



GOVERNMENT OF KERALA

Finance (Rules) Department

CIRCULAR

No. 72/2005/Fin.

Dated, Thiruvananthapuram, 30th December, 2005.

**Sub:—Kerala Service Rules—Period of Leave Without Allowances—
Reckoning for service benefits—Clarification—Issued.**

Ref:—1. Circular No. 24780/R4/99/Fin. dated 22-4-1999.

2. Circular No. 38/02/Fin. dated 3-6-2002.

1. As per the rules of Kerala Service Rules, Leave Without Allowances can be sanctioned on various grounds. However, Leave Without Allowances sanctioned on different grounds are not treated alike for benefits like accumulation of Half Pay Leave, promotion/seniority, increment, higher grade and pension. For example, Leave Without Allowances on medical certificate and Leave Without Allowances even without medical certificate upto a period not exceeding 60 days in continuation of maternity leave will be reckoned for seniority/promotion (if there is no extension of probation consequent to the Leave Without Allowances), increment, grade promotion and pension. At the same time, Leave Without Allowances sanctioned on some of the grounds will not count for seniority/promotion, increment, higher grade etc. The position is clarified in the Annexure.

2. As Leave Without Allowances upto 120 days are sanctioned by leave sanctioning authorities, no uniformity is noticed in the matter of reckoning of Leave Without Allowances other than on medical certificate for benefits like seniority, increment, grade promotion and pension. Despite the instructions issued in Circular 2nd cited, several requests are being received seeking clarification as to whether the period of Leave Without Allowances otherwise than on medical certificate can be counted for benefits like increment, higher grade, pension etc.

GCPT/4/186/2006/DTP.

3. As per Rule 26 of Kerala Service Rules Part III, if nothing is mentioned in the leave sanctioning order about non-reckoning of the period for pension, that period will count for pension. In respect of Leave Without Allowances under Appendix XII A, XII B & XII C, it is clearly mentioned in the Appendix itself that the period will not count for pension. In respect of Leave Without Allowances under Rules 88 and 91 (Sl. Nos. 3 & 4 of Annexure), there is no such explicit provision in the rules stating that such Leave Without Allowances will not count for pension. Hence, while sanctioning leave under rules 88 and 91 (Sl. Nos. 3 & 4 of Annexure) the leave sanctioning authority shall clearly mention in the order sanctioning Leave Without Allowances that the period will not count for purposes of pension. This is necessary to prevent any claim under Rule 26 of Part III Kerala Service Rules at a later stage.

4. All leave sanctioning authorities are directed to note the above differentiation in various types of Leave Without Allowances and also follow the instructions above scrupulously.

K. JOSE CYRIAC,
Principal Secretary (Finance).

ANNEXURE

<i>Sl. No.</i>	<i>Type of LWA</i>	<i>Service benefits for which the period of LWA will count</i>	<i>Service benefits for which LWA will not count</i>
(1)	(2)	(3)	(4)
1	LWA under Rule 88 on medical certificate.	Seniority / promotion, increment, higher grade, pension and accumulation of HPL.	Accumulation of earned leave.
2	LWA taken in continuation of maternity leave for 60 days as per 2nd proviso to Rule 102 Part I KSR.	Seniority / promotion, increment, higher grade, pension and accumulation of HPL.	Accumulation of earned leave.
3	LWA under Rule 88 otherwise than on medical certificate i.e., private / personal / domestic and for regularizing the unauthorised absence/suspension.	Seniority / promotion, accumulation of HPL.	Increment, higher grade, pension or accumulation of earned leave.
4	LWA under Rule 91 for study purpose.	Seniority / promotion, accumulation of HPL.	Increment, higher grade, pension or accumulation of earned leave.
5	LWA under Rule 91 A for study purpose for undergoing PG course by Doctors, Engineers and Teachers which are of primary benefit to the State.	Seniority / promotion, increment*, highergrade, pension and accumulation of HPL.	Accumulation of earned leave.

(1)	(2)	(3)	(4)
6	LWA under Appendix XII A/ XII B/ XII C after declaration of probation in the cadre from which the officer proceeds on leave.	..	Seniority/promotion (during the currency of leave), increment, higher grade, pension or accumulation of earned leave and HPL.
7	LWA under Appendix XII A/XII B/XII C before declaration of probation in the cadre from which the officer proceeds on leave.	..	Forfeits all service benefits that had accrued in the post prior to proceeding on leave and treated as a new entrant in that post. He will also not be eligible for increment, higher grade, pension or accumulation of Earned leave and HPL.

*as per proviso to Rule 33 (b) (2), LWA under 91 A shall count for increments subject to the condition laid down therein.

- Note:*— (1) Only casual leave and maternity leave will count as duty for purposes of declaration of probation. Hence, no type of Leave Without Allowances will count as duty for declaration of probation.
- (2) If probation is extended on account of Leave Without Allowances, etc. the seniority will be affected to that extent even for Leave Without Allowances at Sl. Nos. 1 to 5.
- (3) Earned leave is earned at the rate of 1/11th of period on duty; so no earned leave is accumulated during leave.

To

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