a report to the Superintending Engineer.
- (c) Overtime will be computed in terms of completed half hours and the rate of overtime pay for every half hour will be the monthly rate of pay of the employee divided by 416 (half-hours of normal work in a month of 26 working days).

SECTION - 'C'

REGULATION OF EMOLUMENTS IN ADDITION TO PAY

I. COMPENSATORY ALLOWANCES

INTRODUCTORY

55. The amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient. All directions regulating such allowances are subject to this principle. Sanction of the Board is required for the grant of any new allowance or for changing the amount or scope of existing allowances.
56. Except where specifically provided otherwise in these Regulations, a compensatory allowance attached to a post shall be payable in full only to the employee actually performing the duties of that post and shall not be payable either in whole, or in part, to any one else.

Note:- (1) The Employees Medical Attendance Regulations are printed separately, i.e., Appendix-II.

- (2) The employees are also sanctioned other allowances like Rural Allowance, Uniform Allowance, Specialised Work Allowance, Hot stick allowance and Holiday work compensation. Regulations for claiming travelling allowance of the employees are found in Chapter XVI.

Regulations governing dearness allowance, house rent allowance, local allowances, etc., are detailed in relevant regulations.

Dearness Allowance

57. Dearness Allowance is payable to all employees, different rates being applicable to different slabs of such pay. As the allowance is a compensatory one, intended to neutralise the effects of a general rise in the cost of living, its scales are subject to variation from time to time at the discretion of the Board.
58. The title to the allowance is determined in all cases with reference to 'Basic Pay' of an employee. 'Basic Pay' means the pay drawn by an employee in the post held by him whether permanent, temporary or officiating.
59. Dearness allowance is payable during periods of deputation, leave with allowances (other than study-leave) and suspension.
- Note:-** (1) When the rates of basic pay vary during different spells in a month, dearness allowance should be calculated, separately for each such spell with reference to the rate of basic pay.
- (2) Employees transferred to foreign service are also entitled to draw dearness allowance under these Regulations from the foreign employer.
60. Retired employees, whether of the Board, or of State or Central Governments, or of Local bodies, who are re-employed in Board service and who draw pension in addition to pay on re-employment, are entitled to draw dearness allowance. For this purpose, 'Basic Pay' will be their pay on re-employment or leave salary (excluding special pay, etc.) plus pension (prior to commutation), the total being limited to the maximum pay of the post held on re-employment. For the period they draw dearness allowance under this Regulation, dearness allowance due on their pension, if any, will remain in abeyance.

61. Deleted.

Compensatory-Cum-House Rent Allowance

62. } Deleted.
63. }
64. }

House Rent Allowance / City Compensatory Allowance

65. (a) Employees are entitled to house rent allowance, if they are not provided with rent free quarters at the rates prescribed by the Board from time to time.
- (b) (i) For the purpose of payment of house rent allowance and city compensatory allowance, cities and other places in the State are classified into several groups with reference to the population according to census, and shall be as per the orders issued by the Board from time to time.
- (ii) The provisions under this Regulation is applicable to all full time employees who are on time scale of pay.
- (c) Employees shall be entitled to house rent allowance and city compensatory allowance based on the basic pay drawn by them.
- (d) For the purpose of this Regulation, the term basic pay means pay drawn by an employee in the scale of pay applicable to the post held by him and includes:-
- (i) Stagnation increment, elongation increment if any granted above the maximum of the time scale of pay,
- (ii) Additional increment if any, granted above the maximum of the time scale of pay,
- (iii) personal pay if any granted; and basic pay shall not include any emoluments, other than those specified above.
- (e) Employees who are posted to any place which is situated within a distance of eight kilometers from the periphery of the Municipal limits

of Bangalore City Corporation and which is not included in the Bangalore Urban agglomeration area, but who resides within the limits of Bangalore City Corporation are entitled to draw house rent allowance and city compensatory allowance.

- (f) House rent allowance and city compensatory allowance are payable with reference to the place of duty, irrespective of the place of residence of an employee.
- (g) An employee will not be eligible for house rent allowance if his/her spouse has been allowed rent free accommodation at the same station by the Board/State Government / Central Government / Central or State Public Undertakings/ Local bodies/Semi Government organisations / Aided Institutions / Co-operative Societies; irrespective of whether he/she resides in that accommodation or he/she resides separately in accommodation rented by him/her.
- (h) In case of an employee whose basic pay is Rs.2525/- per month or more with effect from 1-9-1994 and whose spouse is also an employee of the Board/State Government/Central Government/Central or State Public Undertakings/Local bodies/Semi-Government Organisations/ Aided Institutions/Co-operative Societies and working in the same station and draw basic pay of Rs.2525/- per month or more, the house rent payable to one of them shall be restricted to the amount admissible on the basic pay of Rs.2525/- per month or more, the house rent allowance payable to one of them shall be restricted to the amount admissible on the basic pay of Rs.2525/- per month. The other spouse shall be eligible to draw house rent allowance at the prescribed rates, where the husband and wife are working in different stations, they shall be eligible to draw normal house rent allowance at the prescribed rates as per entitlement.
- (i) The recovery of rent from an employee to whom Board accommodation is provided on rental basis shall be the rent fixed by the specific orders of the Board or the house rent allowance admissible to him/her at the place of duty or the house rent allowance admissible under this Regulation whichever is more.

(j) House rent shall not be recovered from the employees who are drawing basic pay of Rs.1940/- and below per month, with effect from 1-9-1994, if they are provided with Board quarters and they shall not be entitled to house rent allowance.

(k) An employee to whom designated quarter is available but does not occupy will not be eligible for house rent allowance.

(l) Admissibility of house rent allowance and city compensatory allowance during leave, suspension, joining time and training shall be regulated in accordance with the provisions of the relevant Regulations.

66. A house rent allowance may be drawn during leave.

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

(b) The employee certifies either -

(i) that he or his family or both continued to reside for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or

(ii) that he continued, for the period for which allowance is claimed to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

Local Allowances

67. (a) Construction allowance:-

The Board may sanction construction allowance to the employees who are actually engaged on construction works of such magnitude as may be determined by the Board. This allowance will be purely a local allowance and will be paid at such rates as fixed by the Board from time to time.

- (b) Construction allowance will not be admissible in addition to other allowances like Rural Allowance, Special Pay or other local allowances, but option will be allowed to employees to draw either the construction allowance or other allowances admissible to them.

Special Locality Allowance:-

68. The Board may sanction special locality allowance at the rates prescribed from time to time to employees if the cost of living in such localities is abnormally high either owing to their remoteness from towns, taluks or district head quarters, or owing to concentration of large labour on construction works nearby or both.

Note:- The places where special locality allowance is payable and its quantum are detailed in Appendix-IV.

Hill Allowance:-

69. Employees stationed at Nandi, Kemmangundi, Mercara Town, Bhagamandala, Mahadeswara Hills and B.R. Hills and other hill stations are entitled to draw hill allowance at the rates prescribed from time to time.

Note:- See Appendix-V.

70. A local allowance may be drawn during;

(a) Leave, if:-

- (i) the authority sanctioning the leave certifies that the employee is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave,
- (ii) the employee certifies that he or his family or both reside, for the period for which the allowance is claimed.

Shift Allowance

71. (a) Shift allowance is payable to workmen/officers deployed to evening/night shifts (including watch & ward, medical staff, service stations and Telex operators).

Note:- For the purpose of this Regulation, 'Night Shift' means a shift which covers or extends over any period of the night between 6.00 P.M. and 6.00 A.M.

- (b) The allowance is drawn monthly, on a separate bill after the close of the month to which the claim relates. The rates of the allowance are detailed in Appendix VI.

Note:- Other allowances like, personal allowance, washing allowance, Dip & Diving allowance, Rural allowance, Hot stick allowance, Specialised works allowance, House orderly allowance, Holiday work compensation are paid to the eligible employees as detailed in Appendix VI(a) to (d).

II. HONORARIA

72. (a) The Board may grant or permit an employee to receive an honorarium as remuneration for work performed which is occasional or intermittent in character, and is 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 of an honorarium should not be given unless the work has been undertaken with the prior consent of the Board and its amount has been settled in advance.
- (b) The following general principles shall govern payment of honoraria to the employee:-
- (i) no honoraria should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the employee concerned;
 - (ii) it is one of the liabilities of the employees to have to work outside office hours in exceptional times and circumstances. No honoraria should ordinarily be given on this account, but continuous working out of office hours and on authorised holidays may justify a claim to honoraria if grant of special pay is not considered suitable;

- (iii) no honoraria should be paid to employees for attending meetings of Board's and committees financed wholly or partly from the Board funds.
- (iv) when the service rendered falls within the scope of ordinary duties of the employees performing it, the test of special merit prescribed in clause (a) must be very strictly applied.

Note:- The temporary increase in work due to the holding of special conferences under the auspices of any authority under the Board or of inter departmental committees are normal incidents of Board service and form part of the legitimate duties of the employees according to general principles enunciated at (b) above. Those so employed have therefore no claim to extra remuneration.

73. As a partial exception to Regulation 72, remuneration or rewards offered to employees from the consolidated fund of the State or Board funds in the following cases may be accepted by them without special permission subject to general or special orders of the Board, if any;

- (i) a reward offered for the arrest of criminal or for information or special service in connection with administration of justice;
- (ii) a reward offered for services in connection with the administration of excise and other laws;
- (iii) a reward offered and payable under the provisions of any other Act, or Regulation or rules framed thereunder;
- (iv) remuneration payable to an employee for duties which he is required to perform in his official capacity under any special or local law or on order of the Board;
- (v) remuneration in accordance with the sanctioned scales for work as examiners conducted under the auspices of the Board, the Department of Public Instruction and other examining bodies set up by the State Government and the Karnataka Public Service Commission;

- (vi) honoraria fixed by a Court of Law when an employee is called upon by the court to act as a Commissioner to give evidence in technical matters provided that the case is not of such a nature as is likely to come before him in the course of his official duties.

III. FEES

74. (a) The Board in the case of group A and group B employees, and controlling officers in other cases, may permit an employee, if they are satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service, or series of services, for a private person or body, or for a public body including a body administering a local fund, and to receive as remuneration therefor, if the service be material a non-recurring or recurring fee.

Note:- (1) It is incorrect for employees who are whole time employees of the Board to accept private employment (particularly part-time work daily) which may conflict with their official duties. Permission for such employment should be accorded only for a work of a quasi-official nature, of an educational institution, a local body or a co-operative institution.

(2) The sanctioning authorities other than the Board shall record in writing that due regard has been paid to the general principle enunciated in this Regulation and shall record also the reasons which in their opinion justify the grant of the extra remuneration.

(3) The amount of fees must be fixed with due regard to the value of the service in return for which it is given. The maximum fee permitted by any Regulation is not to be given in cases in which any smaller fee would be fair and sufficient.

- (b) Unless the Board by a special order directs otherwise, one-third of any fee exceeding Rs.500/- in each case if non-recurring, or exceeding Rs.500/- a financial year, if recurring, received by an employee shall be

credited to the Board funds provided that the amount left to the employee shall in case be less than Rs.500/-.

Note:- Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose or crediting one third to the Board under this Regulation.

Exception:- Any employee is eligible to receive a premium awarded for any essay or plan in public competitions and, except as otherwise provided by a general or special order of the Board, to retain it fully without special permission.

75. As an exception to clause (b) of Regulation 74, any employee can accept the following kinds of remuneration with the sanction of the competent authority and retain them in full:-

- (i) fees received in the capacity of an office bearer of a co-operative society working for the benefit of Board employees only;
- (ii) remuneration earned for lectures delivered including radio broadcasts, publication of papers, pamphlets, etc., provided that in any individual cases the remuneration received for each of the above items does not exceed rupees one thousand on each occasion;
- (iii) income derived by an employee from exploitation of patent for an invention taken out by him with the permission of the Board;
- (iv) remuneration in accordance with sanctioned scale of work as examiners or superintendents for examinations conducted under the auspices of the examining bodies set up by Universities in the State;
- (v) fees received by employees working as part-time teachers in commercial and other institutions under private management provided the amount does not exceed Rs.50/- per month in any case;
- (vi) fees received by employees for part-time work in a local body or a University.

Note:- An 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 an employee save with the permission of the Board and in accordance with such conditions as the Board may impose.

76. When the work undertaken for a private person or body, or for a public body including a body administering a local fund, is such that it must be done during the time which would otherwise be employed in the service of the Board, the fee should be credited to the Board in full.

Note:- (1) Employees who serve as Directors of Joint Stock Companies or as members of other institutions (such as the Indian Institute of Science), by virtue of their position in Board service, should credit to the Board, any fees which they may receive for attending Directors' or other meetings. Where necessary they will be allowed to draw, on such occasions, travelling allowance as on duty. (See Regulation 325).

The employees concerned should invariably furnish in their travelling allowances bills (in which travelling allowance is claimed for attending Directors' or other meeting of Joint Stock Companies, etc.) the following Certificate:-

"Certified that I have not received any amount in the forms of Directors' fees or sitting fees from the company for attending a meeting in respect of which travelling allowance is claimed, or that the fees received have been credited to Board Account."

SECTION - 'D'

DEPUTATION

General

77. The deputation of an employee on special temporary duty whether connected with his regular work or not, or for study or training, requires the sanction of the Board. The period of absence of an employee on deputation counts as duty.

Note:- Deputationists for study or training should execute the prescribed bonds before they are relieved of their duties for such study or training. In the case of deputation within India, the bonds shall be in form prescribed and in other cases they shall be in the forms prescribed in Appendix-IX.

Deputation within the State

78. When an employee is, with such sanction deputed temporarily within the State:-
- (a) in connection with any special duty, or
 - (b) for a course of instruction or training, he may subject to the provisions of Regulation 27 in the case of (b) allowed to draw during such deputation.
 - (i) his substantive pay, or the pay of the officiating or temporary appointment which he held at the time of deputation, or would have continued to hold but for deputation;
 - (ii) compensatory allowances if any, subject to the provisions of Regulations 57 to 70.

Note:- Except in case of deputations exceeding four months at a stretch, he may also be allowed travelling allowance as for journeys on tour in the case of (a) and under the provisions of Regulation 401 in the case of (b).

Where the period of deputation exceeds four months, the Board may sanction,

- (i) in cases covered by clause (a), a special pay or local allowance, in addition to travelling allowance, admissible if the duty on which he is deputed were treated as a new post;
- (ii) in cases covered by the clause (b), a special pay or local allowance in lieu of daily allowance.

Deputation outside the State

79. When the deputation is outside the State, but within India, an employee would in similar circumstances be entitled to draw during the period of such deputation:-

- (a) where the deputation is in connection with any special duty; pay and allowances including travelling allowance as in the case of such deputations within the State;
- (b) where the deputation is for undergoing a course of instruction for training;
 - (i) pay and allowances as at sub-clause (i) and (ii) of Regulation 78 and,
 - (ii) full daily allowance at the rates admissible where the period of instruction or training does not exceed one month; full daily allowance for the first one month and half of the daily allowance thereafter, where the period exceeds one month, but does not exceed three months, and full daily allowance for one month, 3/4 daily allowance for the next two months and half daily allowance thereafter where the period exceeds three months.

Note:- (1) In case of deputations for training where the training undergone is at different centres and the period of stay at each centre is for less than a month (even though the entire course of training is for more than a month) full daily allowance at the rates admissible, may be paid for the entire period.

- (2) Employees who are required to appear before General Selection Committee, New Delhi, prior to their selection for training or study may be allowed to draw travelling allowance from their head-quarters to Delhi and back. The travelling allowance will however be limited to single railway fare without incidental charges and daily allowance at the rate admissible for halts at Delhi for the days or their halt at that place in connection with the interview.

The travelling allowance claimed under clause (b) should be supported by either of the following certificates:-

Certified that I have not drawn travelling allowance or daily allowance for the journey and halt from any Non-Government source.

or

Certified that travelling allowance and daily allowance admissible from Non-Government sources in respect of this journey and halt has been drawn and deducted from the amount claimed in this bill.

Deputation Outside India

80. No employee may be placed on deputation outside India without the previous sanction of the Board. When an employee is deputed, he may be allowed to draw;

- (a) pay not exceeding the full amount of pay which he would have drawn had he remained on duty in the Board.
- (b) dearness allowance and other compensatory allowances in accordance with the provisions of Regulations 57 to 70; and
- (c) such other emoluments as the Board may fix.

Note:- (1) The travel concessions admissible to employees placed on deputation outside India are detailed in Appendix VII.

- (2) An employee should not be placed on deputation outside India for the purpose of higher study when the

requirements of the case would be met sufficiently by the grant of study leave.

Provided that if the period of higher studies (exclusive of the travel time from India to the country of training and back) falls under clause (ii) of Regulation 140 and does not exceed six months, he may be treated as on deputation for the full period. Where the period of studies exceeds 6 months only the first six months plus the time of travel from India to the country of training and back will be treated as on deputation vide Regulation 141, in all such cases, an employee is entitled to draw for the period of deputation, pay and compensatory allowances under the provisions of clause (a) and (b) above, and maintenance or daily allowance, tuition fees etc., as shown in Appendix IX.

- (3) The foreign currency equivalent of the pay granted under clause (a) to an employee on deputation shall be calculated at such rate of exchange as the Government of India may have prescribed in the case of deputation of officers of All India Services.

81. In all cases covered by Regulations 78 to 80, the period of deputation shall be deemed to have commenced on the date on which the employee resumes it.
82. Notwithstanding anything contained in the Regulations of the section if the Board is satisfied that the time of an employee deputed for training or study has not been properly employed, it may direct the refund of the daily or other allowances drawn by such employee during the period of deputation, and such refund shall be effected by recoveries from his future pay and allowances in such instalments as the Board may direct.

SECTION - 'E'

DISMISSAL, REMOVAL AND SUSPENSION FROM SERVICE

General

83. The pay and allowances of an employee who is dismissed or removed or compulsorily retired from service, cease from the date of such dismissal, removal or compulsory retirement.

Period of suspension

84. (1) An employee under suspension or deemed to have been placed under suspension/or continuous to be under suspension by an order of the competent authority shall be entitled to the following payments namely:-

- (A) Subsistence allowance at an amount equal to the pay which the Board employee would have drawn if he had been on leave on half pay and in addition dearness allowance and other allowances if admissible on the basis of such subsistence allowance/leave pay and house rent allowance and city compensatory allowance admissible from time to time on the basis of pay of which the Board employee was in receipt on the date of suspension subject to fulfilment of other conditions laid down for drawal of such allowance.

Provided that where the period of such suspension exceeds six months, the authority which made or 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 first six months as follows:-

- (i) the amount of subsistence allowance may be increased by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of 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 Board employee.

- (ii) the amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of 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, directly attributable to the Board employee.
- (iii) the amount of dearness allowance shall be based on the increase or decrease in the amount of subsistence allowance as the case may be admissible under sub-clause (i) and (ii) above.

Note:- After the first review at the end of six months of suspension, the competent authority may further review and pass orders to increase or decrease the rate of subsistence allowance upto the limits prescribed in sub-clause (i) and (ii) according to the circumstances of each case. A second or subsequent review may be made at the discretion of the competent authority.

It is permissible to reduce the amount of subsistence allowance once increased on the basis of the first review upto 50 percent of the amount of subsistence allowance initially granted, if the period of suspension has been prolonged for reasons directly attributable to the employee.

Similarly in a case where an amount of subsistence allowance has been reduced after the first review, the same may be increased not exceeding 50% of the pay drawn or which he would have drawn but for proceeding or being on leave immediately prior to the date of suspension, if the period of suspension has been prolonged for reasons not directly attributable to the employee.

- (B) Any other compensatory allowances admissible from time to time on the basis of the pay which the employee was entitled to on the date of suspension, or on the basis of subsistence allowance as the case may be;

Provided that the employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the employee continued to meet the expenditure for which they are granted.

Note:- (1) Where an employee has been suspended by an authority subordinate to the Board and final orders in the enquiry pending against him have not been passed within a period of six months from the date of placing him under suspension, the case shall be reported to the Board for such order as it may deem fit, extensions of periods of suspension beyond the first six months, require the sanction of the Board except in cases falling under regulations 86 and 87.

(2) No payment of subsistence allowance and compensatory allowance shall be made unless the Board employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

Provided that in the case of a Board 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 as per the existing provisions of the KEB Employees (classification, Disciplinary, Control and Appeal) Regulations, 1987 and who fails to produce such a certificate for any period or periods during which he is deemed to have been placed or 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 fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him but when the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this provision shall apply to him.

- 3) An employee under suspension is not entitled to any leave, and without obtaining the permission of the authority competent to fill up the post, he should not leave the station where his office is situated.

Reinstatement

85. (a) When an employee who has been dismissed or removed or compulsorily retired or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation while under suspension the authority competent to order the reinstatement shall consider and make a specific order.
- (i) regarding the pay and allowances to be paid to the employee for the period of his absence from the duty, or for the period of suspension ending with the date of his retirement on superannuation as the case may be; and
 - (ii) whether or not the said period shall be treated as period spent on duty.
- (b) When the authority mentioned in sub-regulation (a) is of opinion that the employee has been fully exonerated or in the case of suspension, that it was wholly unjustified, the employee shall be given for the period referred to in clause (i) of that sub-regulation, the full pay and allowances to which he would have been entitled had he not been dismissed, removed or retired from service or suspended, as the case may be.

Note:- (1) Special pay and compensatory allowance like conveyance allowance which an employee was in receipt on the date previous to the date of dismissal, removal, retirement or suspension being payable for the performance of specific duties, the same shall not be payable for the period.

- (2) where an employee who is not considered for promotion on account of his being under suspension, is fully exonerated on conclusion of the Departmental enquiry/ Court proceedings if any, may be promoted in the next available vacancy, or if there is no vacancy, by reversing

the officiating arrangement made previously. His pay on the date of actual promotion, may be fixed at a stage which he would have reached he had been promoted on the date his junior was promoted and took charge.

- (c) In other cases, the employee shall be given for the period intervening the date of dismissal, removal or retirement from service and the date of reinstatement, or for the period of suspension, such proportion of the full pay and allowances the competent authority may prescribe.

Note:- If the competent authority does not prescribe the proportion of pay and allowances payable, the employee is entitled to draw during the period only the subsistence allowance admissible under the Regulations.

Provided that the payment of allowances under clause(b) or clause (c) 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 Regulation 84.

- (d) In a case falling under clause(b) the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (e) In a case falling under clause(c) the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose.

Provided that if the 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 employee.

Note:- The order of the competent authority regarding the treatment of the period of absence from duty passed under this proviso is absolute and no higher sanction would be necessary for the grant of extraordinary leave.

Arrest for criminal charge or during detention under law providing for preventive detention.

86. An employee against whom proceedings have been taken either for his arrest 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 Regulation 84 (for such periods until the 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 allowance 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 employee being acquitted of the blame, or if the proceedings taken against him were for his arrest for criminal charge) of its being proved that the employees liability arose from circumstances beyond his control. In cases where the arrest is for detention under a law providing for preventive detention, the full amount of allowances for the period of detention, shall be given only when such detention is held by the competent authority to be unjustified.

Note:- Whenever an employee is judicially convicted of any offence, a copy of the decision should be communicated to the controlling authority in order that such action as may be deemed proper in the case may be taken at once.

87. An employee against whom a criminal charge or proceeding for arrest is pending should also be placed under suspension by the issue of specific orders to this effect during periods when he is not actually detained in custody or imprisoned (i.e. whilst released on bail) if the charge made or proceedings taken against him is connected with his position as an employee or is likely to embarrass him in the discharge of his duties as such or involves turpitude. In regard to pay and allowances for the period of suspension, the provisions of regulation 84, above shall apply.

Note:- A subsistence allowance not exceeding the prescribed rate may however, be granted even in cases of committals to pension at the discretion of the suspending authority.

CHAPTER - V

JOINING TIME

When admissible

88. Joining time may be granted to an employee transferred in the interest of Board Service to enable him-
- (a) to join a new post either at the same, or a new station without availing himself of any leave on relinquishing charge of his old post;
 - (b) to join a new post in a new station on return from-
 - (i) leave of not more than 6 month's duration.
 - (ii) leave other than that specified in sub clause(i) when he has not had sufficient notice of his appointment to a new post.

Exception:- Employees returning from leave granted for purpose of studies or training abroad may avail joining time not exceeding 7 days even though periods of such leave exceeds six months.

Calculation

89. Not more than one day is allowed to an employee in order to join a new post when an appointment to such post does not necessarily involve a change of residence from one station to another, a holiday counts as a day for the purpose of this Regulation.

Note:- An employee who gives over charge on saturday forenoon, should take charge on saturday afternoon, and an employee who gives over charge on saturday afternoon should take charge on monday forenoon.

90. In cases involving transfer from one station to another, the joining time of an employee is calculated as follows:

Distance between old head quarters and new head quarters	Joining time admissible
1) 1000 KM & less	10 days
2) More than 1000 KM	12 days
3) More than 2000 KM	15 days except in cases of travel by air to which maximum is 12 days

Note:- (1) Travel by road not exceeding 8 kms to or from a railway station at the beginning or end of a journey does not count for joining time.

(2) Transfer of charge is not completed until the certificate of transfer of charge has been signed by both the relieving and the relieved employees. When once signed, the relieved employee must be regarded as on joining time and may take charge of his new office on any day before completion of admissible joining time or not later than the forenoon of the day following the last day of the joining time.

(3) The transfer of a Board employee from Hubli to Dharwad or vice-versa shall be considered as a transfer between different stations for purpose of this Regulation.

91. Deleted

92. If an employee is authorised under regulation 11 to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he actually makes over charge.

Extension in special cases

93. (a) The Board may in any case extend the joining time admissible under these Regulation provided the general spirit of the Regulations are observed.

(b) Deleted

When leave intervenes

94. When an employee after his relief/handing over charge of his office at one station, on transfer or reversion to another office, takes leave of not more than six months duration before joining the office to which he has been transferred, or to which he has reverted: or when an employee, while on leave of not more than six months duration, is transferred to a station other than that from which he took leave, he is entitled to joining time in addition to such leave.
95. If the post of an employee is changed during leave of more than six months duration he must join his new post within the period of his leave. But joining time may be allowed if he has not had sufficient notice of the change.

Appointments changed while in transit

96. If an employee is appointed to a new post while in transit from one post to another, his joining time for a new post begins from the place at which and on the day following that on which, he receives the order of appointment to that post.

Emoluments during joining time

97. An employee on joining time shall be regarded as on duty and be entitled to draw during the period, emoluments as under:
- (a) Where his joining time falls under clause (a) of Regulation 88.
 - (i) Pay at the rate he would have drawn had he not been transferred, or, if the rate of pay he will draw on taking charge of his new post be lower; pay at such lower rate;
 - (ii) Compensatory and other allowances at the rates he would have drawn them but for the transfer, (regulated where necessary with reference to the rate of pay during joining time), if the same allowances are payable at the new post also, without any difference in their rates.

Note:- If their rates differ, he is entitled to draw them at the lower rates only regulated where necessary with reference to the rate of pay during joining time.

- (b) Where his joining time falls under clause(b) of Regulation 88
- (i) If he is returning from leave, which included a period of leave, pay equal to leave salary which he last drew during such leave.
 - (ii) If he is returning from leave which did not include a period of leave, pay equal to leave salary he would have drawn if he had been on leave for the period of joining time.
 - (iii) Compensatory and other allowances with reference to the rate of such pay subject to other conditions specified in clause(a).

Exceeding joining time

98. An employee who does not join his new post at the end of his joining time is not entitled to take leave in continuation & is entitled to no emoluments thereafter. An employee who does not join his new post soon after the end of the joining time shall not be sanctioned any kind of leave and not entitled to any emoluments.

Note:- The period of absence in such case shall be treated as dies-non.

Unavailed joining time

98. A. Unavailed portion of joining time shall be credited to leave account as earned leave when an employee joins the new post without availing the full joining time as admissible under Regulation 89, 90 & 92. The number of days of joining time admissible, reduced by the number of days actually availed of shall be credited to the leave account as earned leave.

Transfers not in the interest of Board service

99. Unless the transfer of an employee has been ordered in the interest of Board service he is not entitled to any joining time.

Note:- A transfer at the request of an employee for his own advantage or in consequence of any fault on his part is not a transfer in the interest of Board service within the meaning of this Regulation.

Exception - In the case of transfer at the request of the Board employee, he may be granted leave by the competent authority under the leave Regulation applicable to him to cover the period of journey from the date of handing over charge at the old station up to the date of commencement of taking over charge at the new station.

- (i) If an employee who has been transferred at his own request and relieved on the previous day of holiday/holidays, reports for duty on the next working day forenoon after the holiday/holidays, the holiday/holidays in between this period is deemed to have been availed by the employee as 'Holidays' and he need not apply for leave at his credit for such holiday/holidays.

CHAPTER - VI

AGE OF RETIREMENT

100. The normal date of retirement of an employee is the date on which he attains the age of 58 (Fifty Eight) years. He may be retained in service after the date of retirement with prior sanction of the Board, on specific ground, which, must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances. Provided that in respect of an employee, attaining the age of superannuation (i.e. retirement) after the 1st day of July 1974, where the date of such superannuation falls on a day other than a first day of a month, he shall retire on the afternoon on the last day of that month.

Note:- (1) Each employee's case for extension of service should be taken up when he is approaching the age of superannuation/date of retirement or before the expiry of each extension of service. Extension may not be granted for any period exceeding one year at a time.

(2) When an employee is required to retire, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non working day, and the employee must retire or cease to be on leave, (as the case may be) with effect from and including that day.

(3) The proviso shall not apply to cases of compulsory retirement as a measure of penalty after disciplinary proceedings, retirement or invalid pension under regulation 206 and retirement under Regulation 214. The proviso shall not apply to Board employees, whose services are extended in the interest of Board service or who are granted refused leave under Regulation 151 or any other corresponding Regulation.

(4) On or before 1st September of every year, controlling officers should forward to the Chief Engineer Electricity(General) a list of employees who will attain

the age of fifty eight years during the coming year. In respect of group A employees, this list will be forwarded by the chief Engineer Electricity, (General) to the Board.

- (5) If on the date on which an employee is due to retire, he is under suspension pending enquiry into his conduct, the authority which placed him under suspension shall vacate the order of suspension on that date and order his retirement. This will be without prejudice to the enquiry which will be continued and concluded as if the employee had continued in service. Also see Regulation 172.

CHAPTER - VII

SERVICE UNDER THE STATE/CENTRAL GOVERNMENT

101. Employees are liable to be transferred temporarily for service under the State/Central Government/Corporation & other Local bodies or other Board, in the exigencies of Public Service. Such transfers may be to posts ear-marked for the personnel of the Board or to posts which are not so ear-marked.
102. (a) Where the transfers are to posts of the first category, the posts shall be treated as encadared in the concerned establishments under the Board and the same filled up according to Recruitment & Promotion Regulations of the Board regardless of the personnel actually transferred for service under the Governments and other bodies.
- (b) In such cases the employees actually serving under the State/ Central Government & other bodies would be entitled to draw;
- (i) Pay in the Government scales sanctioned for the posts as if they had been transferred or promoted to such posts in Board service;
- (ii) Compensatory and other allowances admissible to them under the Board Regulations at Government or Board rates whichever is higher;
- (iii) Travelling allowance under the rules of the Government/other bodies concerned;
- (iv) Such other allowances or amenities like city compensatory allowance, construction allowance , rent free quarters etc. as are admissible for service under those Governments or the Government concerned may grant to them.
- (c) On repatriation from such posts to Board service, employees would occupy the position they are entitled to by virtue of their rank and position in Board service provided if the pay scales under the Government/ other bodies happened to be higher than the corresponding scales for similar posts under the Board, the pay of the employees shall be

re-fixed and regulated notionally in the Board scales for the duration of their service under the State/Central Government/other bodies for the purpose of determining their initial pay on repatriation.

103. Where the transfers to posts which are not ear-marked for the personnel of the Board the provisions of Regulation 294(ii) to (v), 296,298,305,306 and 307 shall apply mutatis mutandis.

104. (a) In both the cases the Board will be entitled to recover from the Governments/other Boards/Corporation contribution at one fourth of their pay, or at any other rate mutually agreed upon, towards leave and pension of such employees, for the period of their service under them.

(b) The contributions will be recovered at the Board level and the settlement of leave salary and pension claims of the employees will also depend upon their realisation.

CHAPTER - VIII

LEAVE

SECTION 'A'

INTRODUCTORY

Kinds of Leave

105. Subject to the Regulations in this chapter employees are entitled to the following kinds of leave :

- 1) Earned Leave
- 2) Maternity Leave
- 3) Half Pay Leave
- 4) Full-Pay Leave
- 5) Study Leave
- 6) Special Disability Leave
- 7) Extraordinary Leave
- 8) Leave after the date of superannuation.

The first seven kinds of leave may be taken either singly or in combination with one another.

Note:- Casual leave is not treated as leave for the purpose of these regulations. The conditions governing the grant of such leave to the employees of the Board are detailed in Appendix VIII.

Temporary employees

106. (a) Temporary employees are not entitled to half pay leave not due, subject to this and to the other restrictions laid down in Regulations 135, 145 and 146, they are entitled to the same leave benefits as those admissible to permanent employees.

- (b) Grant of leave to a temporary employee is however, subject to the main condition that the post which the employee holds prior to going on leave or would have held but for going on leave continues to exist during the period of such leave.

Pensioners re-employed

107. Re-employed pensioners are entitled only to earned leave under Regulation 126, the un-availed portion of which may be granted to them even after the termination of their re-employment as 'Terminal leave'. For this purpose, the post held by them shall be deemed to have continued during the period of such leave.

SECTION - 'B'

GENERAL CONDITIONS GOVERNING THE GRANT OF LEAVE

General

108. Leave cannot be claimed as of right, nothing contained in these regulations shall be taken as affecting the discretion of the competent authority to reject an application for leave, to sanction it in part or to revoke a sanction already accorded according to the exigencies of the Board service.

Exception:- The leave of any kind to which any male Board employee is entitled and applied for to enable him to attend on his wife during her confinement shall not be refused. The grant of such leave shall however, be subject to the following conditions, namely;-

- (a) the period of leave should not exceed any reasonable period, before and/or after the child's birth, to be determined by the authority competent to sanction the same.
- (b) the grant of such leave should be restricted to confinements in respect of the first and the second delivery, and
- (c) the leave should be debited to the normal leave account.

109. Leave shall not be granted to an employee under suspension, or to one whom a competent authority has decided to dismiss, remove or compulsorily retire from Board service.

Lapse of leave on retirement (Superannuation)

110. Subject to the provisions of Regulation 151 and 152; all leave except earned leave at the credit of an employee shall lapse on the date of his retirement.

Probationers and apprentices

111. (a) An employee appointed as probationer for a certain period before formal appointment is entitled to the same leave as if he held a substantive appointment.
- (b) An apprentice may be granted leave on half pay or stipend for a period not exceeding one month in each year of his apprenticeship. He may also be granted extra ordinary leave without allowances for a period not exceeding two months on each occasion either separately or in combination with leave on half-pay or stipend.
112. If an employee, who has quit the Board service on compensation or Invalid pension or gratuity, is re-employed and his gratuity is there upon refunded, and or his pension held wholly in abeyance his former service thereby counting for combined pension 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.
113. An employee who is dismissed or removed from the Board service, but is reinstated on appeal or revision, is entitled to count his former service for leave.
114. An employee who absents himself from duty without applying leave will not be entitled to any pay or allowance for the days of absence and the period of such absence, unless regularised by grant of leave by competent authority, shall be debited to his leave account as though it were half pay leave. If half pay leave at his credit does not cover the full period of absence, or if no half pay leave be at his credit, the excess or the full period of absence as the case may be, will be treated as extraordinary leave.

Absence from duty without leave will also render such an employee liable to disciplinary action for misconduct except where the employee establishes to the satisfaction of the authority competent to sanction leave that such absence was due to reasons beyond his control.

Note:- An employee attending office after the prescribed hours either Forenoon or Afternoon should apply half days casual leave, and in case no casual leave at credit, he shall apply any other kind of leave admissible.

Commencement and end of leave

115. (a) Ordinarily, leave begins on the day on which the transfer of charge is effected, or if charge is transferred afternoon, on the following day. Similarly, such leave ordinarily ends on the day preceeding that on such charge is resumed, or if charge is resumed in the afternoon, on that day. But if a sunday, second saturday or one or more general holiday falls on the day immediately preceding that on which the leave begins, or on the day on which the leave between two appointments ends, an employee may leave his station at the close of the day before, or return to it at the end of such holidays, provided his departure or return does not involve:-

- (i) the immediate transfer of an employee from or to another station, or the loss of his appointment by an employee appointed temporarily to the service;
- (ii) the taking over of cash, unless, subject to the condition that the departing employee remains responsible for the cash in his charge of the Board specially allows transfer of charge to take place before or after the holidays.

(b) If holidays are as above prefixed to leave the leave and the consequent re-arrangement of allowances, if any, take effect from the first day after the holidays on which the office is open for business, and if holidays are affixed to leave, the leave is treated as having terminated on and the re-arrangement of allowances if any, takes effect from the day on which the employee would have resumed charge had holidays not followed the leave.

Note:- (1) In cases in which the application of the above Regulations as to prefixing and suffixing holidays to leave is doubtful or inequitable, the Board will decide which employee shall be held to have been incharge and to whom the salary of the office for the sunday or holiday shall be paid.

(2) For the purpose of this Regulation, the office is regarded as closed for business only on sundays, second saturdays and General holidays.

(c) Pay and allowances during holidays prefixed and/or suffixed to leave are to be regulated as if the employee concerned was on duty.

Return from leave

116. In the absence of specific orders to that effect, an employee returning from leave is not entitled to resume, as a matter of course, the post which he held before going on leave. He must report his return to duty at the headquarters of the controlling authority. He must, if necessary, also submit to such delay as may be unavoidable in the interest of Board service.

Note:- Controlling officer's should provide the vacant post for the expected return of the employees from leave and issue orders of posting well in time. They should also see that the employees to be relieved are at the headquarters on the dates of return of the employees on leave to hand over charge.

117. (a) An employee on leave may not return to duty more than fourteen days 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.

It would be sufficient if the employee desiring to return to duty before the expiry of the leave should obtain the oral permission from the competent authority to do so and in the order cancelling the unavailed portion of the leave it is indicated that the employee has been permitted to resume duty before the expiry of the leave on his request.

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

118. No employee who has been granted leave on Medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. The authority sanctioning leave may obtain a similar certificate in the case of any employee who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

Recall from leave

119. (a) An employee on leave may be recalled to duty before the expiry of leave, only if such recall is considered necessary in Board's interest.

(b) An employee absent on leave in India, recalled to duty before the expiry of the leave is to be treated as on duty from the date on which he starts for the station to which he is posted, and to draw travelling allowance for the journey subject to the provisions of Regulation 382. He will however be entitled to draw leave salary only until he joins duty.

Note:- Cases of recall to duty of employees from leave out of India will be dealt with by the Board individually on their merits.

Overstaying leave

120. An employee who remains absent after the end of the leave, is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it was half-pay leave to the extent such leave is due and as extraordinary leave to the extent the period of half pay leave due falls short of the period of such absence, unless the leave, is extended with the sanction of the competent authority. Absence from duty after the expiry of leave, will render an employee liable to disciplinary action for misconduct except where the employee establishes to the satisfaction of the authority competent to sanction leave that he was unable to join duty for reasons beyond his control.

Note:- This Regulation does not affect the liability of an employee over staying leave to forfeit his past service under this Regulation in chapter IX.

Combination, extension and commutation of leave

121. An authority competent to sanction leave may -

- (1) grant to an employee any kind of leave admissible under these Regulations (including extraordinary leave with out allowances) in combination with any other kind of leave so admissible, or in continuation of leave of any other kind already taken;
- (2) Commute the whole or any portion of any leave granted under these Regulations retrospectively into any other kind of leave which was admissible when the original leave was granted; and
- (3) Commute retrospectively periods of absence without leave into extraordinary leave.

Note:- (1) Extraordinary leave other than on medical certificate cannot be converted retrospectively into any other leave on medical certificate, but any other leave may be given on medical certificate in continuation of extraordinary leave.

- (2) This Regulation does not apply to casual leave which cannot be commuted retrospectively into leave of any kind after it is utilised.

Employment during leave

122. Save in very exceptional circumstances no employee should be granted leave whether with or without allowances, to allow his practising at the Bar or pursuing any other profession or calling.

123. An employee who is already on leave may not take service or accept any employment (including the setting up of a private professional practice as accountant, consultant, or legal or medical practitioner) which involves the receipt of a fee or honorarium, without obtaining the previous sanction of

the Board, provided that when the employee belongs to group C or group D the special permission of the authority empowered to appoint him is sufficient authority for acceptance of such temporary employment.

Note:- (1) This Regulation does not apply to the acceptance of fees for literary work or for service as an examiner or to similar employment nor does it apply to acceptance of foreign service which is governed by the Regulations in chapter XV.

(2) This Regulation does not also apply where an employee has been allowed to take up a limited amount of private practice and receives fees therefor as part of his conditions of service, e.g. where a right of practice has been granted to a medical officer.

124. If an employee while on leave preparatory to retirement or on refused leave under the provisions of Regulations 151 and 152 is employed in any post under the Board, the Central or State Governments, Local Funds or a Private employer, he may continue to enjoy his leave concurrently with such employment and draw in respect of the leave, the leave salary he is entitled to, excluding compensatory and other allowances.

Leave earned prior to the prescribed date

125. (A) Employees already in Board service on the prescribed date opting to these leave regulations would be entitled to carry forward the leave at their credit, whether earned under the Karnataka Civil Services Rules, or under any other Rules, elected, or deemed to have been elected, by them previously. In such a case, leave at their credit on the prescribed date will be credited to their leave account opened under these regulations under the classification 'Earned Leave', 'Full-Pay leave', 'Half-pay leave' and allowed to be utilised subsequently in accordance with the provisions of these Regulations.

Note:- The employees who have come from the Ex-Mysore State were permitted to utilise the furlough leave on average salary, which was at their credit on 30th September

1957, after that date subject to the prescribed maximum limit. In their case the total furlough leave on average salary plus full pay leave (commuted leave) should not exceed one year during their whole service. If they had earned leave on average salary for not less than 120 days on 30th September 1957. If the leave at their credit on that date was less, the maximum limit should be reduced accordingly.

- (B) If the periods of accumulated leave so credited to their leave account under the first two categories results in excess over the maximum limits of accumulation or utilisation permissible under these Regulations after taking into account where necessary, the periods of utilisation also, the employees will be entitled to utilise such accumulated leave in relaxation of such limits.

Note:- Where the above Regulation cannot be applied in its entirety, e.g. in the case of employees who had elected the Madras Leave Rules, 1933, such cases will be considered by the Board on merits.

SECTION - 'C'

REGULATIONS GOVERNING TITLE TO DIFFERENT KINDS OF LEAVE AND LEAVE SALARY.

1. Earned Leave

126. Leave earned during the continuous service of an employee.

The amount of earned leave earned by an employee whether permanent or temporary, with effect from 1st January 1979, shall be calculated as follows, provided that no earned leave can be earned by any employee while 240 days of such leave is at his credit:-

- (a) Each employee's account of leave should be credited with 30 days in each calendar year. This should be done in two instalments i.e. 15 days on the first of January and July of every year.

The credit to be afforded under clause(a) above shall be reduced by 1/10th of the period of extra ordinary leave availed during the previous calendar half-year, subject to a maximum of 15 days. No such reduction shall be made in respect of any leave, other than extraordinary leave availed during the previous calendar half year.

- (b) The leave at the credit of the employee at the close of the previous half-year, shall be carried forward to the next half-year, subject to the leave, so carried forward plus the credit for the half-year, not exceeding the maximum limit of 240 days.
- (c) When an employee is appointed on or after 1st January 1979, earned leave should be credited to his account at the rate of $2\frac{1}{2}$ days for each completed month of service which he is likely to render in the calendar half-year in which he is appointed for e.g. if he is appointed on 13th March, the number of completed months of his service in that half year will be 3 and the credit will be $3 \times 5/2 = 7\frac{1}{2}$ days, rounded to 8 days. If he is appointed on 20th April the number of completed months will be only 2 and the credit will be $2 \times 5/2 = 5$ days.
- (d) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of $2\frac{1}{2}$ days per completed month in that half-year upto the date of retirement/ resignation. If in the case of an employee who resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment should be made in respect of leave salary drawn if any.
- (e) Deleted
- (f) Deleted
- (g) If an employee is on leave on the 1st day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half year provided the authority competent to grant leave has reasons to believe that the employee will return to duty on its expiry.

- (h) Unavailed portion of joining time shall be credited to the leave account as earned leave when an employee joins the new post without availing the full joining time as provided under Regulation 98. A subject to a maximum limit of earned leave at credit being limited to 240 days.

In the case of existing employee the old leave account may be closed and the credit of leave as on 31st December 1978 may be carried forward to the new leave account by rounding of fractions of a day to the nearest day. (effective from 1-1-1979)

127. Subject to the provisions of Regulation 126, the maximum leave that may be granted at a time to an employee shall be 120 days if availed in India and 180 days if availed partly or wholly outside India. When only part of the leave is availed outside India, grant of the maximum period of leave is subject to the condition that not more than 120 days is spent in India.
128. Earned leave may be prefixed or suffixed to half pay leave, full pay leave, study leave, maternity leave, special disability leave and extra ordinary leave, except in cases where for administrative reasons permission for prefixing or suffixing holidays to leave is specifically withheld and mentioned in the order sanctioning the leave.
129. (a) Leave salary in respect of earned leave sanctioned to an employee, irrespective of his pay scale, shall be equal to pay drawn by him immediately before his proceeding on leave.
- (b) Leave salary in respect of other kinds of leave, other than earned leave due and admissible under these Regulations shall be calculated with reference to the leave salary determined as per clause(a) above.

2. Maternity Leave

130. (a) A female Board employee may be granted maternity leave by an authority competent to grant leave, for a period of 90 days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (b) Maternity leave may also be granted in case of miscarriage or abortion including abortion induced under the medical termination of

pregnancy Act 1971 (but not threatened abortion), subject to the conditions that-

(i) the leave does not exceed six weeks

and

(ii) the application for leave is supported by a medical certificate from an Authorised Medical Attendant.

(c) Maternity leave under sub-regulation (a) or (b) above shall not be admissible to a female Board employee who has two or more living children.

(d) Maternity leave shall not be debited against the leave account.

131. (a) Maternity leave may be combined with any other kind of leave. Such leave not exceeding 60 days may be granted without production of medical certificate.

(b) Leave in further continuation of leave granted under clause (a), may be granted in the case of illness of the female Board employee subject to production of a medical certificate from the authorised medical attendant. Such leave may also be granted in case of illness of a newly born baby, subject to production of a medical certificate from the authorised medical attendant to the effect that the condition of ailing baby warrants personal attention and that her presence by the baby's side is absolutely necessary.

3. Half-Pay Leave

132. Half-pay leave includes 'Half-pay leave not due' granted in anticipation of earning it.

133. An employee, whether permanent or temporary, earns half-pay leave at one-eighteenth of his service.

134. The half-pay leave due may be granted to an employee either on Medical certificate or on private affairs. In the case of temporary employees; the grant of this leave is subject to the condition that the authority competent to

sanction the leave has reason to believe that the employee will return to duty on its expiry.

135. 'Half-pay leave not due' may be granted only to a permanent employee upto a maximum of 360 days during his entire service, out of which not more than 90 days at a time, and not more than 180 days in all, shall be granted without medical certificate. Such leave will be debited against the half-pay leave the employee may earn subsequently.

Note:- (1) Half-pay leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and it should be limited to the half-pay leave, he is likely to earn thereafter. It cannot therefore be granted either singly or in combination with other leave, preparatory to retirement in any case.

(2) The authority empowered to grant leave has not been given the power to alter the nature of leave, though under Regulation 108, he has the power to refuse or revoke leave at any time according to the exigencies of the Board service, under this Regulation there is no restriction to an employee, whose application for leave is supported by medical certificate, being at his option granted half-pay leave on medical certificate even when earned leave is due to him.

(3) Where an employee who has been granted half-pay leave not due under this Regulation subsequently applies for permission to retire voluntarily, the leave not due shall, if the permission be granted, be cancelled and the retirement given effect from the date on which such leave commenced. An undertaking agreeing to this condition should invariably be taken from an employee before he is permitted to avail 'Half-pay leave not due'.

(4) To mitigate the hardship of temporary employees suffering from Tuberculosis/Leprosy/Cancer/Mental

illness, 'Leave not due' may be granted to such employees for a period not exceeding 360 days during the entire service, subject to the fulfilment of the following conditions:-

- (i) the authority competent to grant leave is satisfied on the basis of the medical certificates prescribed in clause (vi) below, that there is a reasonable prospect of the employee returning to duty on its expiry;
- (ii) leave not due shall be limited to the half pay-leave he is likely to earn thereafter;
- (iii) leave not due shall be debited against the half-pay-leave he may earn subsequently;
- (iv) the employee has put in a continuous service of not less than one year;
- (v) the post from which the employee proceeds on leave is likely to last till his return to duty;
- (vi) the request for grant of such leave is supported by a medical certificate in the form prescribed in regulation 158(a) issued by the Civil Surgeon of the District or the District Medical Officer or a specialist in the concerned disease not lower in rank than a Civil Surgeon/District Medical Officer and the certificate specifies that the employee has reasonable chances of recovery on the expiry of leave recommended.

136. An employee on half-pay leave, whether due or not due is entitled to a leave salary equal to half of what he would have drawn if he were on earned leave.

Provided that the maximum limit shall not apply if the leave is on medical certificate, or for pursuing an approved course of study otherwise than on study leave terms.

4 Full Pay Leave

137. Full pay leave not exceeding half the amount of half-pay leave (due) may be granted to an employee. Temporary employees also are entitled to this leave.
138. The grant of full pay leave is however subject to the following conditions:-
- (1) on medical certificate, it may be granted in combination with earned leave. (effective from 1-1-1979)
 - (2) on private affairs, it may be granted upto 120 days at a time provided that, where it is combined with earned leave, the total period shall not exceed 180 days at a time;
 - (3) It may be granted preparatory to retirement upto 120 days provided that, where it is combined with earned leave, the total period shall not exceed 180 days.
 - (4) no full pay leave shall be granted under clause(1) and (2) supra unless the authority competent to sanction it has reason to believe that the employee will return to duty on its expiry;
 - (5) twice the amount of full pay leave granted and availed of will be debited against half-pay leave due in the leave account of the employee.

Note:- (1) Where an employee who is granted full-pay leave under clause(1) and (2) supra resigns the service or his services get terminated during or at the end of such leave for reasons other than retirement, voluntary or compulsory, the full pay leave shall be converted into half-pay leave and the excess leave salary paid recovered.

- (2) When an employee of Board who had been granted full pay leave either by itself, or in combination with other kinds of leave dies while on such leave the full pay leave will not be converted into half pay leave and the difference in leave salary in respect of full pay, half pay shall not be recovered.

139. An employee on full pay leave is entitled to a leave salary equal to that admissible if he were on earned leave (vide Regulation 129).

5 Study Leave

140. With a view to meet the requirements of Board service in foreign-trained personnel, the Board may grant Study leave to employees selected to undergo advanced studies or training abroad in the following cases:-

- (i) employees who are granted foreign scholarships and fellowships by the State Government and the Board.
- (ii) employees who are granted scholarships by the Government of India from time to time shall be considered on merit.

141. The grant of Study leave is however subject to the following conditions:-

- (a) In the case of employees referred to in clause(i) of Regulation 140, Study leave is admissible only where the employee has not enough earned and half-pay leave at his credit and to the extent the total period of such leave fall short of the full period of study. Accordingly, an employee the amount of leave at whose credit covers the full period of study, will be granted such leave and not Study leave, grant of full-pay leave is not admissible in such cases.
- (b) In the case of employee referred to in clause (ii) of Regulation 140 where the total period of study exceeds 6 months (exclusive of the travel time from India to the country of training and back), Study leave may be granted for the period excluding the first six months which is treated as on deputation, vide Regulation 80. The employee will be permitted to avail if the earned leave at his credit in which case, Study leave will be granted for the residual period only, if any.
- (c) The grant of Study leave is subject to the exigencies of Board service. In no case should this leave in combination with travel time, period of deputation and other leave other than extraordinary leave or leave on medical certificate exceed-
 - (i) 12 months — at one time save in exceptional circumstances;
 - (ii) 24 months (including period of vacation if any)during the entire service.

- (d) Where an employee who has been granted Study leave finds subsequently that his course of study falls short of the sanctioned period by a period exceeding a fortnight, in the absence of express orders of the Board to the contrary, his Study leave shall be deemed to have been reduced correspondingly.

142. During Study leave an employee is entitled to a leave salary equal to that admissible if he were on half pay leave.

Note:- (1) The concession like study allowance, payment towards essential apparatus books and travelling allowance, passage, fees, family maintenance allowance etc admissible to employees on deputation and study leave, the conditions subject to which these benefits are allowed and ancillary directions are detailed in Appendix IX.

(2) Generally employees who have put in a service of at least five years and are below 45 years of age are eligible to study leave benefits. The age limit may be relaxed upto 48 years in exceptional cases where such relaxation is justified. The five year service limit also may be relaxed in special cases.

6 Special disability leave

143. (a) The Board may grant Special disability leave to an employee, whether permanent or temporary, who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties, or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury of beyond the ordinary risk attaching to the post he holds. Grant of such leave is subject to the following conditions:-

- (1) that the disability manifested itself within three months of the occurrence of the cause to which it is attributable;

- (2) that the employee acted with due promptitude in bringing the disability to the notice of the competent authority;
- (3) that the disability, if due to disease, is certified by the authorised Medical attendant to be directly due to the performance of the particular duty;
- (4) that the illness is so exceptional in character, or in the circumstances of its occurrences, as to justify such unusual treatment as the grant of Special disability leave;
- (5) that the authorised Medical attendant of the employee certifies that the period of leave, or its extension is absolutely necessary.
- (6) that the period of absence recommended by the authorised Medical attendant is covered in part by Special disability leave and in part by other leave admissible;
- (7) that the total period of leave in respect of a single disability does in no case exceed 24 months.

Note:- (1) Where the disability manifested itself more than three months after the occurrence of its cause, the Board may grant Special disability leave if it is satisfied as to the cause of disability subject to the conditions specified in clauses(2),(5) and (7) above.

(2) The term "Authorised Medical Attendant" includes Board's medical consultant and the certificate issued by him may be accepted for the grant of special disability leave.

(b) subject to the conditions in clauses (2) to (7), above disability leave may be granted for a second time if the disability recurs, or gets aggravated at a later date.

144. Special disability leave may be combined in any manner with other leave under these regulations. Periods spent on Special disability leave will count as duty for calculating service for pension but not for leave. Special disability leave will not interrupt service for any other leave nor be debited to the leave account of the employee.

Note:- In the case of an employee to whom the workmans' Compensation Act applies, the leave salary payable under this Regulation shall be reduced by the amount of compensation payable under the Act.

145. An employee on Special disability leave shall draw leave salary equal to pay during the first three months and equal to half-pay during the remaining period.

An employee may, at his option be permitted to take, in lieu of Special disability leave on half-pay, earned leave or full pay leave, or both in combination for a period not exceeding three months if such leave is at credit.

7 Extraordinary Leave

146. Extraordinary Leave may be granted to an employee in special circumstances when no other leave is admissible to him under these regulations or when an employee applies for the grant of extraordinary Leave specially even when other leave is admissible.

147. The maximum period of extraordinary leave that an employee can be granted on any one occasion shall not exceed:-

(1) in the case of permanent employee - 5 years.

Note:- See Note - "under Regulation 135"

(2) in the case of temporary employees -

(a) 18 months where an employee who has put in not less than one year's continuous service is undergoing treatment for -

(i) pulmonary tuberculosis in a recognised sanatorium, or

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon, or

(iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or a specialist in leprosy recognised as such by the Board;

- (b) twenty-four months where the leave is required for the purpose of prosecuting studies outside India certified to be in interest of Board service, provided the employee concerned has completed three years continuous service on the date of commencement of this leave;
- (c) three months in all other cases and extra 3 months on medical certificate if the employee has completed 3 years continuous service on the date of expiry of 3 months leave.
- (3) Employees of the Board who are desirous of starting own industry in the state of Karnataka, are permitted to go on extraordinary leave without pay and allowances for a continuous period not exceeding 5 years keeping the lien of such of the employees subject to the following terms and conditions:-
- a) The Board will be very selective in granting leave without allowances to the employees & reserves right to reject the leave so applied in the interest of Board service.
 - b) the employee should have put in 10 years of continuous service in Board.
 - c) the leave under this scheme is admissible to those who have successfully completed the probationary period by fulfilling all the conditions stipulated in R & P Regulations and the leave sanctioned under this scheme shall not be combined with any other leave.
 - d) the employee should have completed the agreement period where such condition is stipulated at the time of appointment.
 - e) the leave under this scheme shall not be applicable to the employee working on temporary basis/on contract/on deputation.
 - f) before proceeding on leave the employee should have cleared all dues payable to the Board.
 - g) the leave is admissible only to start their own industry by the employee within the State of Karnataka. The leave is not admissible to take up any employment in any organisation.

In the case of an employee who avails leave for starting an industry, should inform the Board, the location with all details viz. amount invested and the source, name of the industry, manufacturing materials, ownership etc.

- h) there should not be any contemplated enquiry or enquiry pending against the employee.
- i) no permission will be granted beyond 5 (five) years under any circumstances.
- j) if the employee does not return to duty on expiry of leave of 5 years, his services will stand automatically terminated.
- k) within 5 years period if the employee does not succeed in the industrial venture and expressive willingness to resume duty, Board would permit him to resume duty, subject to availability of vacancy. The Board shall have right to direct the employee/to await further orders in the matter. The period so spent by the employee awaiting orders shall not be treated as compulsory waiting period.
- l) before the expiry of the 5 years leave period, the employee should give his option expressing his willingness to comeback to Board or to resign/retire from Board service with effect from the date. For this purpose he should send a notice of atleast six months before the date of expiry of 5 years leave period. In such cases Board reserves the right to accept the request or to direct the employee to await until a vacancy is available or until further directions.
- m) the employee is not entitled to any benefit like leave salary etc. during the period of leave under this scheme. In other words the leave availed under this scheme shall be treated as dies-non for all kinds of service benefits. He shall loose seniority also in the cadre with reference to those who might be promoted before he rejoin duty.
- n) the leave sanctioning authority for this scheme will be the authority who is sanctioning the extraordinary leave without pay and

allowances normally. A report after sanctioning the leave may be sent to the Board.

- o) in case of failure to comply with the above conditions the services of the employee shall be terminated with effect from the date of expiry of 5 years leave period without benefit.
- p) the above guidelines shall be in addition to the terms and conditions now in force for granting leave without allowances.
- q) the employee shall not expect any financial assistance from the Board at any time during the 5 years period of leave.

148. Where a temporary employee fails to resume duty on the expiry of the maximum period of extra ordinary leave granted to him, or where such an employee who is granted less than the maximum amount of extra ordinary leave admissible, remains absent from duty for any period which together with the extra ordinary leave granted, exceeds the limit up to which he could have been granted such leave under clause(2) of Regulation 147 he shall, unless the Board in view of the exceptional circumstances of the case otherwise determine, be deemed to have resigned his appointment and shall accordingly cease to be in Board employ.

149. The authority empowered to grant leave may commute retrospectively periods of absence without leave in to extraordinary leave.

150. An employee on extraordinary leave is not entitled to any leave salary.

8 Leave after the date of superannuation

151. Notwithstanding the provisions of Regulation 110, if an employee in sufficient time, before the date of superannuation has:-

1) formally applied for earned leave at his credit as leave preparatory to retirement and 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 Board service, then the employee may be granted, after the date of retirement, the amount of earned leave so refused subject to a maximum of 240 days.

Note:- (1) An employee does not earn any leave from the date from which he has applied for leave preparatory to retirement.

(2) Where earned leave applied for preparatory to retirement is refused only in part, the provisions of this regulation apply to that part of the leave that is refused.

(3) An employee intending to utilise the maximum period of earned leave before the date of superannuation should send his application to the competent authority two clear months in advance. Failure to adhere to this time limit may result in late communication of sanction to the leave, or to its refusal, thereby curtailing the period of earned leave that could be availed of before the date of superannuation thereafter.

152. An employee retained in service after the date of superannuation shall earn, commencing that date, earned leave under the provision of Regulation 126, and shall be allowed to add there to any amount of leave which could have been granted to him under Regulation 151 had he retired on the date of superannuation. The total period of leave which he may take on each occasion shall not however exceed 240 days on the expiry of the extension of service, the employee may be granted leave upto a maximum of 240 days as follows:-

- (i) the balance after deducting the amount of earned leave if any, taken during the period of extension, from the amount of earned leave which could have been granted to him under Regulation 151 had he retired on the date of superannuation, plus
- (ii) the amount of earned leave earned under this regulation read with Regulation 126 which is due to the employee and which he has, in sufficient time during the period of extension.

- a) formally applied for as preparatory to final cessation of his duties and been refused, or
- b) 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 the Board Service,

Note:- (1) The grant of leave under this and previous regulations automatically carries with it extension required and no formal sanction to the extension of service is necessary.

(2) The provisions of Note (1) and (2) under Regulation 151 apply in this case also.

(3) No second refusal is necessary for the leave or the balance of it referred to in clause (1) for its utilisation after the expiry of extension of service.

SECTION - 'D'
PROCEDURE RELATING TO APPLICATION
AND GRANT OF LEAVE

Leave Account

153. A leave account shall be maintained for every employee in the Prescribed form. It shall be kept by the Accounts Officer (Administration), Office of the Financial Adviser and Chief Accounts Officer in the case of employees belonging to group A and by the heads of offices in the employee's Service Book in other cases.
154. An application for leave or for its extension, shall be made in the prescribed form.

Medical Certificates

155. When leave other than earned leave, is applied for or extended, on grounds of ill-health, the leave application should invariably be supported by a Medical certificate in the prescribed form granted by the Medical attendant of the employee.
156. (a) Where the period of such leave applied for exceeds six months, or when an application for extension of such leave takes the total period of such leave beyond six months, the certificate should invariably be countersigned by a Medical Officer of the State Government, not below the rank of a Surgeon.
- (b) Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties. In such cases, the opinion that the employee is permanently unfit for Board service should be recorded in the medical certificate.
157. Every certificate of a Medical attendant / officer, recommending the grant of leave to an employee must contain a proviso that no recommendation contained in it shall be deemed to establish claim to any leave not admissible to the employee under these Regulations or under the terms of his contract.