

**GOVERNMENT OF PUNJAB**  
**DEPARTMENT OF FINANCE**  
**THE PUNJAB CIVIL SERVICES RULES**

Volume I

**Rules relating to Pay and Allowances, Leave, Passage and other General Conditions of Services**

PART I – MAIN RULES  
(Revised Edition)

*(Corrected up to 31-3-84)*  
1984

**PREFACE TO THE FIRST EDITION**

The Punjab Civil Services Rules, issued in exercise of the powers conferred by the proviso to article 309 of the Constitution of India, are contained in three volumes:

- (1) Volume I contains rules relating to pay and allowances, leave, passages and other general conditions of service.
- (2) Volume II contains rules relating to pensions and provident fund.
- (3) Volume III contains rules relating to travelling allowances.

Volume I has been further divided into two parts-Part I, covering the main rules, and Part II, the appendices and forms.

2. These rules will apply in respect of Government employees belonging to the categories mentioned at rule 1.2, from the date of issue of this publication.
3. In so far as the Government employees, whose conditions of service are regulated by the rules issued by the late Secretary of State under Government of India Act, 1935 are concerned, the Fundamental Rules, as amended by the President of India, from time to time, will continue to apply. These rules are contained in the Punjab Government Compilation of the Fundamental Rules and the Subsidiary Rules. These rules also do not apply to members of the I.A.S. and I.P.S. serving under the Punjab Government. They will be governed by the rules issued by the President of India in this behalf.
4. The rules in this Volume are based mainly on the existing rules and orders contained in Civil Services Rules

(Punjab), Volume I, Part I-Main Rules (First Edition) –1941, modified in the background of the changes resulting from the partition of the Punjab and Constitutional requirements. To avoid over-lapping, Chapters XV and XVI of the Edition referred to above, containing the “Assent” and “Delegation Orders” issued under the various rules, have been brought together in Chapter XV. The Punishment and Appeal Rules, previously contained in Section III of Chapter XIV, are not in the form of an appendix in Part II to this volume.

5. Correction slips and amendments issued to the various rules upto 31<sup>st</sup> March 1953 have been included. Amendments notified subsequently may be taken as modifying the corresponding rules in this Volume. They will be re-issued in due course, as correction slips to this Volume.
6. The opportunity has also been taken to include important orders relating to interpretation of rules, in the form of “Notes’ or “Illustrations” below the relevant rule.
7. The forms, which have been adopted in the rules in this volume, have been given a separate new “Pb.C.S.R.” (abbreviation for Punjab Civil Services Rules) Series. These will be found in Part II of this Volume.
8. All Government employees who notice any errors or omissions in these rules, are requested to bring them to the notice of their Heads of Departments, who will please submit their proposal to the Finance Department, through the Administrative Department concerned.

E.N. MANGAT RAI,  
Secretary to Government, Punjab,  
Finance Department

#### **PREFACE TO THE FIRST EDITION (REPRINT)**

This edition bring the compilation up-to-date. It incorporates all the correction slips No.1 to 144 issued to the First Edition and is printed to meet further demand for copies of these Rules.

2. An attempt has been made to indicate briefly in foot notes the date of effect of changes in the rules.
3. It is requested that any errors or omissions found in this Volume may kindly be brought to the notice of Heads of Departments, who will please submit their proposals to the Finance Department through their Administrative Department concerned.

J.S.BASUR,  
Secretary to Government, Punjab  
Finance Department.

#### **PREFACE TO THE FIRST EDITION (SECOND REPRINT)**

Article 309 of the Constitution of India provides that subject to the provisions of the Constitution, Acts of appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed to public services

and posts in connection with the affairs of the State and, until a provision in that behalf is made by or under an “Act” of the appropriate Legislature, such rules may be framed by the Governor of the State. The desirability of framing the “Act” was examined, in consultation with the Government of India. They stated that since the promulgation of the Constitution, various sets of rules have been or are being framed and revised under the proviso to Article 309 and brought into conformity with the Constitution and altered conditions; and as the said proviso empowers the President and the Governor to make rules in the case of services and posts in connection with the affairs of the Union and of the State respectively, it was not considered necessary to enact the Act, referred to above.

2. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of the Punjab issued the rules as contained in the First Edition and reprint thereof. Since the issue of the First Edition (reprint) there have been several changes in the Leave Rules and Pay Fixation Rules, and enhanced powers have been delegated to the various authorities during 1962. The present edition incorporates correction slips Nos. 1 to 222, amendments Nos. 1 to 30 of 1962 and 1 to 26 of 1963 to the First Edition (reprint), and thus brings the compilation up-to-date.
3. From 1st November 1956, the erstwhile State of Pepsu and Punjab have been integrated into the new State called Punjab. Under proviso to Section 115 (7) of the States Re-organisation Act, 1956, no rule can be amended or made, which would adversely affect the conditions of service of the employees of the erstwhile States of Punjab and Pepsu, except with the specific approval of the Government of India. Accordingly, in regard to the rules regarding “Fixation of Pay” and “Leave”, as contained in Punjab C.S.R. Volume I, the employees of erstwhile Pepsu were given the option either to continue to be governed by the corresponding rules in the Pepsu Service Regulation Volume I, or to come on to the corresponding rules in Punjab Civil Services Rules, Volume 1, vide Punjab Government letters Nos. 4080-FRII-58/9205, dated 10<sup>th</sup> June, 1958 and 126-FRII-59/1106, dated the 6<sup>th</sup> February, 1959. Those who opted for the “Pay Fixation” and “Leave” Rules contained in Pepsu Service Regulations Volume I continued to be governed by those rules, while those who did not exercise their option for those rules are governed by the corresponding rules in Punjab Civil Services Rules, Volume 1. Other rules in the Punjab Civil Services Rules Volume I, are applicable equally to all.
4. In respect of Government employees, whose conditions of service were regulated by the rules issued by the late Secretary of State under Section 247(1), 250(1) and (2) of the Government of India Act, 1935, the Fundamental Rules, as amended by the President of India from time to time, will continue to apply as already stated in para 3 of the preface to the First-Edition. These rules are contained in the Punjab Government Compilation of the Fundamental Rules and the “Subsidiary Rules”, as mentioned in paragraph 5 below. The members of the I.A.S. and I.P.S. serving under the Punjab Government are governed by the rules issued by the President of India under the All-India Services Act, 1951, and in respect of matters not covered thereby the rules deemed to have been issued under the said Act, viz., Fundamental Rules, and the “Subsidiary Rules”.
5. Prior to 1<sup>st</sup> April, 1941 the Punjab Government had published their “Subsidiary Rules” under the Fundamental Rules in a separate volume. From 1<sup>st</sup> April, 1941, however, the Punjab Government issued their own rules known as Civil Services Rules (Punjab) Volume I, under proviso to Section 241 (2) (b) of the Government of India Act, 1935, and incorporated therein the Subsidiary Rules also. Since then, Subsidiary Rules are not being

maintained separately. These Subsidiary Rules, so far as the Traveling Allowance Rules are concerned, are contained in Punjab Civil Services Rules, Volume III. Other Subsidiary Rules issued by the Punjab Government are contained in the following rules in Punjab Civil Services Rules, Volume I :-

Schedule to Chapter II.

Rules 3.1 to 3.5

Note below rule 4.17.

Rules 5.1 to 5.9, 5.13 to 5.52, 5.55 to 5.60.

Rules 7.5, 7.6

Rules 8.4 to 8.12, 8.15 to 8.20, 8.34 to 8.40, 8.44 to 8.46, 8.50, 8.51, 8.86, 8.87, 8.94, 8.95 and Annexure 1 to Section I of Chapter VIII.

Rules 9.2 to 9.14, 9.16, 9.17,

Rule 12.1

Appendix 9.

6. Officers who notice any real error or omission in this edition are requested to bring them to the notice of the Heads of their Departments, who will forward suitable proposals to the Finance Department through the Administrative Department concerned.

SAPURAN SINGH,  
Secretary to Government, Punjab,  
Finance Department

## PREFACE

This is an up-to date compilation of the Punjab C.S.R. Volume I. All the corrections and amendments made to the various rules up to 1<sup>st</sup> August 1976 have been incorporated in it and the old leave rules which have become obsolete have been omitted. The policy instructions issued during the last fifteen years regarding the terms of deputation on foreign service etc. have been codified and included in Chapter X. Changes, where required, due to Re-organisation of Punjab, upon the re-designation of post, revision of the pay scales and replacement of old major Heads of Accounts with the adoption of new budgetary procedure have been suitably incorporated.

2. Suggestions for making this edition more useful, for correction of errors and supplying of omissions, if any, may be sent to the Finance Department.

S.P. BAGLA,  
Commissioner for Finance &  
Secretary to Government, Punjab,  
Finance Department.

## PREFACE

This edition of the Punjab Civil Services Rules, Volume I, Part I incorporates all amendments made up to the

31 March, 1984.

2. Suggestions for making corrections and improvements may kindly be forwarded to the Department of Finance.

DATED CHANDIGARH  
THE 15<sup>TH</sup> MAY, 1984

G. BALA KRISHNAN,  
SECRETARY TO THE GOVERNMENT OF  
PUNJAB, DEPARTMENT OF FINANCE.

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## **THE PUNJAB CIVIL SERVICES RULES**

### **VOLUME I**

#### **PART I**

#### **CHAPTER I. – *Extent of Application***

1.1 These rules, which have been issued by the Governor of Punjab, under proviso to Article 309 of the Constitution of India (see Appendix 1), may be called the Punjab Civil Services Rules. They shall come into force from the 1<sup>st</sup> April, 1953.

1.2 (1) Except as otherwise provided in rule 1.4 infra or in any other rule or rules these rules shall apply to all Government employees belonging to the categories mentioned below, who are under the administrative control of Punjab Government and whose pay is debitable to the consolidated Fund of the State of Punjab:

- (1) Member of State Services, Class I and II;
- (2) Member of State Services, Class III;
- (3) Member of Provincial Services, Class IV,
- (4) Holders of Special Posts; and
- (5) Any other Government employee or class of Government employees to whom the competent authority may, by general or special order, make them applicable.

Note 1. - Unless stated to the contrary in any rule or rules or the contrary in any rule or rules or the contrary is apparent from the context, the term “Government employee” includes also a temporary or an officiating Government employee.

Note 2. - The Speaker of the Legislative Assembly has agreed under Article 187 (3) of the Constitution that until a law is made by the Legislature of the State under Article 187 (3) of the Constitution or rules are framed by the Governor in consultation with the Speaker of the Legislative Assembly under clause (3) of Article 187 of Constitution of India, these rules and amendments thereto, if any (after prior consent of the Speaker), shall apply to the Secretariat staff of the Punjab Legislative Assembly.

Note 3. - The Chief Justice of the Punjab High Court has agreed to the application of these rules as amended from time to time in case of officers and employees of the Punjab High Court.

Note 4. - The Chairman, Punjab Public Service Commission has agreed to the application of these rules as amended from time to time, in the case of officers and employees of the Punjab Public Service Commission.

(2) Government employees to whom these rules apply shall continue to be governed by these rules while on temporary transfer to another state Government or Central Government or while on foreign service within India, unless it be otherwise provided in these rules. In the case of Government employees on foreign service outside India (including service with United Nations Agencies within or outside India) or on temporary transfer to the Armed forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

1.3 When in the opinion of the competent authority, special provisions inconsistent with these rules are required with reference to any particular post or any conditions of service, that authority may, notwithstanding anything otherwise contained in these rules, and subject to the provisions of clause (2) of Article 310 of the Constitution of India (see Appendix 1), provide agreement with the person appointed to such post for any matters in respect of which in the opinion of that authority special provisions are required to be made : Provided that in every agreement so made it shall be provided that in respect of any matter for which no provision has been made in the agreement, provisions of these rules shall apply.

1.4 These rules shall not apply to –

- (i) any Government employee between whom and the Government, a specific contract or agreement subsists in respect of any matter dealt with herein to the extent upto which specific provision is made in the contract or agreement (see rule 1.3 above);
- (ii) any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force; and
- (iii) any Government employee or class of Government employees to whom the competent authority may, be general or special order, direct that they shall not apply in whole or in part. One of such classes of Government employees is that employed only occasionally or which is subject to discharge at one month's notice or less. A list of such Government employees is given in Appendix 2.

**Note:** Different types of Model forms of agreement for use in the case of Government employees engaged on contract are given in Form Pb.C.S.R. No.1.

1.5 If any doubt arises as to whether these rules apply to any person or not, the decision shall lie with the competent authority.

1.6 Nothing in these rules shall operate to deprive any person of any right or, privilege to which he is entitled by or under any law or by the terms of his agreement.

1.7 Unless otherwise provided in any rules or rules, a Government employee's claim to pay and allowances shall be regulated by the rules in force at the time in respect of which the pay and allowances are earned, to traveling allowance by the rules in force at the time the journeys in respect of which they are made are undertaken, to leave by the rules applicable to him at the time the leave is applied for and granted; and to pension by the rules in force applicable to him at the time when the Government employee retires or is discharged from the service of Government. See also rule 1.1 (b) of Volume 11 of these rules.

1.8 The power of interpreting, changing and relaxing these rules is vested in the Department of Finance.

Note 1. - Communications regarding the interpretation and alteration of these rules should be addressed to the Department of Finance through the Administrative Department concerned.

Note 2. - Where the Department of Finance is satisfied that the operation of any of these rules regulating the conditions of service of State Government employees or any class of such Government employees, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

The expression 'State Government employees' means all persons whose conditions of service may be regulated by rules made by the Governor of Punjab under the proviso to Article 309 of the Constitution.



## CHAPTER II – Definitions

2.1 Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in these rules in the sense here explained.

2.2 Accountant-General means the head of the office of audit and accounts subordinate to the Comptroller and Auditor-General of India, who keeps the accounts of the Punjab State and exercises audit functions in relation to those accounts on behalf of the Comptroller and Auditor-General of India.

*Note.* - This definition covers also the term “Audit Officer”.

2.3 Active service for the purpose of pension, includes besides time spent on duty in India :-

- (i) Leave of all kinds except extraordinary leave other than that extraordinary leave counted towards increment under rule 4.9(b).
- (ii) The period of absence from India of a Government employee deputed or detained out of India on duty.

**Note** - Disability leave under rule 8.124 is included in “Active Service.”

2.4 Actual Traveling expenses means the actual cost of transporting a Government employee with his domestic servants and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if such is necessary. It does not include charges for hotels or travelers’ bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional domestic servants and the like.

2.5 **Age** - The day on which a Government employee retires or is retired or is discharged or is allowed to resign from service as the case may be, shall be treated as his last working day. The date of death shall also be treated as working day.

Note 1.- Every person newly appointed to a service or a post under Government should at the time of appointment declare the date of his birth by Christian era with confirmatory evidence as far as possible confirmatory documentary evidence such as Matriculation Certificate, Municipal birth certificate and so on. If the exact date is not known, an approximate date may be given. The actual date or the assumed date determined under note 2 below should be recorded in the History of Service, Service Book, or any other record that may be kept in respect of the Government Employee’s service under Government and once recorded, it can not be altered except in the case of a clerical error, without the previous orders of Government (see also Annexure A to this Chapter).

Note 2. –(a) If a Government employee is only unable to state his exact date of birth but can state the year or year and month of birth, 1<sup>st</sup> July, or the 16<sup>th</sup> of the month respectively may be treated as the date of his birth.

(b) If a Government employee is only able to state his approximate age, his date of birth, may be assumed

to be corresponding date after deducting the number of years representing his age from his date of appointment.

- (c) When a Government employee who first entered as a military employee is subsequently employed in a Civil Department, the date of birth for Civil employment should be the date stated by him at the time of attestation or if at the time of attestation he stated only his age, the date of birth should be deducted with reference to that age, according to the method indicated in sub-para (b) above.

Note 3.- For administrative instructions in respect of alterations in the date of birth see Annexure 'A' to this Chapter.

2.6 Apprentice means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from the Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department.

2.7 Omitted.

2.8 Omitted.

2.9 Cadre means the strength of a service or a part of a service sanctioned as a separate unit.

2.10 Camp equipage means the apparatus for moving a camp.

Note.- "Camp equipage" is essentially different from "camp equipment". The latter form includes everything necessary to a Government employee to enable him to live in a Camp.

2.11 Camp equipment means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of the public service for a Government employee to take with him on tour.

2.12 Omitted.

2.13 Compensatory allowance means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes traveling allowance, dearness allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

**Note-** See the explanation and note 1 under rule 2.52.

2.14 Competent authority in relation to the exercise of any power means the Administrative Department concerned of Government acting in consultation with the Department of Finance, or any other authority to which such power may be delegated by or under these rules. A list of authorities which exercise the powers of a competent authority under the various rules is given in Chapter XV.

2.15 Day means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours, shall be reckoned for all purposes as one day, at whatever hours the absence begins or

ends.

2.16 Duty (a) Duty includes :-

(1) service as a probationer or apprentice, provided that service as a probationer is followed by confirmation; provided further that, in the case of apprentice, on confirmation either in the post for which he was undergoing apprenticeship or in any other post, he can not count his apprentice period for leave as if it had been service rendered substantively in a permanent post.

(2) Joining time; and

(b) A Government employee is also treated as on duty under the circumstances specified in the schedule to this Chapter. (See pages 15 – 18)

Note. - No leave of any kind can be treated as duty for the purpose of any rule unless the contrary is expressly stated therein.

2.17 Family means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step children residing with and wholly dependent upon the Government employee. Except in rules 2.59, 2.82, 2.83, 2.86 and 2.87 of the Punjab Civil Services Rules, Volume III (Traveling Allowance Rules), it includes in addition parents, sisters and minor brothers, if residing with and wholly dependent upon the Government employee and also the widowed sisters residing with the wholly dependent upon the Government employee : provided their father is either not alive or is himself wholly dependent on the Government employee.

Note 1 The term "legitimate children" in this rule does not include adopted children except those adopted under the Hindu Law.

Note 2 The term "Child" or Children" used in this rule includes major sons and married daughters including widowed daughters so long as they are residing with and wholly dependent on the Govt. employee".

Note 3 Not more than one wife is included in the term family for the purpose of these rules.

Note 4 An adopted child shall be considered to be a legitimate child, it under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

Note 5 A person in receipt of a gross pension (including temporary increase in pension and pension equivalent of death-cum-retirement gratuity) not exceeding Rs.100 per menses but otherwise dependent on and residing with the Government employee shall be considered a member of his/ her family for the purposes of rules 5.3 and 5.5 of these Rules.

2.18 Fee means a recurring or non-recurring payment a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State (including the Punjab State), or the Consolidated Fund of a Union Territory whether made directly to the Government employee or indirectly through the inter-mediary of

Government, but does not include:

- (a) unearned income such as income from property; dividends, and interest on securities; and
- (b) income from literary, cultural artistic, scientific or technological efforts and income from participation in sports activities as amateur.

2.19 Department of Finance means the Department of Finance of the Punjab Government.

2.20 First appointment includes the appointment of a person not at the time holding any appointment under Government, even though he may have previously held such an appointment.

2.21 Foreign service means service in which a Government employee receives his pay with the sanction of Government from any source other than the revenues of the Union or State Government or a Union Territory.

2.22 A Gazetted Government employee is one who is a member of an All-India, Specialist or State Service Classes I and II, or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government and any other Government employee holding a post which may be declared to be a gazetted post by competent authority.

2.23 General revenue include the revenues of the Union Government or of State Government and exclude the revenues of a Local Fund.

2.24 Government means the Punjab Government in the Administrative Department.

2.25 Head of Department means the authority shown in column 5 of Appendix C to the Punjab Budget Manual in respect of the Government employees whose pay is charged to the corresponding head of account in column 2 of that Appendix, with the following exceptions:

- (1) Governor is Head of the Department with respect to himself and his personal staff.
- (2) Commissioners are Heads of Departments with respect to the Government employees other than the members of the Indian Administrative Service and the Punjab Civil Service whose pay is charged to the group heads "Commissioners" and "District Administration."
- (3) The Conservators of Forests are Heads of Departments for all ministerial Government employees, Forest Rangers, Deputy Rangers, Foresters, Forest Guards and Class IV Government employees and other employees serving in their circles.
- (4) Any other authority specially appointed by the competent authority to exercise the powers of a Head of Department.

2.26 Heads of Offices means the authorities defined as Disbursing Officers in rule 2.16 to the Punjab Budget Manual or any other Government employee declared to be the head of an office by competent authority.

2.27 The Headquarters of a Government employee are :-

- (a) if he is attached to the Secretariat offices of the Government; the headquarters for the time being of the Government; and
- (b) in other cases, the station which has been declared to be his headquarters by competent authority or, in the absence of such declaration, the station where the records of his office are kept.

2.28 Hill station means any place which a competent authority may declare to be a hill station.

2.29 Holiday mean :-

- (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881; and
- (b) In relation to any particular office a day on which such office is ordered, by notification in the Gazette or otherwise to be closed for the transaction of Government business without reserve or qualification.

Note. - This term does not include “local holiday” which may be granted at the discretion of Head of Offices: provided there are no arrears of work, nor such merely discretionary holidays as the last Saturday of each month.

2.30 Honorarium means a recurring or non-recurring payment granted to a Government employee from the Consolidated Fund of India or the Consolidated Fund of a State (including the Punjab State) or the Consolidated Fund of a Union Territory as remuneration for special work of an occasional or intermittent character.

Note 1. - No honorarium should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the Government employees concerned.

Note 2. - It is one of the liabilities of Government 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 may justify a claim to honoraria or to special pay.

Note 3.- No honoraria should be paid to Government employees for attending meetings of boards and committees financed wholly or partly from Government revenues.

Note 4.- No honorarium should be granted to gazetted officers engaged on work in connection with the setting up of companies, corporations, etc. which forms a part of their normal duties even if they work beyond office hours.

2.31 Omitted.

2.32 Joining time means the time allowed to a Government employee in which to join a new post or to travel to or from a station to which he is posted.

2.33 ‘Leave on half pay’ means leave on salary equal to half pay, as regulated by rule 8.122.

2.34 Leave salary means the monthly amount paid by Government to a Government employee on leave as determined in Rule 8.122.

Note 1.- The leave salary of a military officer, who is granted rent-free quarters and thereby foregoes lodging allowance. In lieu thereof, shall, if he given up such quarter before going to leave, be calculated as though he had been drawing during the period of occupation, the lodging allowance to which he would otherwise have been entitled.

Note 2. - Omitted.

Note 3. - Omitted.

Note 4. - Omitted.

Note 5. - Omitted.

Note 6. - Omitted.

Note 7. - Omitted.

Note 8. - For interpretation of the expression ‘pay, which the Government employee would have drawn if on duty in India’ appearing in note 2 below rule 8.123, see note 4 below rule 6.2.

Note 9. - A Civil Officer undergoing military training is not a Military Officer as defined in rule 2.39. Consequently, in calculating leave salary in this case, the pay which he would have drawn during the period of training, had he not proceeded on training, should be taken into account. Similarly, a civil Government employee belonging to the Indian Army Reserve of Officers when called to Army Service or such a Government employee belonging to the Indian Territorial Force. While undergoing training with such a force is not a ‘Military Officer’ as defined in rule 2.30 and in his case ‘pay’ as defined in rule 2.44 (a) does not include ‘rank pay’ (received during the period of Service in the Army). In such case, the pay which the Government employee would have received, if he had not been called to Army service and not the ‘rank pay’ actually drawn during that period should be taken into account for purposes of calculating leave salary under this rule.

Note 10. - Also see rule 8.122 and note thereunder.

2.35 Lien means the title of a Government employee to hold substantively, either immediately or on the termination of a period of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

Note. - In the case of a Government employee who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished, would be to defer the date of abolition up to the termination of such leave as may be

2.36 Local Fund means:-

- (a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and
- (b) the revenues of any body which may be specially notified by the competent authority as such.

2.37 Migratory Government employee means a Government employee who is required to move with the Government to the hills during the summer months.

2.38 Military Commissioned Officer means a commissioned officer other than a departmental officer. It does not include a warrant officer.

2.39 Military officer means any officer falling within the definition of Military Commissioned Officer, or included in rule 2.38 above, or any warrant officer.

2.40 Ministerial employee means a Government employee belonging to State Service, class III, whose duties are entirely clerical and any other class of Government employees specially defined as such by general or special order of the competent authority.

Note. - Those members of Class II service whose duties are predominantly clerical shall be classed as Ministerial employees for the purpose of this rule.

2.41 Month means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months should be calculated and the odd number of days added thereto. Illustrations;

- (a) to calculate 3 months and 20 days on and from the 25<sup>th</sup> January the following method should be adopted :-

	Y	M	D
25 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	7
February to April	0	3	0
1 <sup>st</sup> May to 13 <sup>th</sup> May	0	0	13
	<b>0</b>	<b>3</b>	<b>30</b>

- (c) the period commencing on 30<sup>th</sup> January and ending with the 2<sup>nd</sup> March, should be deemed as 1 month and 4 days as indicated below :-

	Y	M	D
30 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	2
February	0	1	0
1 <sup>st</sup> May to 2 <sup>nd</sup> March	0	0	2
	<b>0</b>	<b>1</b>	<b>4</b>

**Copy of letter No. 1/15/89-IFP-III/8078 dated 31.8.89 from Government of Punjab, Department of Finance, Personnel-III Branch to the Head of the Deptt. Registrar, Punjab & Haryana High Court Commissioners of Divisions Distt. & Session Judges and the Deputy Commissioners in the state and others.**

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Sub:- Labialisation of pensionary benefits of the State Government pensioners on the recommendations of the Third Pay Commission.

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I am directed to invite a reference to the subject noted above and to state that the State Government on the recommendations of the Third Pay commission, has revised the pay scale of its employees with effect from 1<sup>st</sup> January, 1986. The recommendations of the pay commission with regard to various pensionary benefits to state Government pensioners had been engaging the attention of the State Government for some time past-. After careful consideration of the matter, the President of India is pleased to revise/ modify/ grant various pensionary benefits to its pensioner as indicated in the succeeding paragraphs :-

Date of Effect:-

The Pensionary benefits shall be effective with effect from 1<sup>st</sup> January, 1986, except those whose different dates have been specifically indicated.

2.1 Emoluments and other employments:-

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The term 'emoluments' for the purpose of calculating various retirement and death benefits shall include Basic Pay as defined in Rule 2.44 (a) (I) of Punjab Civil Services Rules, Volume-I, Part-I, Special Pay including N.P.A. (Non Practicing allowance) Personal Pay and Dearness Pay (as and when Dearness Allowance is treated as Dearness Pay) which the Government employee was drawing at the time of his/ her retirement.

2.2 The average emoluments shall be determined on the basis of the emoluments (as defined in Para 2.1 above) drawn during the last ten months of service.

2.3 The average emoluments of those employees who retire within 10 months from the date of coming over to

revised scale of pay shall be calculated as follows :-

- i) For the period during which pay is drawn in pre-revised scales. Basic pay, Personal Pay, if any special pay including NPA plus actual D.A. adhoc D.A. admissible upto CPI 608 in the unrevised scales and I.R. (Interim Relief), If Pay sanctioned with effect from 1<sup>st</sup> January, 1986, and
- ii) For the period during which pay is drawn in the revised scales. Basic pay, personal pay if any, and special pay including NPA in the revised scale.

Service gratuity and pension:-

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- 2.1 Where qualifying service is less than 10 years (20 half yearly the service gratuity shall be calculated at the uniform rate of half months emoluments for every completed six month period of service.
  - 2.2 Pension shall be computed at the rate of 50% of average emoluments instead of the existing formula based on slab system there shall be no change in the existing provisions regarding admissibilities of full pension on a qualifying service of 33 years. In case the qualifying pension is less than 33 years, the pension shall first be computed at 50% of average emoluments and then it will be proportionately reduced. If the pension so computed falls short of Rs.375/- the same will be raised to Rs.375/- in all cases, that is the minimum basic pension shall be Rs.375/- per month w.e.f. 1.1.1986.

In case where the pensions of the pensioners who have retired on or after 1<sup>st</sup> January, 1986 upto the date of issue of these orders got reduced on computation with reference to revised scales formula than the pension admissible on the basis of unrevised scales/ old formula shall be protected.

The pensions of pre 1<sup>st</sup> January, 1986 pensioners shall also be recomputed at the rate of 50% reckonable emoluments for pension if the same become beneficial to them. While recalculating the pension at the rate of 50% of average emoluments of pre- 1<sup>st</sup> January, 1986 additional pension admissible vide letter No.38/52/80-6FR/11687 dated 22<sup>nd</sup> December, 1980 shall not be taken into account.

Retirement Gratuity/ Death Gratuity:-

- 4.1 The maximum limit of Retirement-Gratuity has been raised from Rs.50,000/- to Rs.1,00,000/- other existing provisions relating to it shall remain unchanged.
- 4.2 In the case of death in harness the death gratuity shall be admissible at the rates follows:-

Length of service

Rate of Gratuity

- i) Less than one year 2 times of emoluments.
- ii) Year or more but less 5 years 6 times of emoluments.
- iii) 5 years or more but less than 20 years 12 times of emoluments.
- iv) 20 year and above : Half of emoluments for every complete 6 monthly period of qualifying service subject to the maximum of 33 times of emoluments provided that the amount of death Gratuity shall in no case exceeding one lakh rupees.

**Family Pension:-**

5.1 The rate of family pension during the 1<sup>st</sup> 7 years or till the Government employee would have attained the age of 65 years, has he survived which ever is less, shall as follows:-

<u>Pay in the revised scale</u>	<u>Rate of Family pension per month</u>
i) Upto Rs.1500/-	60% of pay subject to a minimum of Rs.600/-.
ii) Rs.1501 – 3000/-	40% of pay subject to a minimum of Rs.900/-.
iii) Above Rs.3000/-	30% of pay subject to a minimum of Rs.1200/-

Note. I - In case husband and wife both are Government employee the maximum family pending in the event of death of both of them shall not exceed Rs.3000/- per month.

Note. II - The benefit of this family pension formula shall also be allowed to the family as of pre-1<sup>st</sup> January, 1986 pensioners and pre- I 1<sup>st</sup> January, 1986 family pensioners, but the additional relief being given separately to pre 1<sup>st</sup> January, 1986 Family pensioners shall not be admissible on the benefit so accorded.

**PAY IN THE REVISED RATE OF FAMILY PENSION PER SCALE MENSUM**

- i) Upto Rs.1500/- 40% of pay subject to a minimum of Rs.375/-.

- ii) Rs.1501 – 3000/- 30% of pay subject to a minimum of Rs.600/-.
- iii) Above Rs.3000/- 20% of pay subject to a minimum of Rs.900/- and maximum of Rs.1,500/-.

Note. 1 :- In case husband and wife both are Government employee the maximum family pension in the event of death of both of them shall not exceed Rs.2250/- per mensem.

Note. 2 :- The benefit of this family Pension Formula shall also be allowed to the families of pre- 1<sup>st</sup> January, 1986 pensioners and pre 1<sup>st</sup> January, 1986 family pensioner but the additional relief being given separately to pre- 1<sup>st</sup> January, 1986 Family Pensioners shall not be admissible on the benefit so accrued.

6. The temporary employee shall be treated at par with permanent employees in respect of all retirement benefits viz Retiring Superannuation, Compensation and Invalid Pensions and service and Death cum Retirement Gratuities.
  
2. The entire Service rendered by an employee as work charged as also the service paid from contingencies shall be reckoned towards retirement benefits provided :-
  - (i) such service is followed by regular employment ;
  - (ii) there is no interruption in the two or more spells of service or the interruptions fall within condonable limits and.
  - (iii) Such service shall be a full time job (and not part time) or portion of the day.
  
3. The Government employees who are declared invalid shall be granted a weightage of 5 years in their qualifying service from pension and if the qualifying service after the grant of this weightage remains below 10 years the same will be raised to 10 years and the employee concerned shall be granted proportionate pension subject to a minimum of Rs.375/- per mensem.

#### TRAVEL CONCESSION:-

4. All the pensioners shall be granted Travel Concession equal to one month's basic pension after completion of every block of two years. This decision will be effective from 1<sup>st</sup> January, 1989.

For the purpose calendar year will start from January of the year succeeding full two years after retirement. The travel concession shall be payable in the month of January only. Thus the pensioners who had completed their 1<sup>st</sup> block of 2 years on 31<sup>st</sup> December, 1988 are entitled to payment on account of travel concession in January, 1989 and there after completion of every block of two years. Similarly the pensioners who completed/ will complete a period of two years after their retirement on or after 1<sup>st</sup> January, 1989 and upto 31<sup>st</sup> December, 1989., shall be entitled for payment in January, 1990 and there after completion of every block of two years from the date of retirement and seen and so forth.

5. The pensioners and family pensioners who completed 70 years or 80 years of age shall be granted with effect from the month succeeding the month on which they attain 70 or 80 years age, Special allowance compensate them for the higher expenses attendant with old age at the rates given below:-
- i) On completion of the age of 70 years. 5 % of basic pension
  - ii) On completion of the age of 80 years. 10% of basic pension inclusive of (1) above.

The pensioners and family pensioners who have completed 70 years or 80 years by 31<sup>st</sup> August, 1989, shall be eligible for this allowance with effect from 1<sup>st</sup> September, 1989.

The allowance shall not count for purpose of grant of dearness relief.

6. It is requested that pension of pensioners including the recipients of family pension may be calculated/ re-calculated in accordance with the above decisions and the pension cases finalised in consultation with the Accountant General, Punjab.
7. The relevant provisions of the Punjab & Civil Services Rules, Vol.-II shall be deemed to have been amended to the extent of the provisions of this letter. Formal amendments to these rules will be notified in due course.
8. Please acknowledge its receipt.

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2.42 Officiate. - A Government employee officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority may, if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.

2.43 Overseas pay means pay granted to a Government employee in consideration of the fact that he is serving in a country other than the country of his domicile.

2.44 (a) Pay means the amount drawn monthly by a Government employee in the scale of pay of the post held by him, or to which he is entitled by reason of his position in a cadre and includes any other emoluments which may specifically be classed as part of pay by the competent authority.

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre; and

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the competent authority.

Note 1. - Judicial pay has been classed as pay under rule 2.44 (a) (iii).

Note 2. - If language allowances are lump sum allowances, they will be dealt with under rule 5.55. If they are recurring payments they will fall under the head “pay” under clause (a) (iii) of this rule.

Note 3. - A Civil Officer undergoing Military training is not a Military Officer as defined in rule 2.39 and in his case “Pay” as defined in rule 2.44(a) does not include ‘rank pay’ received during the period of training.

2.45. Pension. - Except when the term, “pension” is used in contradistinction to “Gratuity”, pension includes Gratuity.

2.46. Permanent post means a post carrying a definite rate of pay and sanctioned without limit of time.

2.47. Personal pay means additional pay granted to a Government employee:-

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

Note. - No case will be entertained which is not of an entirely exceptional character; and in submitting cases for the grant of personal pay, this should be carefully borne in mind.

2.48. *Presumptive pay of a post.* - When used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, on

consideration of which the special pay was sanctioned.

2.49 Probationer means a Government employee employed on probation in or against a substantive vacancy in the cadre of a department. This term does not, however, cover a Government employee who holds substantively a permanent post in a cadre and is merely appointed “on probation” to another post.

Note 1.- The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

Note 2. - No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

Note 3.- The provisions of this rule and note 2 above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government employee should be regarded as a probationer, or so merely ‘on probation’ irrespective of whether he is already a permanent Government employee or is merely a Government employee without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively ) for determining his fitness for eventual substantive appointment to that post. There is nothing in this rule to prevent a Government employee substantive in one cadre from being appointed (either through selection by a departmental committee or as a result of competitive examinations are prescribed. In such a case the Government employee should be treated as a probationer and (subject to specific rules, if any, to the contrary) allowed only as initial and subsequent pay the rates of pay prescribed for the probationary period, irrespective of whether these rates are actually included in or shown separately from the time-scales of the services concerned. The case of Departmental candidates of the same department promoted by selection is, however, different. If the Department of the Government of Punjab concerned consider it expedient, these ‘promoted’ men may properly be put ‘on probation’ for a period to see if they make good in the actual work of the post to which they are promoted and have liens (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion; whatever the departmental arrangements be to test their capacity etc., during the ‘on probation’ period their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

2.50 Public conveyance means a train, steamer or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of passengers. Cabs, cars and horses are not regarded as public conveyances.

2.51 Omitted.

2.52 Special pay means an addition, of the nature of pay, to the emoluments of a post or of Government employees, granted in consideration of :-

- (a) the specially arduous nature of duties;
- (b) a specific addition to the work or responsibility and includes non-practicing allowance granted to doctors in lieu of private practice.

*Explanation.* - The circumstances which justify the grant to a Government employee of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference emphasised in the definition of those terms embodied in rules 2.13 and 2.52. These definitions should be strictly construed and an exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance. There is no necessary inter-dependence between special pay and compensatory allowance. It is not the intention of the rules either that where the cost of living would justify the grant to a Government employee of a compensatory allowance, he should be rendered ineligible for such allowance, because he has already been granted special pay in recognition of the duties and responsibilities of his post, or that if the attachment of special pay to a post is justified under the terms of the rules, it should be subject to reduction because for reasons essentially different, a compensatory allowance as defined in rule 2.13 is subsequently granted.

Note 1. - The reasons for the grant of a special pay and compensatory allowance should be recorded in the sanctioning order so that their classification may be duly watched in audit. In cases in which an official record in an open letter is considered undesirable, it should be possible to communicate the reason confidentially to the Accountant-General.

Note 2. - When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows: -

- (a) the special pay is admissible on the sterling overseas pay as well as on the rupees basic pay;
- (b) the special pay must be expressed and drawn wholly in rupees;
- (c) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 5.27 new pence to the rupee or the rate in force from time to time.

Note 3. - A provision in the contract of a Government employee appointed to a particular post that he should “also do all things that may be required of him” does not contemplate his being required to perform onerous additional duties in another post without remuneration.

2.53 Sphere of duty of a Government employee is the local area outside which he can not travel without the special orders of competent authority. The sphere of duty of Heads of Department other than Commissioners in the Punjab; of Commissioners their respective divisions; and of others. Government employees as may be ordered by competent authority.

2.54 Subsistence grant means a monthly grant made to a Government employee who is not in receipt of pay or leave salary.

2.55 Substantive pay means the pay, other than special pay, personal pay or emoluments classed as pay by the competent authority under rule 2.44 (a)(iii), to which a Government employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

Note 1. - Substantive pay includes the pay drawn by a probationer in a post to which he has been appointed on probation.

Note 2. - Substantive pay does not include overseas pay.

2.56 Omitted.

2.57 Omitted.

2.58 Temporary post means a post carrying a definite rate of pay sanctioned for a limited time. Such a post can be held in an officiating capacity.

**Note** - An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when the grant of leave involves no expense to Government, but improper in the absence of this condition.

2.59 Tenure post means a permanent post which an individual Government employee may not hold for more than a limited period.

2.60 (a) Time-scale pay means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay previously known as progressive.

(b) Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the

cadre or class, and not by the facts he holds the post.

**Note.** - Two time scales of pay should be treated as identical within the meaning of Rule 2.60 (b) even though the scales may differ in the matter of provisions of efficiency bars.

2.61 Transfer means the movement of a Government employee from one headquarters station in which he is employed to another such station, either :-

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

2.62 Travelling allowances means an allowance granted to a Government employee to cover the expenses which he incur in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

## SCHEDULE

[Referred to in Rule 2.16(b)]

1. A Government employee is treated as on duty under the following circumstances:-

- (i) When he is following out a duly authorised course of training or instruction in India.

**Note 1** - The period of Military training of Civil Government employees admitted to the Army in India, Reserve of Officers or the Indian Territorial Forces is treated as duty.

**Note 2.** - The period spent by Civil Government employees, whether paid from the Defence Services Estimates or Civil Estimates on training of pre-cadet provincial school with the permission of the Head of Office is treated as duty. This concession is also admissible to temporary Government employees only for so long as they would have continued in service but for their training.

**Note 3.** - The authorities competent to appoint the Government employee to the post for which the training is essential are empowered to treat the period of training or instruction in India of Government employee as duty for the purpose of rule 2.16 subject to the following conditions :-

- (a) The training or instruction should be in India;
- (b) The training or instruction should be in public interest and connected with the post which the Government employee is holding at the time of placing him on training or instruction and should cover such a course where a Government employee does not secure any academic degree or diploma or does not become eligible for securing admission to a course leading to the award of such degree or diploma;

- (c) It is obligatory on the part of the Government to send the persons for such training or instruction;
- (d) The training should not be in professional or technical subjects which are considered in public interest and which are normally covered under the provisions relating to study leave, such as a course by which a Government employee secures academic degree or diploma or becomes eligible for securing admission in a course leading to the award of such degree or diploma; and
- (e) The period of training should not exceed one year.

The cases which do not fall in the above category shall be rejected summarily but in cases in which the course is considered of great public importance, there is dearth of Government employees trained in it and ordinarily Government employees are not enthusiastic to undergo such a course of their own volition, Government may sponsor names of Government employees for training in such a course only with the prior consent of the Department of Finance.

*Exception.* - Teachers in Government service who are untrained or who being trained are desirous of undergoing a further course of training shall not be regarded as on duty during the course of training. They may be granted leave therefore under the ordinary rules with such leave salary as may be admissible.

The provisions of the above Exception do not apply to the following cases:-

- (a) women teachers required to undergo a duly authorised course of training approved by competent authority;
  - (b) teachers in Intermediate Colleges required to undergo S.S.T.C. or B.T. training at a Training College;
  - (c) teachers and Block Education Officers required to attend a course in physical training; and
  - (d) Physical Training Supervisors in Government Colleges required to attend the Elementary Library Routine Class conducted by the Punjab University.
  - (e) Women teachers from the Government Industrial School for girls or from Government Travelling Demonstration Parties required to undergo industrial training at the Industrial Teachers Training Class for women.
- (ii) Period or periods spent by an employee of the Punjab Government in A.R.P. Training and A.R.P. duty during normal working hours with the permission of the head of his office shall be treated as duty for the purpose of rule 2.16.
- (iii) In the case of a Government employee who has been substantively appointed to a post or cadre in a

Government service during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the competent authority.

(iv) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University College or School during the interval between satisfactory completion of the course and his assumption of duties, unless in any case, it be otherwise provided in the terms of his appointment.

(v) On the first arrival in India of Government employees appointed outside India, who do not, before they report themselves at the seat of the Government of the Punjab, receive orders to take charge of a specified post during the interval between the date of such report and the date on which they take charge of their duties; provided that the interval between the receipts of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government employee entitled to joining time under the rules in Chapter IX -.

(vi) The period of compulsory waiting by a Government employee returning from leave for orders of Governing posting him to a particular post.

(vii) During the period occupied in attending obligatory examinations including the time reasonably necessary for the journeys to and from the place of examination.

(viii) During the period occupied in attending optional examinations at which a Government employee is permitted to appear by competent authority and during the time reasonably necessary for the journey to and from the place of examination.

(ix) For the treatment of the periods of periodical military training of Reservists of the Indian Army in Civil Government employee as duty, see Explanation 2 under rule 4.3.

(x) The period spent by newly appointed Engineer Officers from the day they report for duty to the day they complete taking over charge of posts involving verification and inspection of stores, etc. It is not necessary to create new posts to accommodate the direct recruits since treating the period as duty is by itself sufficient sanction in this regard.

(xi) In all cases of enforced halts occurring en route on tour journeys temporary transfer or training, necessitated by break down of communications due to bolckade of roads on account of floods, rains, heavy snowfall, land slides, or delayed sailings of ships or awaiting for air lift etc.

II. Government employee is not on duty during any time he may spend beyond his sphere of duty except in the following circumstances :-

(1) Under the conditions laid down in clause 1 above.

- (2) If a Police Officer, acting with his legal power.
- (3) If an Excise and Taxation Officer, Assistant Excise and Taxation Officer, Excise Inspector, Taxation Inspector or Excise Sub-Inspector acting under the orders of (i) The Excise and Taxation Commissioner, or (ii) Deputy Excise and Taxation Commissioner, or (iii) The Collector.
- (4) A Tehsildar, or Naib-Tehsildar serving in a mahal, a settlement or a colony post who proceeds under the orders of the Deputy Commissioner, Settlement Officer, or Colonisation Officer, as the case may be, beyond his sphere of duty but inside the district, or who proceeds under the orders of the Commissioner beyond the districts to which he is posted.
- (5) If authorised by competent authority, by general or special order.
- (6) If a ministerial Government employee or a peon, accompanying a recessing officer to his recess station.

**Clarification :** It is not the intention of the rule to keep an employee returning from leave waiting for his posting orders for an inordinately long period and to place an avoidable burden on the State Exchequer. Action should be initiated for the posting of an employee expected to report for duty well in advance and formal posting orders should invariably be issued well before the date of return of the employee to duty.

## ANNEXURE (A)

(Referred to in Rule 2.5 and note 3 thereunder)

1. These rules may be called the Punjab Civil Services Volume I, Part I (3<sup>rd</sup> Amendment) Rules, 1987.

In regard to the date of birth a declaration of age made at the time of or for the purpose of entry into Government service shall, as against the Government employee in question, be deemed to be conclusive unless he applies for correction of his age as recorded within two years from the date of his entry into Government service. Government, the right to make a correction in the recorded age of a Government employee at any time against the interests of the Government employee when it is satisfied that the age recorded in his service book or in the History of service of a Gazetted Government employee is incorrect and has been incorrectly recorded with the object that the Government employee may derive some unfair advantage therefrom.

2. In the Punjab Civil Services Rules, Volume I, Part I (hereinafter referred to as the said rules) in Annexure (A), appended to Chapter II, in Para I, for the words “Government, however, reserves”, the words “The Administrative Department, in consultation with the Department of Personnel and Administrative Reforms, however, reserves “shall be substituted –

When a Government employee, within the period allowed, makes an application for the correction of his date

of birth as recorded a special enquiry should be held to ascertain his correct age and reference should be made to all available sources of information such as Certified Copies of entries in the municipal birth register. University or School age Certificate, Janam Patris or horoscopes. It should, however, be remembered that it is entirely discretionary on the part of the sanctioning authority to refuse or grant such application and no alternation should be allowed unless it has satisfactorily been proved that the date of birth as originally given by the applicant was a bonafide mistake and that he has derived no unfair advantage therefrom.

3. The result of every such enquiry should, in the case of gazetted, non-gazetted Government employees be briefly stated in their service cards, service books and if a correction is sanctioned, the fact should be reported to the Accountant –General.

**CHAPTER III**  
***General Conditions of Service***  
**CONDITIONS REGARDING HEALTH AND AGE**

3.1 Except as provided in rules 3.2 and 3.3, no person may be appointed in India to a post in government service without medical certificate of health, in the following form. In the case of non – gazetted staff, a declaration in the form of appended as an annexure at the end of this chapter shall be obtained from the candidates at the time of medical examination required by this rule, or on re-employment to government service. This declaration form should be filled in by the candidate concerned in the presence of the medical officer :-

“Signature of Applicant”.

“I hereby certify that I have examined A.B., a candidate for employment in the \_\_\_\_\_ Department, whose signature is given above, and can not discover that \_\_\_\_\_- has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except \_\_\_\_\_, I do not consider this disqualification for employment in the office of \_\_\_\_\_ A.B.’s age is, according to \_\_\_\_\_ own statement \_\_\_\_\_ years and by appearance about \_\_\_\_\_years \_\_\_\_\_ has been vaccinated within the last 12 months \_\_\_\_\_ or has been re-vaccinated within the last 12 months, or has already had small-pox and shows abvious scars thereof.”

“Marks of identification \_\_\_\_\_”.

Impression of the left hand

Thumb and fingers.

**Exception 1 :-** The Administrative Department may authorise the drawal of pay and allowances for a period not exceeding two months in respect of fresh recruits of Government service without a medical certificate of health, subject to the condition that if the person concerned is subsequently found medically unfit his services should be terminated after the expiry of the period of one month from the date of communication to him of the findings of the

Medical Officer/ Board if no appeal for second medical examination is made by him during this period or after the case for second medical examination is finally decided if such an appeal, is made and accepted. This condition should be clearly stated in the initial letter of appointment.

The Administrative Department shall, however, exercise this power sparingly and in exceptional circumstances only, e.g., when it is considered necessary in the public interest that a selected person should be appointed immediately in anticipation of his medical examination.

**Exception 2 :-** The Administrative Department may authorise the drawal of pay and allowances without production of fitness certificate in respect of Government employees, other than those covered by clauses (a) and (b) of Note 2 (iv) below rule 3.4 who are promoted to hold gazetted posts and who are required to undergo medical examination by the appropriate medical authority, for a period not exceeding two months subject to the condition that if the person concerned is subsequently found medically unfit, he should be reverted to the lower post from which he had been promoted, after the expiry of one month from the date of communication to him of findings of the examining medical authority if no appeal for a second medical examination is made by him during this period or after the case for second medical examination is finally decided if such an appeal is made and accepted. This condition should clearly be stated in the relevant orders of promotion to the Gazetted post.

**Note 1.-** In the case of literate persons who can sign in English, it will be sufficient if the examining Medical Officer or Board obtains on the Medical Certificate only the signature of the candidate in his or its presence which should be verified by the Head of Office by comparison with that in the Service Book.

**Note 2. -** A certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government employee should be furnished to the Audit Office as under :-

- (i) In respect of Gazetted Officers, certificate furnished by the competent authority to whom the medical certificate has been submitted, should be attached to the first pay bill.
- (ii) In respect of non-gazetted officers the drawing and disbursing officers should furnish certificate alongwith the first pay bill of the Government employee concerned.
- (iii) Where the competent authority under 'exception' below rule 3.1 authorises the drawal of the pay and allowances of a newly appointed Government employee for a period not exceeding two months without a medical certificate of health, a certificate to this effect should be furnished in the first pay bill.
- (iv) Where an officer is declared temporary unfit by the competent medical authority and retained in service the period for which the officer has been declared temporarily unfit should be intimated to audit.

**Note 3-** Omitted.

**Note 4-** The following fees shall be levied for medical examination of candidates selected for fresh appointment to posts under Government :-

- (a) Rs.24 in the case of appointment to Gazetted posts.
- (b) Rs.12 in the case of appointment to Class III posts.
- (c) Rs.4 in the case of appointment to Class IV posts.
- (d) Rs.6 in the case of appointment to Class III posts for Scheduled Castes/ Scheduled Tribes.
- (e) Rs.2 for Scheduled Castes/ Scheduled Tribes persons appointed to Class IV.

The fee on account of the above charges shall be credited into Government Treasury in entirety.

**Note 5. -** The following fee shall be charged for appeals against Medical Examination of Government employees who have been declared unfit by the Principal Medical Officer or Assistant to Civil Surgeon/ Standing Medical Board:

1. The fee in case of appeal by a Non-Gazetted Government employee against the decision of a Principal Medical Officer or Assistant to Civil Surgeon declaring him/ her unfit whether on account of visual acuity or otherwise should be Rs.10.
2. The fee in case of appeal by a Gazetted Government employee against the decision of Standing Medical Board declaring him/ her unfit whether on account of visual acuity or otherwise shall be Rs.48.
3. The fee for the second appeal in case of rejection on account of visual acuity which is permissible in doubtful cases will be same as the fee in case of first appeal.
4. There should be no additional charges for the inclusion of Second Ophthalmologist in the special Medical Board in case of appeals against rejection on account of visual acuity. It is the responsibility of the Government to constitute the special medical Board with two ophthalmologists and it is an internal arrangement as to where the second Ophthalmologists and it is an internal arrangement as to where the second Ophthalmologist is called from.
5. The successful appellant may be refunded the fee of appeal and also be paid travelling allowance by his department for his attendance before the Board on the analogy of the practice in case of appeal against invalidment. The Travelling Allowance should be granted equal to actual railway fare (of class of accommodation to which they are entitled) without any allowance for incidental

expenses and daily allowance for the journey to be undertaken to appear before the Medical Board which is constituted to have another opinion about fitness.

3.2 A competent authority may, in individual cases, dispense with the production of a medical certificate and may, by general order, exempt any specified class of Government employees from the operation of rule 3.1

**Note.** - Once a person is asked to produce a Medical Certificate of fitness for entry into Government service and has actually been examined and declared unfit, it is not open to the competent authority to use its discretion to ignore the certificate.

3.3 Except where the competent authority by general or special order directs otherwise, the following classes of Government employees are exempted from producing a Medical Certificate of health :-

- (1) A Government employee appointed by the High Commissioner for India.
- (2) A qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College Course.
- (3) A Government employee appointed in a temporary vacancy for a period not exceeding six months.
- (4) A temporary Government employee who has already been medically examined in one office if transferred to another office without a break in his service. The person concerned should, however, obtain a certificate from the Head of office from which he is transferred to the effect that he had already produced the requisite medical certificate of Health.
- (5) A retired Government employee re-employed immediately after retirement.
- (6) An ex-serviceman disabled in war operation. - In his case, however, the certificate of fitness granted by the Demobilisation Defence Services Medical Board for Civil Service may be considered valid for service under the Punjab Government;

Provided that the above certificate is not found to be inconsistent with the minimum standard otherwise prescribed for the post of service to which the appointment is to be made.

Provided further that in case where period of not less than one year has elapsed since the release of the disabled ex-serviceman from the Army, or it is otherwise considered necessary, the appointing authority shall have the power to get such ex-serviceman examined by the Civil Surgeon/ Principal Medical Officer concerned.

Note 1. - The production of a Medical certificate is necessary when :-

- (i) A Government employee is promoted from a non-qualifying service paid from a local fund to a post in superior Government service;
- (ii) A person is re-employed after resignation or forfeiture of past service.

**Exception :** A person re-employed after resignation shall be exempted from producing a medical certificate of fitness if the resignation was for taking up another appointment under Government or quasi-Government body for which he applied with the approval of and through the appropriate authority; provided that he was medically examined by the Competent Medical Authority and declared fit according to the medical standards not lower than those in his new post.

Note 2. - In the case of Government employees referred to in clause (3) of the rule ; the appointing authorities should, in any case, satisfy themselves that the candidate is protected against smallpox.

3.4 (1) (a) Except in the case of Members of the Punjab Home Guards, the Medical Certificate of health shall be signed by a Medical Board in the case of a Gazetted Government employee, and by a Principal Medical Officer or an Assistant to Civil Surgeon or a Medical Officer of equivalent status in the case of a Non-Gazetted Government employee other than Class IV.

(b) In the case of the members of the Punjab Home Guards who are primarily governed by the Punjab Home Guards Act, 1947 and the Punjab Home Guards' Rules 1963, the medical certificate of health shall be signed by a Principal Medical Officer or Assistant to Civil Surgeon in the case of a gazetted officer and by a Senior Medical Officer or a Medical Officer examination shall be held in accordance with the standard laid down by the Commandant-General, Punjab Home Guards.

(2) (a) In the case of a female candidate appointed to a gazetted post, the medical certificate shall be signed by a Medical Board consisting of a woman doctor possessing medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) as one of its members, and

(b) In the case of a female candidate appointed to a Non-gazetted post, the medical certificate shall be signed by a registered female medical practitioner possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956).

(3) In the case of Class IV Government employees, the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) and where there is no such Authorised Medical Attendant by a Government Medical Officer of the nearest dispensary or hospital possessing such qualification.

(4) A candidate who is likely to be employed in a temporary capacity continuously for a period exceeding three months shall produce either before or within a week from the date of employment, the certificate from the competent medical authority as prescribed in this rule. When, however, a Government employee initially employed in an office in a temporary capacity for a period not exceeding three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for a period exceeding three months he shall produce such a certificate within a week from the date of orders sanctioning his retention in that office or joining the new office.

**Note 1.** – (i) A person who is appointed to Government service afresh after a break in service not exceeding one year should be treated as in continuous service for the purpose of these orders, the period of break not being counted. If, however, the period of break exceeds one year, he should be regarded as a fresh entrant to Government service.

(ii) A person who is in continuous service but in different posts should be deemed for the purpose of these orders to have been in continuous service in the same post.

**Note 2.** – (i) Except as provided in para (4), a Government employee, holding under Punjab Government :-

(a) a non-gazetted post when appointed to another gazetted post, or

(b) a gazetted post when appointed to another gazetted post, either by transfer or on promotion in the same line or in a different line through open competitive examination, need not be required to undergo medical examination by the Medical Board. If he has already been declared fit on medical examination by the Civil Surgeon at the time of his entry into Government Service.

(ii) A permanent Government employee holding a gazetted post in Centre or under any other State Government when appointed to a gazetted post under the State Government need not be subjected to a fresh medical examination by a Medical Board:

(iii) A permanent Government employee holding a non-gazetted post in the Centre or under any other State Government when appointed to a gazetted post under the Punjab Government will be required to undergo a fresh medical examination by a Medical Board, but when appointed to a non-gazetted post, no Medical examination will be necessary ; and

(iv) In cases where the rules for recruitment to new appointment prescribe a fresh medical examination in respect of all candidates, all directly recruited/ selected candidates irrespective of the fact whether they are already in permanent or quasi-permanent Government service in the same or in other departments or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority ; provided that a fresh medical examination will not be necessary in the case of –

- (a) a person who is already in permanent or quasi-permanent employ of the Government and has already undergone a medical examination by a standard and by a medical authority which are recognised by the appointing authority as equivalent to those prescribed for the new appointment for which he is recruited/ selected, and
- (b) a person who is already in permanent or quasi-permanent employ in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

Note 3. - These orders will not have retrospective effect and past cases need not be reopened.

Note 4. - The gazetted staff posted at Delhi is permitted to produce certificates of health and age signed by the Medical Board, Delhi.

Note 5. - A candidate recruited to the P.C.S. (Executive Branch) from Register A-1 (Tehsildar and Naib-Tehsildars) and Register A-II (Ministerial Government employees) should not be required to undergo medical examination if he was medically examined and declared fit on appointment to Government Service.

**Amendment:** Where the both husband and wife are posted in the same station living in hired/ owned accommodation as per their entitlement both are entitled to draw the house rent allowance subject to fulfillment of other condition vide notification No.10/44/89-FPI/4038 dated 3.5.1990.

3.5 When a Government employee in whom a defect has been noticed by the examining surgeon, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the Principal Medical Officer or Assistant to Civil Surgeon or other medical authority referred to in rule, 3.4 has, at the written request of the Head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the Government employee.

3.5A. The appointing authority shall have power to require a Government employee to appear before a Medical Board to test his physical fitness for the efficient discharge of the duties of his post, whenever, it has reason to believe that Government employee is not physically fit to carry out his duties satisfactorily. The Government employee concerned shall, however, have a right of appeal to an appellate Medical Board, against the decision of the first Medical Board.

(ii) Age of entry into Government Service.

3.6 A person whose age exceeds 30 years may not ordinarily be admitted into pensionable service under

Government.

**Note.** - This rule will not apply to the employment in civil capacities of pensioners and reservists of the Indian Army.

3.7 The limit in rule 3.6 is extended to :-

(a) twenty-seven years in the case of a person appointed to be a Subordinate Judge: Provided that Advocates and Pleaders who are actually practising in the High Court or Courts subordinate thereto, will be allowed to subtract from their age one year for each year of practice up to maximum of 3 years ;

**Note.** - The maximum age limit in this clause may, in special circumstances, be relaxed by the Hon'ble Judges at the time of appointment by not more than one year.

(b) thirty-five years in the case of Medical Officers, Assistant Directors of Health Services, District Health Officer, District Epidemiologist-cum-Malariologist, Public Analyst and Dean of Hygiene and Vaccine Institute ;

(c) thirty years in the case of legal practitioners who are appointed as Prosecuting Sub-Inspectors of Police;

(d) thirty years in the case of ex-soldiers of the Indian Army who are enlisted in the Subordinate Police Service;

(e) thirty-five years in the case of ex-soldiers and forty years in the case of pensioned soldiers for appointment to the post of forest guards;

(f) twenty-six years in the case of Punjab Service of Engineers (Irrigation Branch), class II, on the first day of June immediately preceding the date on which the appointment is made;

(g) thirty-five years in the case of officers appointed direct to the Punjab Agricultural Services, Classes I and II.

(h) Thirty-five years in the case of persons appointed to the Punjab State Legislative Service;

(i) forty years in the case of District-Attorneys and thirty-five years in the case of Assistant District Attorneys.

**Note .** -The question of relaxing the age-limit for entry into Government service laid down in rule 3.6 and 3.7 should be considered at the time of first appointment to a post whether such appointment is of an officiating temporary

or permanent nature, through formal sanction may be accorded at the time the person is confirmed in Government service.

3.8 Except where otherwise expressly provided in the Service Rules, the restriction in rule 3.6 may be waived in special circumstances by Heads of Departments in the case of non-gazetted Government employees.

**Exception 1.** Commissioners of Divisions are competent to waive the age-limit in the case of all district establishment included in the Punjab District Subordinate Service Rules.

**Exception 2.** The Advocate-General, Punjab, does not exercise the powers of a Head of Department under this rule.

**Exception 3.** The Superintending Engineers in the Public Works Department, Irrigation Branch, Punjab, and the Director; Irrigation Research Institute, Punjab, are competent to waive the age-limit in respect of the following establishments up to the age of specified against each :-

	Class of Establishment	Officiating temporary appointment	or Permanent appointment	Remarks.
1,	Subordinates	35 years	--	Provided the first appointment in the Irrigation Branch is before the age of 25 years, even though there may be a break in service.
2.	Assistant Clerks	30 years	30 years	
3.	Navigation Munshies	Full powers	Full powers.	
4.	Draftsmen	30 years	--	
5.	Tracers	30 years	30 years	
6.	Artificers			
7.	Signallers	Full powers	Full powers	
8.	Storekeepers			

**Exception 4.-** The Superintending Engineers, Director, Irrigation Research, Punjab, and the Divisional Officers in the Public Works Department, Irrigation Branch, Punjab, are competent to waive the age-limit in respect of all Class IV appointments.

**Note.** It is intended; as far as possible, to eliminate persons entering service at advanced age and subsequently entertaining a grievance that they are not allowed to continue in service, till they earn the full pension. If, in any case, therefore, the Head of Department should desire to make an exception to the age limit, the recruit should be made aware at the time of recruitment of the fact that he is unlikely to be able to earn full pension.

(iii) Vaccination and re-vaccination.

3.9 Every Government employee shall get himself vaccinated and re-vaccinated at any time when so directed by the Government by general or special order.

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## WHOLE TIME OF A GOVERNMENT EMPLOYEE AT THE DISPOSAL OF GOVERNMENT

3.10 Unless in any case it be otherwise distinctly provided, the whole time of a Government employee is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority, without claim or additional remuneration, whether the services required of him are such as would ordinarily be remunerated from Union or State revenues, or from the revenues of a local fund.

### SUBSTANTIVE APPOINTMENT AND LIEN

- 3.11 (a) Two or more Government employees can not be appointed substantively to the same permanent post at the same time.
- (b) A Government employee can not be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.
- (c) A Government employee can not be appointed substantively to a post on which another Government employee holds a lien.

3.10 Unless in any case it be otherwise provided in these rules, a Government employee on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

3.11 Unless his lien is suspended under rule 3.14 or transferred under rule 3.16, a Government employee holding substantively a permanent post retaining of lien on that post –

- (a) while performing the duties of that post ;
- (b) while on foreign service, or holding a temporary post, or officiating in another post ;
- (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay; in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post ;
- (d) except as provided in Note below while on leave other than refused leave granted after the date of compulsory retirement under rule 8.21 ; and
- (e) while under suspension.

**Note.** When a Government employee holding substantively the post of a Chief Engineer of the Public Works Department, takes leave immediately on vacating his post he shall during the leave be left without a lien on any permanent post.

The word “vacate” used in this note refers only to vacation as a result of completion of tenure on attainment of Superannuation.

3.14 (a) A competent authority shall suspension the lien of a Government employee on a permanent post which he holds substantively; if he is appointed in a substantive capacity –

(1) to a tenure post ; or

(2) provisionally, to a post on which another Government employee would hold a lien, had his lien not been suspended under this rule.

(b) A competent authority may, at its option, suspend the lien of a Government employee on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or in circumstances not covered by clause (a) of this rule, is transferred, in an officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien, for a period not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government employee’s lien on a tenure post may, in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) if a Government employee’s lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively, and the Government employee appointed to hold it substantively shall acquire a lien on it; Provided that the arrangements shall be reserved as soon as the suspended lien revives.

Note 1. - This clause shall also apply to a post in a selection grade of a cadre.

Note 2. - When a post is filled substantively under this clause, the appointment will be termed “a provisional appointment”; the Government employee appointed will hold a provisional lien on the post ; and that lien will be liable to suspension under clause (a) but not under clause (b) of this rule.

(e) A Government employee’s lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1) or (2) of that clause.

(f) Revival of lien: A Government employee’s lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre; provided that a suspended lien shall not revive because the Government employee takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold

substantively a post of the nature specified in sub-clause (1) or (2) of clause (a).

**Note -** When it is known that a Government employee on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer his lien on the permanent post can not be suspended.

3.15 No termination of lien:

- (a) Except as provided in clause (b) and (c) of this rule and in note under rule 3.13, a Government employee's lien on a post may, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.
- (b) Notwithstanding the provisions of rule 3.14 (a), the lien of a Government employee holding substantively a permanent post shall be terminated while on refused leave granted after the date of compulsory retirement under rule 8.21 ; or on his appointment substantively to the post of Chief Engineer of the Public Works Department.
- (c) A Government employee's lien on a permanent post, shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

3.16 Subject to the provisions of rule 3.17 a competent authority may transfer to another permanent post in the same cadre the lien of a Government employee who is not performing the duties of a post to which the lien relates, even if that lien has been suspended.

- 3.17 (a) Government may transfer a Government employee from one post to another; Provided that except –
- (1) on account of inefficiency or misbehaviour ; or
  - (2) on his written request ;

a Government employee shall not be transferred substantively to or, except in a case covered by rule 4.22, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under rule 3.14.

(b) Nothing contained in clause (a) above or in rule 2.35 shall operate to prevent the re-transfer of a Government employee to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 3.14.

**Note 1. -** In cases covered by clause (a) (2) above the Government employee will have his initial pay fixed under rule 4.4 and, if necessary, under rule 4.10.

Note 2. - Permanent transfer from a higher to a lower scale in anticipation of the abolition of a post is not transfer within the meaning of this rule.

Note 3. - In cases in which it is desired to give to a Government employee an extension of service on the condition that he voluntarily agrees to accept a post in a lower grade, so as not to interfere with the legitimate expectations of his juniors to promotion; the only method is to create a temporary post. Such a step can only be permitted under most exceptional circumstances. It must be regarded as the normal course of events that an extension of service involves delay of promotion to juniors and no proposal for the creation of a temporary post to satisfy legitimate expectations will be considered unless it has been submitted to the competent authority before the extension of service is granted.

### **SUBSCRIPTION TO PROVIDENT FUNDS**

3.18 A Government employee may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the competent authority may by order prescribe.

### **DATE OF RECKONING PAY AND ALLOWANCES**

3.19 (1) Subject to any exceptions specifically made in these rules, a Government employee commences or ceases to be entitled to the pay and allowances of a post with effect from the date he assumes or relinquishes charge of those duties in the forenoon of that date; otherwise from the following day.

Note. - This rule does not apply to cases in which it is the recognised practice to pay a Government employee at higher rate for more important duties performed during a part only of a day.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

3.20 The pay of personnel recruited by Government overseas who receive free passages, other than 1<sup>st</sup> class passages, on their first appointment, should commence from the date of embarkation for India : Provided that pay for the period from the date of embarkation for India up to the date of joining their posts will be admissible only on the condition that they join their appointments without unnecessary delay. The pay of personnel who receive first class passages should commence from the date of disembarkation in India: unless it is provided otherwise in his agreement or contract, or Government specially allow pay from any earlier date in any individual case. When they are prevented from proceeding at once from the Port of disembarkation in India to take up their appointments, they should be granted leave not due under rule 8.119 (d), as the circumstances of the case may require.

Note. - The phrase “without unnecessary delay” occurring at the end of the first sentence of this rule should be interpreted with reference to the joining time rules. This stipulation should be regarded as fulfilled if the officer reports for duty within the period allowed by the joining time rules with only one day (instead of six

days) for preparation at the port of disembarkation and any excess over that number of days should be treated as “leave not due”. The minimum of the officer’s time scale of pay (including overseas pay) or if there be no time scale but fixed pay, the fixed pay may be treated as his pay for the purpose of calculating half pay for the period of “leave not due”.

The phrase ‘without unnecessary delay’ should be taken as referring only to the delay on the part of the officer in reporting himself for duty (either at the headquarters of Government or at the actual place of duty, as the case may be) and not delay in actually taking up his duties thereafter.

3.21 Omitted.

## **CHARGE OF OFFICE**

3.22 Except as provided in rules 3.23, 3.24 and 8.25 to 8.33, the charge of an office must be made over at its headquarters; both the relieving and relieved Government employees being present.

Note 1. - Every relieving Government employee is responsible for informing the Government employee to be relieved, at the earliest possible moment of the date when he will be in a position to receive charge and it is the duty of the Government employee to be relieved to be in readiness to deliver charge on that date.

Note 2. - When more than one day is occupied in making over charge, the last date should be entered in the Charge Report and an explanation should be submitted.

3.23 A competent authority may permit the provisions of rule 3.22 to be relaxed either as to the place of making over charge or the condition that both Government employees shall be present, or both : Provided –

- (a) both Government employees must be present unless the transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) if the Government employee relieved departs before the arrival of his relief, his early departure shall not entail a correspondingly early transfer from another station of a Government employee to perform his duties ; and
- (c) if the Government employee relieving arrives or returns from leave after the departure of the Government employee relieved, the delay in his arrival or return shall not involve a corresponding delay in the transfer to another station of the Government employee who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

**Explanation :** In deciding whether the absence of a Government employee involves the transfer of a Government

employee from another station for the purpose of the provisos (b) and (c) of this rule, account should be taken only of the substitute who takes the place of the absent Government employee, not of all Government employees, in the chain of arrangements arising from one Government employee's absence on leave.

Note 1. - For rules regarding the prefixing and affixing of holidays and vacation to joining time and leave see rules 8.20 to 8.33.

Note 2. - In cases involving transfer and charge of an office elsewhere than its headquarters, the exact nature of the reasons should be expressed on the face of the orders for the information of the Audit Officer.

3.24 On condition that the departing Government employee remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 3.23 is not applicable to any particular case.

Note. - The handing over of a permanent advance is not a transfer of money, but the Government employee going on leave continues to be responsible for the money till the formal assumption of charge by his successor.

## **CONTINUOUS ABSENCE FROM DUTY**

3.25 (1) Unless the competent authority in view of the exceptional circumstances of the case, otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where a Government employee does not resume duty after remaining on leave for a continuous period of five years, or where a Government employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which, together with the period of the leave granted to him, exceeds five years, he shall, unless, the competent authority, in view of the exceptional circumstances of the case, otherwise determine, be removed from service after following the procedure laid down in the Punjab Civil Services (Punishment and Appeal), Rules, 1970.

Note. This rule does not relate to cases where a Government employee is restrained from resuming duty by an order placing him under suspension. Sanction of the competent authority in terms of this rule in such a case is not, therefore, necessary. It is essential, however, in the interests of Government as well as of the concerned officer that disciplinary proceeding against an officer under suspension should be expedited and final orders passed as soon as possible.

## **RETIREMENT**

3.26 (a) Except as provided in other clauses of this rule, the date of retirement of a Government employee other than a Class IV Government employee, is the date on which he attains the age of \*58 years<sup>[1]</sup>. He must not be retained in service after the age of retirement, except in exceptional circumstances with the sanction of competent

authority on public grounds, which must be recorded in writing.

(b) A Government employee in Class IV should be required to retire at the age of 60. He may not be retained in service after that age except with the sanction of competent authority.

(c) The following are special rules applicable to P.W.D. Officers :-

- (1) Except as otherwise provided in this clause Government employees in the Punjab Service of Engineers, Class I (B & R) and I.B.) must retire on reaching the age \* 58 years, and may be required by the competent authority to retire on reaching the age of 50 years if they have not attained the rank of Superintending Engineer.
- (2) Subject to the requirements of this clause as to re-appointment, the competent authority may, in special circumstances, which should be recorded in writing, grant an extension of service, not exceeding three months to a Chief Engineer.
- (3) No Chief Engineer shall, without re-appointment, hold the post for more than five years, but re-appointments to the posts may be made as often, and in each case for such period not exceeding five years as the competent authority may decide : Provided that the term of re-appointment shall not extend more than three months beyond the date on which the Government employee attains the age of \*58.

(d) Notwithstanding anything contained in this rule a Government employee whose date of birth falls on any day of month other than the first of that month, shall on attaining the age of superannuation determined in accordance with the provision of clause (a), (b) or (c) as the case may be, retire on the last day of that month, which will be a working day.

Explanation . - A Government employee whose date of birth is the first of the month shall retire on the afternoon of the last day of the preceding month.

Note 1. - Officiating service unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in sub-clause (c) (3). This period shall, however, include any period which the holder of the post may spend on deputation or special duty.

Note 2. - Military Officers serving in Civil employ shall cease to be in such employ on reaching the age of 58 years.

Note 3. - Clauses (a), (b) and (c) of this rule apply to all Government employees to whom these rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government employee holding a permanent post substantively is officiating in

another post, this rule should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

Note 4. - The grant, under rule 8.21, of leave extending beyond the date on which a Government employee must retire, or beyond the date up to which a Government employee has been permitted to remain in service, shall not be treated as sanctioning an extension of service, for the purpose of pensionary or contributory provident fund benefit or the retention of lien. The Government employee shall become eligible, from the date of expiry of such leave, for all pensionary benefits as due to him on the date of retirement, or, if an extension of service is granted, on such other later date up to which his service is extended or on which he is actually relieved whichever is earlier.

Note 5. - Regarding the day of attaining a specified age, see rule 2.5.

Note 6. - This rule is applicable to re-employed personnel and the rules in Chapter VII of Volume II of these rules are subject to the conditions laid down in this rule. Rule 7.17 of Volume II of these rules however, from the nature of its concession and conditions puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside this rule and subject to the conditions stated in that rule itself which must be observed with every renewal of sanction.

## **ANNEXURE**

(Referred to in Rule 3.1)

### **CANDIDATE'S STATEMENT AND DECLARATION**

The candidate must make the statement required below prior to his Medical Examination and must sign the declaration appended there to. His attention is specially directed to the warning contained in the Note below :-

1. State your name (in full in block letters) \_\_\_\_\_
2. State your age and place of birth \_\_\_\_\_
3. (a) Have you ever had small-pox, \_\_\_\_\_  
intermittent or any other fever,  
enlargement or suppuration of  
glands, spitting of blood, asthma,  
heart disease, lung disease, fainting  
attacks, rheumatism appendicitis ?

OR

- (b) any other disease or accident \_\_\_\_\_

requiring confinement to bed and medical or surgical treatment ?

4. When were you last vaccinated ? \_\_\_\_\_
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy, or insanity ? \_\_\_\_\_
6. Have you suffered from any form of nervousness due to overwork or any other cause ? \_\_\_\_\_
7. Have you been examined and declared unfit for Government service by a Medical Officer/ Medical Board, within the last three years ? \_\_\_\_\_

8. Furnish the following particulars concerning your family :

Father's age if living and state of health	if death	Father's age at death and cause of death	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages at death and cause of death
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Mother's age if living and state of health	if death	Mother's age at death and cause of death	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at death and cause of death
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9. Please state whether you have deposited the Medical Examination Fee in the Government Treasury under head “080-Medical-A-Allopathy other receipts (2) Examination and License Fees.” \_\_\_\_\_ according to the status of the post against which you have been appointed. If so, state the amount and the Treasury receipt No. and date.

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received a disability certificate pension on account of any disease or other condition.

Candidate's Signature \_\_\_\_\_

Signed in my presence \_\_\_\_\_

Signature of Medical Officer

Note, - The candidate will be held responsible for the accuracy of the above statement. By willfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to Superannuation allowance or gratuity.

#### CHAPTER IV – *Pay*

## GENERAL

4.1 (1) Subject to the rules contained in this chapter, a competent authority may fix the pay of a Government employee but his pay shall not be so increased as to exceed the pay sanctioned for his post without the sanction of the authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Note. - It is not the intention of this clause that it should give an authority power to grant less pay than or to grant pay in excess of what is permissible under rules 4.4 to 4.6. But once an initial pay is fixed under rule 4.4, rule 4.10 enables an authority mentioned therein to grant advance increments. Thus, in fact rules 4.4 and 4.10 read together, enable a competent authority to fix initial pay in excess of the amount permissible by rule 4.4 only.

(2) Notwithstanding the restriction referred to in or imposed by clause (1) above, a competent authority may grant to any Government employee:

- (i) personal pay as defined in clause (a) of rule 2.47, or
- (ii) special pay as defined in rule 2.52 or
- (iii) both personal pay and special pay.

Note 1. Special pay may be drawn by the Munshis in the Irrigation Branch of the Public Works Department. When a Munshi is appointed to the post of Ahlmad in the Irrigation Branch.

... Rs.10 per mensem

Note 2. For list of other Government employees in receipt of special pay, see statement of Special Pays and Allowances published separately.

Note 3. – (a) The following principles should be strictly observed for the grant of personal pay as defined in rule 2.47 :-

No application for the grant of compensatory personal pay should be entertained unless –

- (i) the Government employee's service has consistently been of exceptional merit ;
- (ii) the Government employee is fit for promotion, but there is no normal avenue of promotion within his line, and
  - (i) the Government employee has been at least 5 years on the same pay, or if his pay is progressive, on the maximum pay of his post and that he must have put in 20 years of continuous Government service.

(b) The mere fulfillment of the conditions mentioned above should not be regarded as securing a personal

pay to a Government employee as a matter of course, the purpose of the conditions being to enable obviously weak claims to be summarily rejected.

- (c) Individual cases of Government employees who hold isolated posts which form a cadre by themselves in a particular office, will not be covered normally under this rule.

4.2 Omitted.

4.3 In respect of any period treated as duty under rule 2.16 (b), a Government employee may be granted such pay as the competent authority may consider equitable but in no case exceeding the pay which the Government employee would have drawn had he been on duty other than duty under rule 2.16 (b).

**Explanation-1** - Civilian Government employee while undergoing training in the Army in India Reserve of Officers will draw the following rates of civil pay, in addition to their military pay and allowances:

- (i) When proceeding to carry out their training from their duty posts, the pay and allowances they have drawn in their civil appointment but for the training, for the whole period of absence on such training inclusive of the time spent in transit to and fro;
- (ii) While on leave in India, Burma and Ceylon, the civil leave salary and allowances which they would have drawn but for the training; and
- (iii) When proceeding to carry out their training on the expiry leave out of India taken from their civil posts but before rejoining their civil posts for duty –
  - (a) Joining time pay from the date of disembarkation in India to the date preceding that on which their military, training commences, and
  - (b) full civil pay during the period of training and the period spent in journeying to the places of their training.

The period spent in training and on the journey to and from the place of training will be treated as duty for the purpose of civil leave and increments in civil pay.

**Explanation 2:** - A reservist of the Indian Armed Forces (excluding the reserves of Officers), in civil employ will, when called up for periodical military training, receive military pay and allowances. He will also receive the excess, if any, of the civil pay over his military pay:

Provided that this concession is specifically sanctioned by the competent authority. Except, where the civil pay of the reservist is met from the Defence Estimates the extra expenditure involved will not constitute a charge against the

Defence Estimates.

The period spent in training and the journey to and from the place of training will be treated as duty for purpose of civil leave, pension and increments of civil pay.

Note. - The expression “pay of his substantive appointment” and “pay equivalent to what he would have drawn had he been holding the officiating appointment” occurring in this rule, should be taken to mean “the pay which the Government employee drew in the post which he held substantively” and “the pay which the Government employee drew in the post in which he officiated” respectively. In neither case is there any restriction on the kind of “pay” to be drawn, and the expression should, therefore, be held to include special pay, if any, which the Government employees drew in the post which he held substantively or in officiating capacity.

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[\[1\]](#) \*For premature retirement see Premature Retirement Rules, 1975

## **FIXATION OF INITIAL PAY**

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

- (a) if he holds 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 –
- (i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 4.13) than these attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;
  - (ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage 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 as increment in the time-scale of the old 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 of the time-scale of the new post is higher than his substantive pay in respect of the old post he will draw that minimum as initial pay;
  - (iii) when appointment to the new post is made on his own request under rule 3.17 (a) and maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Note. - The expression “if he holds a lien on a permanent post” occurring in this clause should be held to include the lien on a permanent post to which a Government employee is appointed in a provisional substantive capacity under rule 3.14 (d), and the expression “substantive pay in respect of the old post” occurring in it should be held to include his substantive pay in respect of that provisional substantive appointment. This clause should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government employee in a post is, thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public 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 or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale; 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 competent authority under rule 2.44 (a) (iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government employee in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for grant of these increments shall unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below :-

- (i) The Government employee should have been approved for appointment to the particular grade/post in which the previous service is to be counted;
- (ii) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the department itself or elsewhere, and at least one junior was holding a post in the Department carrying the scale of pay in which the benefit is to be allowed; and
- (iii) the service will count from the date his junior is promoted and the benefit will be limited to the period the Government employee would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

(c) (i) -Notwithstanding anything contained in these rules, where a Government employee holding a post in a temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his

initial pay in the time scale of the higher post shall be fixed at the stage next above his pay drawn by him in the lower post provided it is certified by the Head of the Department in which the Government employee was holding the lower post that he would have continued to officiate in the lower post but for his promotion / appointment to the higher post.

Provided that if a Government 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, of
  - (iii) a permanent post other than a tenure post, or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) 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 rule 4.4 (b) shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

- (ii) The provisions of sub-rule 2 of rule 4.14 shall also be applicable in any case where the initial pay is fixed under this clause. In cases, where Government employee is, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed in the same manner as provided in sub-clause (1) above.

**Explanation** - Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purpose of this rule.

**Note 1.** - When a Government employee is appointed to a higher post on the date on which his increment in the lower substantive post falls due his substantive pay for the purpose of fixing his initial pay in the higher post shall be inclusive of his increment accruing on that date.

Note 2. - Omitted.

Note 3. - When the next increment in the time-scale of either the new or old post falls due, the Government employee should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay allowed under clause (a) (ii) of this rule and all connections with the time-scale of his old post, The personal pay is given to a Government employee only for the purpose of initial pay and not any subsequent stage in the new time – scale in which the Government employee might draw less pay

than he would have drawn had he remained in the old time-scale,

Note 4 - A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came in to force or it may be that one time-scale has taken the place of another.

In such cases, the pay will be fixed as under:--

- (a) If a Government employee has held subsequently, or officiated in a post in the cadre prior to the introduction of a new time-scale and had drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time scale, may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale. Where there are more than one stages in the old intermediary between two stages of the new time-scale, the service in the last stages in the old scale and not only the service in the last stage, shall be treated as service in the such service in the lower stage will of course be restricted to one year, i.e. if the total period exceeds one year, the pay will be fixed in the new time-scale at the next stage but the next increment in the new scale will become due after completing service of one year in the new scale.
- (b) In all cases where pay scales were revised after 5<sup>th</sup> February, 1971 and pay fixation was not done under the Punjab Civil Services (Revision of Pay Scales) Rules, 1969 and where an employee is stuck at the maximum of the old scale for one year or more his pay in the new revised scale may be fixed at the next higher stage with the benefit of date of next increment after completion of one year. Where an employee may have put in less than one year of service at the maximum of the old scale, his pay in the new revised scale may be fixed at the corresponding stage in the new scale and if there is no such stage at the next lower scale ; the difference between the two pays being treated as personal pay to be absorbed in future increments and the date of next increment in the new revised scale will remain the same as in the old scale.
- (c) The benefit in all such cases under (a) (b) above would be allowed under rule 4.10 in consultation with Department of Finance.

Note 5. - See also notes 3 and 4 under rule 4.6.

Note 6. - **Fixation of Initial Pay:** Under rule 4.4 and 4.13, it is necessary for the purpose of fixing the initial pay of a Government employee transferred from one post to another on a different scale of pay in a substantive or officiating capacity, to determine the degree of responsibility attaching to the two posts. A declaration as to the relative degree of responsibility shall, therefore, be necessary and will be given by the competent authority. Such declarations will, however, be necessary only in cases where there is

some doubt as to the relative degree of responsibilities attaching to the two posts.

**Note 7. -** The intention underlying the restrictive sub-clause of the proviso to clause (b) of this rule is to prevent men, who were given enhanced rates of pay when competition in the labour market was keen and qualified men scarce, from carrying the inflated pay with them after those conditions had abated to any other posts to which they might be appointed. Accordingly this sub-clause applies even in the case of a temporary Government employee who is appointed to another temporary post officer on the abolition of his previous temporary post or for other reasons. In the latter case, however, when the transfer has been made in the interest of public service, the restriction in question may be relaxed by the authority competent to create the post.

The word “minimum of the scale” appearing in the restrictive sub-clause of the proviso should be taken to mean the minimum of the previous post in which the advance increments were granted.

**Note 8. -** It is permissible to post-date the substantive promotion of a Government employee to a higher post up to a date when it will be to his benefit to be promoted under the operation of this rule. This date may be selected at the option of the Government employee concerned, which must be exercised within six months from the date of order making the promotion and when once exercised must be final. No compensation will be given for any consequences which may follow from the exercise of this option. When the option has been exercised, an entry should be made to this effect in the service book of the Government employee concerned and attested by the Head of the Office.

These orders will apply to promotions in the same class of appointments and not to cases where there is complete change in the nature of the appointment and they should be confined to departments or establishments divided into grades.

For so long as the promotion is deferred under the orders in paragraph 1 above, the place in the employee grade will remain vacant, but promotions can be made in the place of the Government employee who would have been promoted from the date, the vacancy originally occurred as if the promotion had actually taken place on that date. All that would happen is an excess appointment in the lower grade against a vacancy left unfilled in the higher grade and this is permissible under rule 7.15 of the Punjab Financial Rules, Volume I.

**Note 9. -** **Special Pay** - (1) Where a Government employee is in receipt of a special pay in a post his pay on promotion to a higher post will be fixed after taking into account the special pay drawn in the lower post subject to the following conditions :-

- (i) The special pay in the lower post should have been granted in lieu of a separate higher time scale (e.g. special pay granted in Steno-typists, Clerks-in-charge, etc.)

(ii) If the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post will be fixed under the normal rules, treating the special pay as part of basic pay. In other cases the treating the special pay as part of basic pay. In other cases the pay in the time scale of the higher post will be fixed under the normal rules, with reference to the basic pay drawn in the lower post (excluding the special pay). Where this results in drop in emoluments, the difference between the pay so fixed and the pay plus special pay drawn in the lower post will be allowed in the form of personal pay to be absorbed in future increases of pay.

(iii) In both the kinds of cases referred to in clause (ii) above, it should be certified, that but for the promotion the Government employee would have continued to draw the special pay in the lower post.

(II) The following types of special pay will not be taken into account for fixation of pay in the higher posts

:-

(i) Special pay drawn in a tenure post.

(ii) Deputation (Duty) allowance or special pay drawn in lieu thereof.

(III) Omitted.

#### **\*Clarification**

*\*[Omitted vide Govt. Notification No. 3/1/1/90-IFCD/355 dated 11-1-90]*

4.5 The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay which has been reduced for reason other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 4.4 :

Provided, in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (a) or clause (b) of that rule 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 the 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 time-scale as a permanent 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 competent authority under rule 2.44 (a) (iii), which he would have drawn under rule 4.4 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 the period during which he would have drawn that pay on such last and any previous occasion :

Provided that service rendered on pay at a stage in a time-scale which is less than the minimum of the revised scale shall not count for increment in that scale.

**Note 1. –A** Government employee held up at an efficiency bar in the old scale will not be entitled to initial pay in the reduced scale at a stage higher than the corresponding efficiency bar in the reduced scale. When there is only one efficiency bar in the old scale and more than one in the new scale ; he will be held up at the first bar unless he is declared fit to cross it by the competent authority.

**4.5-A (1)** Notwithstanding anything contained in these rules, the following provisions shall govern the pay of a Government employee who is appointed as a probationer in another Service or cadre, and subsequently confirmed in that Service or cadre –

(a) during the period of probation he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be :

Provided that if the presumptive pay of 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 at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government employee shall be fixed in the time-scale of the Service or post in accordance with the provisions of Rule 4.4

(2) The provisions contained in sub-rule (1) shall apply mutatis mutandis to cases of Government employees appointed on probation with definite conditions against temporary posts in another Service or cadre where recruitment to permanent posts of such Service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in clause (b) of sub-rule (1) shall be done under Rule 4.14 of these Rules immediately on the expiry of the period of probation and on regular officiating appointment to a post, either permanent or temporary in the Service or cadre.

(3) Notwithstanding anything contained in these rules, a Government employee appointed as an apprentice in another Service or cadre shall draw –

- (a) during the period of apprenticeship, the stipend or pay prescribed for such period provided that if the presumptive pay of 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 at any time be greater than the stipend or pay fixed under this clause he shall draw the presumptive pay of the permanent post;
- (b) on satisfactory completion of the apprenticeship and regular appointment to a post in the Service or cadre, the pay as fixed in the time-scale of the Service or post under Rule 4.4 or 4.4 (c) of 4.14 of these Rules.

4.6 The holder of a post the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; subject to such restrictions as the competent authority may in each case lay down.

**Note 1 -** This rule applies to an officiating as well as to a substantive holder of a post.

**Note 2 -** If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under rule 4.4 (a) (ii) and not under rule 4.4 (a) (i) even though he may be holding the post substantively. See also note 4 below.

**Note 3 -** For the purpose of rules 4.4 and 4.6 a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on the same or a different rate of pay is not the “same post” as the permanent post even though the duties remain the same. In other words in view of rule 2.58, the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post, is thus entitled only to the pay of permanent post if it is on a fixed rate of pay or to the minimum pay of the time scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under proviso (I), (ii) and (I), (iii) to rule 4.4. Consequently, service in a temporary post, created on a certain scale of pay when converted into a permanent post on a different scale or pay, will not count for increments in the latter scale.

**Note 4 -** The orders in note 3 above do not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post. Nor do they debar service in a temporary post, created as an addition to a cadre, and on the same time-scale, from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished.

## **INCREMENTS**

4.7 An increment shall ordinarily be drawn as a matter of course, unless it is withheld. An increment may be withheld from a Government employee by a competent authority if his conduct has not been good or his work has not

been satisfactory. In ordered 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 postpoing future increments.

**Note -** In the case of an officer/ official who does not fulfill the basic condition laid down in the respective Service Rules regarding the minimum number of years of service, in the lower rank and who is promoted to a higher post by invoking an alternative provision in the relevant rules specifying the extent of relaxation of the basic condition, referred to above, the initial pay in his case would be the minimum of the post to which he is promoted/ appointed till he fulfils the conditions of completing the basic minimum period of service prescribed and the first annual increment will be granted after one year of the date of completion of the minimum length of qualifying service/ experience, necessary for appointment to the service, cadre or the post. In other words for the purpose of 1<sup>st</sup> increment his appointment shall be deemed to have started on the date on which he completes the minimum qualifying service. Experience, as is necessary for appointment to the service cadre or the post concerned. This restriction will however not apply in cases where the officer/ official was drawing pay more than the minimum of the higher post. In such cases pay shall be fixed in accordance with the provisions of rule 4.4 of these rules. The first annual increment in such a case also will however, be granted after one year of the date of completion of the minimum length of qualifying service/ experience.

4.8 Where an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to a Government employee without the specific sanction of the authority empowered to withhold increments under rule 4.7 or the relevant disciplinary rules applicable to the Government employee or of any authority whom the Governor may, be general or special order, authorise in this behalf.

**Note 1-** When a Government employee is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject, of course, to the pay admissible according to his length of service. The next increment above that stage will, however, accrue to him on the usual date of drawal of increment if otherwise admissible and not after rendering one year's service at that stage.

**Note 2 -** The application of the efficiency bar in the junior time-scale should not effect a Government employee's pay in the senior time-scale; he should be paid in the later scale according to his length of service, unless his pay in such scale is itself effected by the operation of an efficiency bar or by a disciplinary order passed against him.

**Note 3 -** The cases of all officers held up at the efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and generally whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removing of the bar.

4.9 The following provisions prescribe the conditions on which service counts for increments in a time-scale:

- (a) All duty in a post on a time-scale counts for increments in that time-scale: provided that, for the purpose of arriving at the date of the next increment in that time-scale the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment.

**Note 1 -** See also clause (e) of this rule.

**Note 2 -** In the case of a Government employee who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty while under training, these periods of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction for which he is allowed the pay of the officiating post during such period.

**Exception 1 -** The period of training at Phillaur of probationary Inspectors and Sub-Inspectors of Police during which time they draw pay below the minimum rates in the time-scale of pay counts towards increments in the time-scales applicable to them.

**Exception 2 -** The period of training spent by Probationary Inspectors of Police in districts, during which time they draw pay below the minimum rates of the time-scales applicable to them, counts towards increments in such time-scales.

**Note 3 -** A period of overstayal of leave does not count towards increments in a time-scale unless under rule 8.121 (b) it is converted into extraordinary leave and under the proviso to clause (b) below, the extraordinary leave is specially allowed to count for increments.

**Note 4 -** If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments, which but for his probation he would have received in the ordinary course. This provision is applicable only to cases where the normal probationary period itself is more than twelve months and not to the type of cases where the normal probationary period of a probationer is extended on account of his failure to pass the departmental examination within the time limit prescribed for the purpose. In other words, in cases where the normal probationary period is itself more than twelve months, on confirmation the officer may be given the increments which he would have drawn but for his probation, and arrears in this regard may also be allowed to the officer. On the other hand, in cases where the period of probation is extended on account of failure to pass the departmental examination while there is no objection to the pay and increments being regulated on confirmation at the end of the extended probationary period on the basis of what the officer would have drawn but for his probation no arrears on this account should be allowed to him for the period prior to the date of confirmation. This would mean that the increment of the officer is withheld without cumulative effect for failure to pass the departmental examination and can not be considered as a penalty within the meaning of Rule 6 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

\* 11(b) (i) Service in another post other than a post carrying less pay referred to in clause (a) of rule 3.17, whether in a substantive, or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate count for increments in the time-scale applicable to the post on which the Government employee holds a lien, as well as 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 taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a Government employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India.

Provided that the competent authority may in any case in which it is satisfied that the extraordinary leave was taken for any cause beyond the Government employee's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under clause (i) or (ii).

**Note 1 -** The period of annual holidays with wages corresponding to earned leave will count towards increments in the case of temporary workmen governed by the Factories Act in grades in which the appointing authority will in each case certify that the workman concerned would have actually continued to work in that grade, but for his proceeding on leave and the period of leave will count for increments only to the extent it is covered by the certificate. A permanent workman working in a higher grade in an officiating capacity may also count such leave towards increments in that higher post subject to the certificate in the case of temporary workmen.

**Note 2 -** In the case of non-gazetted Government employees, whenever the requisite certificate under this rule is issued by the Administrative Authority, a very concise entry such as "Certificate under rule 4.9 (b) (ii) of the Punjab Civil Services Rules, Volume I, Part I issued or the period from \_\_\_\_\_ to \_\_\_\_\_ should be recorded after the entry regarding leave in the service book.

**Note 3 -** In the case of Government employees engaged on contract who are governed by the leave terms mentioned in appendix 16 in Part II of this Volume, certificate under rule 4.9 (b) (ii) may be dispensed with where such officers are appointed on contract to specific posts and proceed on leave from these posts.

**Note 4 -** In the case of officers who are given indefinite contracts without specifying any particular posts and other contract officers, who, though appointed initially in specific posts, are transferred in an officiating capacity to other posts, and who proceed on leave thereafter, the certificate under rule 4.9 (b) (ii) will be necessary to count the period of such leave for increments in the post which they hold in an officiating capacity immediately prior to proceeding on leave.

**Note 5 -** In the case of a Government employee proceeding on leave, where no officiating arrangement is made in

the leave vacancy and the Government employee is likely to return to the same post after leave, the certificate that he would have actually continued to officiate in the post but for his proceeding on leave shall be issued by the leave sanctioning authority at the time of grant of leave.

In all other cases, the certificate shall be issued by the appointing authority.

**Exception -** The above certificate in respect of all the employees of the Punjab Vidhan Sabha should be issued by the Secretary and in respect of the Secretary Punjab Vidhan Sabha by the Speaker, Punjab Vidhan Sabha.

**Note 6 -** In the case of temporary/ officiating Government employees, a certificate that Government employee concerned would have continued to officiate in that post but for his proceeding on extraordinary leave is necessary and the period of extraordinary leave would count for increment only to the extent covered by the certificate.

**Note 7 -** Quasi permanent Government employees will be treated in the same way as permanent Government employee in respect of the specified post in which they have been declared quasi-permanent, but in respect of other posts in which they may be officiating the certificate of continued officiation as envisaged in clause (b) (ii) would be necessary as in the case of temporary Government employees.

(c) (i) If a Government employee, while officiating in a post or holding a temporary post on a time-scale 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 reappointed to a post on the same time scale of pay count 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 is, however, restricted to the period during which the Government employee would have officiated in the lower post but for his appointment to the higher.

This clause applies also to a Government employee who is not actually officiating in the lower post, at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same scale of pay had he not been appointed to the higher post.

(ii) If a Government employee on reversion from an ex-cadre \*post to the parent cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the same time-scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increments in the time-scale applicable to the cadre post subject to the conditions as are laid down for cases falling under proviso (i) (iii) to Rule 4.4 (b).

**Note 1 -** For the purpose of clause (c) of this rule, the officiating and temporary service in higher post will also include the periods or all leave, except extraordinary leave taken otherwise than on medical certificate, provided it is certified by the appointing authority that the Government employee would have actually officiated in the lower post but for proceeding on leave while officiating in the higher post.

**Note 2 -** These benefits shall also be extended to State Government employees officiating in higher posts or holding higher temporary posts under the Central Government.

- (d) Foreign service counts for increments in the time-scale applicable to,
- (i) the post in Government service on which the Government employee concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and
  - (ii) any post in the parent cadre on a lower scale of pay to which the Government employee is appointed on reversion from the ex-cadre post subject to the fulfillment of the conditions mentioned in proviso (1) (ii) to Rule 4.4 (b).
  - (iii) the post in Government service in which the Government employee was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service.
- (e) Joining time counts for increment --
- (i) If it is under clause (a) or clause (c) of Rule 9.1, in the time-scale applicable to the post on which a Government employee holds a lien or would hold a lien, had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government employee during the period; and
  - (ii) If it is under clause (b) of rule 9.1 in the time-scale applicable to the post/ posts in which the last day of leave before the commencement of the joining time counts for increment.

4.9-A. Notwithstanding anything contained in the foregoing rule, the annual increments shall be allowed with effect from the first day of the month in which they fall due under the normal rules regulating increments.

**Note 1. -** The increment of an employee on leave due on the first day of the month will be drawn from the date of resuming his duty on return from leave, because during leave the employee gets leave salary only.

**Note 2. -** In cases in which there is postponement due to employees proceeding on leave without pay which is not counted for increment, normal increment will be granted from the first day of the month in which the postponed increment, as worked-out under the existing rules and orders, falls.

**Note 3. -** In a case where the date of appointment of an employee is 19<sup>th</sup> December, 1975, he will be given

increment on 1 December, 1976 before completing 12 months service. Similarly, when he is promoted to a higher grade on 19<sup>th</sup> December, 1976 he will get increment on 1<sup>st</sup> December, 1977 before completing 12 months service in officiating grade.

**Note 4.** - The periods of service at the same stage count for increment. In regard to the point whether increment is to be allowed on the specific date when the employee completes one year's service at the same stage or on the first day of the month, when by counting those broken periods the date of next increment falls on a date later than the first day of the month the increment will be payable from the first day of the month in which the next increment falls due, after counting the broken periods equal to one year, provided the Government employee has also been holding the post from the first day of that month to the date it falls due. In case he is not holding the post on the first day of the month, the increment will be granted from the date it falls due.

**Note 5.** - Where the normal increment is withheld for specific period and the period of such penalty expires after first day of the month, increments will be granted or restored from the date of the penalty ceases.

**Note 6.** - This rule is not applicable to advance or enhanced increments which are allowed as a result of passing of certain examinations. Such increments, if possible, will be governed by separate rules and orders.

4.10 Subject to any general or special orders that may be made by the competent authority in this behalf, an authority may grant a premature increment.

**Note 1.** - A proposal to grant an increment in advance of the due date should always be scrutinized with special jealousy as it is contrary to the principle of a time-scale of pay to grant an increment before it is due. Such a grant should not be made or advised except in very rare circumstances which would justify a personal pay to a Government employee whose pay is fixed.

**Note 2.** - The expression "scale of pay" represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

**Note 3.** - The grant of premature increments to members of the Provincial Civil Medical Service is governed by the rules in Appendix XI to the Punjab Medical Manual.

**Note 4.** - In the case of increments granted in advance, it is usually the intention that the Government employee should be entitled to increments in the same manner, as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments, as a Government employee, who has so risen.

11\* This clause has been amended from 22<sup>nd</sup> January, 1963.

## TRANSFER FROM A HIGHER TO A LOWER GRADE OR FROM A HIGHER STAGE TO A LOWER STAGE.

4.11 The authority which orders the transfer of a Government employee as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

Provided that the pay allowed to be drawn by a Government employee under this rule shall not exceed the pay which he would have drawn by the operation of rule 4.5 ;read with clause (b) or clause (e), as the case may be, of rule 4.9.

4.12 (1) If a Government 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 the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Government employee is reduced a measure of penalty to a lower service, grade or post, or to a lower time-scale, 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, or restoration, the period of reduction shall operate to postpone future increments, and if so, to what extent.

**Note 1.** - Having regard to the principle underlying rule 4.12, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the order of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply in ascertain it and act accordingly.

**Note 2.** - If the reduction to a lower post or grade is for an unspecified or indefinite period, the pay of the Government employee, on re-appointment to the higher post or grade shall be regulated under the normal rules and not under rule 4.12.

**Note 3.** (a) Every order passed by the authority imposing on a Government employee the penalty of reduction to a lower stage in a time-scale should indicate –

- (i) the date from which it will take effect and the period (in term of years and months) for which the penalty shall be operative;
- (ii) the stage in the time-scale (in terms of rupees) to which the Government employee is reduced ; and
- (iii) the extent (in terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a Government employee is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

(b) The question as to what should be the pay of a Government employee on the expiry of the period of reduction should be decided as follows:-

- (i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government employee should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of Rule 4.8.
- (ii) If the order specified that the period of reduction was to operate to postpone future increments for any specified period the pay of the Government employee shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

(c) In order to ensure, that the object underlying Rule 4.12 (I) of not allowing increments during the period of reduction is achieved every order passed by a competent authority imposing on a Government employee the penalty of reduction to a lower stage in a time scale should invariably specify that stage in terms of rupees to which the Government employee is reduced as in the following form :-

The \_\_\_\_\_ has directed that Shri \_\_\_\_\_ should be reduced to a pay of Rs. \_\_\_\_\_ for a period of \_\_\_\_\_ with effect from \_\_\_\_\_.

4.12-A. Where an order of penalty of withholding of increment of a Government employee or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority an appeal or review, the pay of the Government employee shall, notwithstanding anything contained in these Rules, be regulated in the following manner :-

- (a) if the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;
- (b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

**Explanation :-** If the pay drawn by a Government employee in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

**Note. -** In respect of cases falling under clause (a) of this rule, service rendered by the Government employee in the lower service, grade or post or lower time-scale or lower stage in the time-scale or at the stage the increment was withheld, from the date of imposition of such penalty by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty. In respect of cases falling under clause (b) of this rule, 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 he was holding immediately before the imposition of the penalty or any other post which he would have held but for the order of penalty, to the extent, the modified order permits of such counting. For example, if an officer of a Class I Service in the Senior Scale (Rs.625-1.275) is reduced to a Class II Service (Rs.250-750) for a period of, say, two years, and if after six months, the order is modified by the appellate authority as reduction to the Class I Service in the Junior Scale (Rs.375-925) the period of six months will count for increment in the Junior Scale. If, on the other hand, the order of penalty is modified as reduction to a lower stage in the time-scale (Rs.625-1,275) for a specified period or withholding of increment in that time-scale for a specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.

**“Administrative Instruction. -** A permanent post vacated by reduction of a Government employee to a lower service, grade or post or to a lower time scale, should not be filled substantively until the expiry of a period of one year from the date of such reduction.

Where on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.”

## PAY OF OFFICIATING GOVERNMENT EMPLOYEES

**Amendment:** Against the vacant post in the department Sarv/ Sh. D and F have been promoted to the next higher cadre. Therefore, performa promotion can be given only to a and b and not to s. vide note r (I) below Rule 4.14 of Punjab Civil Services Rules I Part I.

4.13 (1) Subject to the provisions of rules 4.22 to 4.24, a Government 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 post in which he is appointed to officiate is one enumerated in the schedule to this rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching 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:

Provided that the competent authority may exempt from the operation of this rule, any service which is not organised on a time-scale basis and in which a system of acting promotions from grade to grade is in force at the time of the coming into force of these rules ;

Provided further that the competent authority may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the competent authority may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide and may thereupon be granted the same pay (whether with or without any special pay, if any, attached to such posts) as they would have received if still in the ordinary line.

(4) For the purpose of this rule, 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 scale of pay 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.

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

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

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

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

- (1) A Government employee out of his regular line should not suffer by forfeiting officiating promotion which he would otherwise have received, had he remained in his regular line.
- (2) The fortuitous officiating promotion of some one junior to a Government employee who is out of the regular line does not in itself give rise to a claim under the next below rule.
- (3) Before such a claim is established, it should be necessary that all the Government employees senior to the Government employee who is out of the regular line have been given officiating promotion.
- (4) It is also necessary that the Government employee next below him should have been given promotion, unless in any case the officiating promotion is not given because of inefficiency unsuitability or leave.
- (5) In the event of one or more of the three bars mentioned above, of being applicable to the Government employee immediately below the Government employee outside his regular line, the same Government employee even more junior should have received officiating promotion and the Government employees. If any in between that should have been passed over for one of these reasons.

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

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

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

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

(vi) The expression “posts outside the ordinary line of a service” in the second proviso to rule also includes, besides ex-cadre posts, special posts outside the ordinary line, which are borne on the cadre of a service. Holders of such posts can be given the benefit of a reclamation under that rule provided that the conditions precedent to the applicant of the next below rule are fulfilled in their case.

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

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

(ix) The benefit of officiating promotion under the next below rule should be allowed subject to the fulfillment of the conditions only against promotions in a cadre in vacancies of more than 90 days duration. In other words, the initial vacancy as well as subsequent vacancies on the basis of which the benefit is to be continued should each be of more than 90 days duration. The benefit should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 90 days.

## ORDERS OF THE PUNJAB GOVERNMENT.

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

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

- (i) An officer serving outside the ordinary line holds a post carrying a scale of pay identical with that of an administrative post in the ordinary line, and is, by virtue of a declaration in terms of the exception below rule 4.13; eligible for the pay and incremental benefits of the higher post in the ordinary line and also for the benefit of special additional pension by virtue of a declaration under rule 6.15 of Punjab Civil Services Rules, Volume II.

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

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

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

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

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

Note 7. - The pay of a Government employee officiating in a post the pay of which is subject to increase upon the passing of an examination or on the completion of a service is the pay which he would, from time to time, receive if he held the post substantively.

Note 8. - The pay of a Government employee officiating in a post the pay of which has been reduced from the next succession thereto is the reduced pay.

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

The case of a Government employee without a permanent post and, therefore, having no substantive pay in respect of such a post, is however, different. Rule 4.13 being inapplicable in such cases, he is entitled

to have his pay regulated exclusively under rule 4.14 read with rule 4.4 (b) but to check any extravagance in officiating pay in such cases, it is always open to the competent authority to take resort to the provisions of rule 4.16.

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

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

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

- (i) officiating appointments to the Selection Grade may be permitted in such cases;
- (ii) the pay in such cases may be fixed in the Selection Grade under the provisions of rule 4.4 (a) (ii) of the Punjab Civil Services Rules, Volume I, Part I, and that
- (iii) the benefit of the “Next Below Rule” may be extended in such cases, subject to all the conditions of that rule being satisfied.
- (iv) Pay of a Government employee who, on the date of his placement in the selection grade, was drawing pay at the maximum of the ordinary scale, shall be regulated as follows, namely :-
  - (a) pay shall be fixed at the next stage in the selection grade where pay at the maximum of the ordinary scale has been drawn for one year or more than one year;
  - (b) period of service amounting to less than one year rendered at the maximum of the ordinary scale shall count for purposes of increment in the selection grade; and
  - (c) the next increment in the selection grade shall accrue after rendering the requisite qualifying service in the selection grade.”

## SCHEDULE

District and Sessions Judge, Selection Grade.

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

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

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

Note 2. - In the case of a Government employee whose officiating pay on refixation under clause (2) of this rule carries his pay above the efficiency bar stage in the time-scale of the officiating post, the Government employee concerned should be deemed to have automatically crossed the efficiency bar at the time of relaxation of officiating pay and the question of application of efficiency bar shall not arise. In the case of a Government employee officiating in a post and whose pay had been refixed under clause (2) of this rule, if he is confirmed in that post from a retrospective date, the refixation of pay done under clause (2) above after the date of his confirmation will have to be revised and consequently over payments, if any, should be recovered.

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

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

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

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

Note 5. - The pay of the Government employee who was not actually officiating at the time of enhancement of his substantive pay, but would have officiated under the 'next below rule', but for his deputation to some other post/ officiating appointment to a still higher post, shall be refixed under clause (2) above notionally in the post in which he would have continued to officiate but for his deputation to some other

post/ appointment in an officiating capacity to a still higher post. As and when the Government employee reverts to that post, from deputation/ higher post, the actual pay to be given to him on the date of reversion will be arrived at with reference to such notional pay.

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

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

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

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

Note 2. - When a Government employee is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under this rule he must not be treated as having effectually officiated in that post within the meaning of rule 4.4 or having rendered duty in it within the meaning of rule 4.9.

Such a Government employee, on confirmation, should have his initial pay fixed under rule 4.4 (b) and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

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

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

Note. - Acting promotions have been permitted under this rule in place of Government employees who are treated as on duty under item 1 (i), of the Schedule to Chapter II.

## PERSONAL PAY

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

4.19 Omitted.

## PAY OF TEMPORARY POSTS

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

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

- (a) the character and responsibility of the work to be performed ; and
- (b) the existing pay of Government employees of a status sufficient to warrant their selection for the post.

Note 1. - Under these rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government employee then rules 4.20 and 4.22 will apply.

Note 2 - Omitted.

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

- (2) Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service, ordinary without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pays. If the posts involved

decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction special pay in addition. Such special pay may only be allowed with the approval of the competent authority.

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

## COMBINATION OF APPOINTMENTS

4.22 A competent authority may appoint one Government employee to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows :-

- (a) The highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;
- (b) For each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the competent authority may fix; and

Note - Pay granted under rule 4.22 (b) is not special pay, but pay under rule 2.44 (a) (i).

- (c) If compensatory allowances are attached to one or more of the posts he draws such compensatory allowances as the competent authority may fix : Provided that such allowances shall not exceed the total of the compensatory allowances attached to all the posts.

Note 1. - Clause (b) of this rule requires that such pay as may be considered "reasonable" in the circumstances may be given ; half the presumptive pay of the post is not, therefore, to be regarded as the amount normally permissible.

Note 2. - Under this rule, a Government employee is not entitled to overseas pay in respect of both the posts, that is, he can not get the benefit of the overseas pay, whether in sterling or rupees, of the second post.

Note 3. - Presumptive pay for the purposes of clause (b) of this rule should, according to rule 2.48, be taken to be what the Government employee who is placed in additional charge, will draw as initial pay in the time-scale of the additional post under rule 4.4, were he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government employee in his substantive post, the application of rule, 4.4 is not clear and accordingly in such a case the maximum of the pay of the lower post should be taken as a presumptive pay for the purpose of clause (b) of this rule.

4.23 When a Government employee holds charge of the current duties of a post after being relieved of those of his substantive post, he officiates in that post. If it is not considered that he is entitled to the full officiating pay of the post, his pay may be fixed under rule 4.16. This should be done whenever the Government employee is not carrying out the full duties of the post.

Note. - See also note 1 below Rule 4.1 (2).

4.24 When a Government employee holds current charge of another post in addition to that of his own substantive post he does not officiate in the former and is not, therefore, entitled to any additional remuneration. A competent authority may in special circumstances allow suitable honorarium in such cases, which ordinarily should not exceed 10 per cent of the substantive pay of the Government employee, excluding overseas pay or 5 per cent of the officiating pay, if he has no substantive pay.

Note . - Rules 4.22 – 4.24 are not applicable in the case of appointment to two posts in the same office or establishment which are in the same line of promotion or cadre as they can not be held as independent posts for purposes of these rules. As in such case an officer is entitled to the highest pay for one post only and nothing more, the grant of special pay is also not permissible. Further even the honorarium as defined in rule 2.30 of the Punjab Civil Services Rules, Volume I, Part I, can not be granted as additional work can not be treated as special work of the occasional or intermittent character. In such cases, the said officer shall not be paid anything more than the pay and allowances admissible as for a single post.

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CHAPTER V - *ADDITIONS TO PAY*  
I – COMPENSATORY ALLOWANCES  
General

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

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

Note 1. - Compensatory allowances to the personal staff of the Governor (including the Military Officers, if any), are regulated by the States Reorganisation (Governor's Allowances and Privileges) Order, 1957.

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

5.2 In this section -

- (a) 'Leave' means total leave of all kinds, including extra ordinary leave, for a period not exceeding 120 days and leave preparatory to retirement not exceeding 180 days, but does not include refused leave or terminal leave.

The title to compensatory allowance will remain intact –

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

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

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

Note 3. - Omitted.

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

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

(a) during 'leave' at the same rate at which the employee was drawing before proceeding on leave without the production of a certificate prescribed in sub-clause (ii) ;

(aa) during leave exceeding 120 days, but not exceeding 240 days –

(i) in case the employee suffers from T.B., Cancer or other ailments and furnishes a medical certificate in the form prescribed under rule 8.8, 8.12 or 8.13, as the case may be. The question whether the allowance may be paid to an employee suffering from T.B., Cancer or other ailments during leave, on medical certificate exceeding 240 days will be decided on merit by the Administrative Department concerned in consultation with the Department of Finance ; and

(ii) in case the employee certifies that he or his family or both resided for the period for which allowance is claimed at the station from which he proceeded on leave or at another station he will be entitled to similar allowance.

Where an employee does not join duty after the expiry of leave, whether on medical grounds or otherwise and resigns, he shall not be eligible for the allowance for the entire period of such leave and the allowance sanctioned earlier will be recovered before the resignation is accepted : Provided that in case of an employee who is granted leave but does not join duty after expiry of such leave, owing to death or invalidity during such leave, the recovery of allowance sanctioned earlier will not be effected.

Note 1. - The provisions of this clause do not apply to the case of industrial or other employees whose leave terms are governed by special orders and not by the Old Leave Rules or the Revised Leave Rules. In such cases, the compensatory allowance should be granted only during holidays or leave with pay. For this purpose, a weekly holiday, where admissible, will be treated as a holiday with pay except when it forms a part of spell of leave without pay or holiday without pay.

Note 2. - Omitted.

- (b) during temporary transfer, if –
- (i) the authority sanctioning the transfer certifies that the Government employee is likely on the expiry of the temporary duty to return to the station from which he is transferred ;
  - (ii) the Government employee draws no allowance of the same kind in the post to which he is transferred ; and
  - (iii) the Government employee certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.

#### Motor Car or Motor Cycle Allowance.

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

- (i) the substantive pay of the Government employee during the period of claim does not exceed Rs.1,500.
- (ii) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency ; and
- (iii) the Government employee certifies that he continued to maintain the vehicle, that the amount claimed was spent by him or garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by any body.

Note 1. - See note 1 below rule 5.3.

Note 2. - The maximum allowance for a motor cycle is limited to Rs.10.

Note 3. - The provisions of note 1 below rules 5.3 and 5.6 apply mutatis mutandis in the applications of proviso (ii) and (iii) to this rule.

Note 4. - The grant of motor car or motor cycle allowance during joining time is governed by rule 2.13 of the Punjab Travelling Allowance Rules.

### HOUSE RENT ALLOWANCE

5.5 A house rent allowance may be drawn by a Government employee during leave or transfer in the circumstances

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

**Clarification:** The house-rent allowance being a compensatory allowance may be allowed to be drawn by a Government employee under suspension like other compensatory allowances, subject to the conditions laid down in rule 7.2 (b), being satisfied. In the case of an employee whose period of suspension is treated as having been spent on leave, the grant of house-rent allowance will be regulated under the relevant provisions of rules 5.3 to 5.9 as in the case of other compensatory allowances.

Note 1. - The employee should have continued for the period for which house rent allowance is claimed to retain the house at the same station from which he proceeded on leave; paid for it and did not sublet it.

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

## CONVEYANCE ALLOWANCE

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

- (i) the authority sanctioning the leave certifies that the Government employee is likely, on the expiry of the leave, to return to the post from which he proceeds on leave, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency ; and
- (ii) the Government employee certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted,

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

Note 1. - See note 1 below rule 5.3.

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

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

Note 4. - Mounted Police Officer proceeding on leave or undergoing promotion courses at the Police Training School, Phillaur, and Sub-Inspectors when posted to the mobile patrols who are in possession of horses or camels, shall hand over these mounts to the Line Officer or the Officer-in-charge of Mounted Police who should be responsible for the feeding and keeping of such animals under the supervision of a gazetted officer. No conveyance allowance shall be drawn for them for the period of their absence on leave or training at the Police Training School, Phillaur, or in the case of Sub-Inspectors when posted to the Mobile Patrol except to meet expenditure actually incurred on feeding, shoeing and maintenance of animals. The account shall be kept in form 7.24 (3) of the Police Rules. Such horses and camels shall be looked after and may be used for instruction or duty by mounted Upper Subordinates under orders of the gazetted officers in supervisory charge. In such cases, responsibility under Police Rule 7.12 (b) for loss or injury by misconduct or neglect shall rest with the officer so ordered to look after or use the animals : Provided that no policeman shall be held responsible for more than one animal at a time. Where, however, adequate accommodation for horses and syces is not available in the Police Line, the Superintendent of Police may authorise such officers to make their own arrangements for the care and maintenance of animals and draw the prescribed conveyance allowance admissible to each of them. Assistant Sub-Inspectors are not Mounted Police Officers, - vide Police rule 7.2 and are exempted from the operation of the rule.

Note 5. - When a conveyance or horse, allowance of a Government employee has been reduced during leave by the competent authority under this rule and the Government employee is transferred immediately on the expiry of leave to another post carrying a similar allowance than during joining time the allowance shall be granted at the rate at which it was drawn during leave.

5.7 A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

## OTHER COMPENSATORY ALLOWANCES

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

- (a) the authority sanctioning the leave or transfer certifies that the Government employee is likely on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and
- (b) the Government employee certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

Note 1. - See note 1 below rule 5.3.

Note 2. - With reference to clause (b) of this rule, a Government employee, who desires to avail himself of the benefit of the rule, should submit his claim with a statement of the relevant expenses to the authority sanctioning the leave or transfer. That authority should then decide, having regard to the provisions of rule 5.1 and 5.2 how much of the allowance should be drawn and communicate his decision to the Accountant-General with a copy of the statement of expenses referred to above. The copy of the statement of expenses may be sent to the Accountant General, in a confidential cover, if this is considered desirable. It will then be open to the Accountant General, either to accept the decisions or to challenge such of them as reveal any manifest breach of the canons of financial propriety. – vide P.F.R. 2.10. The provisions of this rule do not apply to Government employees in receipt of the compensatory local allowance sanctioned for Amritsar in whose case the provisions of clause (b) of the rule will be applicable. In regard to the drawal of similar and other bill compensatory allowances during leave, it will suffice if it is certified by the Government employee concerned that he or his family or both resided at the hill station concerned for the period for which the allowance is claimed.

## COMPENSATORY ALLOWANCE DURING JOINING TIME

5.9 A Government employee on joining time under rule 9.1 (b), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates.

If the Government employee in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clauses (a) and (b) of rule 9.1 : Provided that if the rates differ in the two posts, he may draw the lower rate only.

5.10 to 5.12. Omitted.

## II – RENT OF GOVERNMENT RESIDENCES GENERAL

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

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

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

### **Capital Cost of Buildings and Assessment of rents**

#### **(i) Capital Cost of a Residence.**

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

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

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

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

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

5.16 For the purpose of rule 5.15 –

- (i) expenditure incurred on works such as --
  - (a) raising, levelling and dressing sites;
  - (b) construction of revetments and retaining walls, unless when incurred in connection with the provision of a tennis court;
  - (c) storm-water drains ; and
  - (d) boundary pillars ;

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

- (ii) expenditure incurred on works such as –
  - (a) compound walls, fences and gates ;
  - (b) approach roads, culverts and paths within the compound;

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

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

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

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

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

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

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

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

- (1) When a portion of the residence must be set aside, by the Government employee to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business ; or
- (2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided.

Note . - See also rule 5.39.

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

### **Electric Supply**

- (1) Wiring, including the supply line from the main and all connected apparatus such as fuse boxes and switches.
- (2) Fixed lamps (bracket and pendant) including shades, holders but excluding shades and bulbs.
- (3) Walls plugs of table lamps, table fans, and electric and water heaters.
- (4) Fan points (excluding ceiling fans and regulators).
- (5) Lightning interceptors.
- (6) Meters when supplied by Government.

### **Sanitary and water-supply**

- (1) Pipe, including service pipe from the main;
- (2) Apparatus for hot water supply;
- (3) Cistern, taps and other necessary equipment ;
- (4) Baths, basins, and lavatory fittings;

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

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

Note 2. - When table lamps, table fans or other electrical appliances not included under “Electric Supply” above, have already been supplied, the cost should be included in the capital cost of the residence, but on their becoming unserviceable they should not be replaced, the capital cost of the residence being reduced accordingly.

### **(ii) Standard Rent**

5.23 The standard rent of a residence shall be calculated as follows :-

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor plus an allowance for meeting during the period of lease the probable cost of charges for –
  - (i) Both ordinary and special maintenance and repairs of the residence as may be a charge on Government including maintenance and repairs of any additional work done at Government expense ;
  - (ii) capital expenditure on additions and alternations as may be a charge on Government;
  - (iii) interest on capital expenditure referred to in (ii) above ; and
  - (iv) the rates or taxes in the nature of house or property tax, if any, payable under any law or custom by the owner to a municipality or other local body (but not recoverable from the Government employee to whom the residence is allotted).

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

- (b) In the case of residence owned by Government the standard rent shall be calculated on the capital cost of the residence, and shall be either –
  - (i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by competent authority plus an addition for municipal and other taxes in the nature of house or property tax

in respect of the residence payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rule 5.28; or

(ii) Seven and half per cent per annum of such capital cost, whichever is less. The restriction of seven and a half per cent per annum shall not apply in the case of residences the capital cost of which is calculated under the proviso to rule 5.15.

(c) In both cases mentioned in clauses 9a) and (b) above standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above subject to the proviso that, in special localities or in respect of special classes of residences, a competent authority may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a competent authority takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 5.48 below bears to one year..

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

Sanitary Installation	Interest	Maintenance	6 <sup>1/2</sup>	Depreciation
Water Supply installations	As per sub rule (b) (ii) of this rule.	percent (ordinary 5 per cent and special 4 per cent		.....
Electric Installations	Ditto			1 <sup>1/2</sup> percent 5 percent

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

Note 2. - See also rule 5.40 infra.

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

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

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

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

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

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

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

Note 1. It is the duty of the Executive Engineer to give timely notice to the tenant concerned of the increase in rent, Omission, however, on his part to give such intimation in any case will not constitute a reason for the enhancement of rent taking effect from a date later than that on which it is due under the above rule.

Note 2. - In the case of substantial additions or alterations to a residential building, pending sanction of the revised standard rent by the competent authority, its rent should be provisionally fixed so as to allow an adequate margin to cover rent in respect of the estimated expenditure of such additions or alterations and unforeseen charges, and recovery of rent from the tenant should be effected at that rate. If the provisional rent is more than the revised standard rent, the amount recovered in excess shall be refunded to the tenant.

Note 3. - The rental value : viz. : Standard –Rent, Market-Rent and Economic-Rent of the Government owned property (Building etc.) and those of Government employees who live in their self-owned houses or houses owned by their parents or children and are claiming House-Rent-Allowance therefore may be re-assessed after an interval of every 5 years. If an employee becomes entitled to claim higher rent of his property and consequential gain in House-Rent Allowance as a result of the general appreciation in the market value of properties or due to inflation : he will also draw proportionately less HouseRent, resulting thereby in reduction of House-Rent-Allowance, should there be a depression in the general market due to economic or other causes.

5.25. If a building is actually occupied prior to the closing of the accounts of expenditure on its construction, acquisition or equipment, rent is nevertheless chargeable from the date of occupation and should be fixed provisionally with the sanction of the competent authority. The rent, thus fixed provisionally while the accounts are open, is subject to revision with retrospective effect when they are closed and no remission of rent on this account can be made save with the sanction of the competent authority.

Note . - The provisions of note 2 below rule 5.24 also apply mutatis mutandis to newly constructed buildings.

5.26. Omitted.

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

- (i) Special charges will be those incurred in the renewal of floors of roofs or on other special repairs or replacements occurring at long intervals. Provisions for such charges should be made in the form of percentages on the capital cost of each building. These percentages will vary for different classes of buildings and are laid down in rule 5.28. When repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such special repairs should be shown separately in the Capital and the Revenue Accounts under Revenue Charges during the year, and should not be included in the total charges or taken into account as a basis for the revision of the rent.
- (ii) Ordinary charges will include the cost of ordinary annual repairs together with a proportional share of the expenditure that may be required quardrennially or at other short intervals. The amount of these charges as regards buildings constructed or acquired by the Irrigation Branch is estimated as laid down in rule 5.28. For buildings constructed or acquired by the Buildings and Roads Branch these will be estimated within the limits laid down in rule 5.28 by the Executive Engineer of the Division and approved by the Superintending Engineer.

Note. - See also rule 5.20.

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

- (1) When acquired or constructed through the agency of the Public Works Department, Irrigation Branch.

Class of buildings	Description	Assessable percentage on the Capital cost of the Building Excluding value of site	
		Special repair.	Ordinary repairs.
A	Those in good order built by the Works Department in a semi-permanent style, i.e. with pucca foundation Kutcha-pucca outside walls, lime pointed pucca parapets and chimneys terraced jack arch or wooden karri	½	1-1/2

roofs over steel girders.

B	Those of a similar style of construction but not in good condition either built by the Public Works Department or purchased from private individuals and added to and altered after purchase.	$\frac{3}{4}$	2
C	Temporary buildings i.e. those with walls of mud masonry with a roof of thatch or tiles or wooden karries.	1	

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

Class of buildings	Description	Assessable percentage on the Capital cost of the Building Excluding value of site	
		Special repair.	Ordinary repairs.
A	Those in good order built by the Works Department in a semi-permanent style, i.e. with pucca foundation Kutcha-pucca outside walls, lime pointed pucca parapets and chimneys terraced jack arch or wooden Karri roofs over girders.	$\frac{1}{2}$	1 to 3
B	Those of a similar style of construction, but not in good conditions, either built by the Public Works Department or purchased from private individuals and added to or altered after purchase.	$\frac{3}{4}$	3 to 5
C	Temporary buildings, i.e. those with walls of mud masonry with thatched or tiled roof.	1-1/4	5 to 7

(3) A charge of 4-1/2 per cent of the capital cost will be made in addition to the above to cover the maintenance of water-supply, sanitary and electric installations, where such exist.

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

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(c) **Conditions of Tenancy and Rent payable by Government employees.**

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

- (a) the scale of accommodation supplied shall not, except at the Government employees own request exceed that which is appropriate to the status of the occupant ;
- (b) unless otherwise expressly provided in these rules, he shall, except where the residence meant for one Government employee is shared by more than one Government employee pay \_
  - (i) rent calculated at the rate of ten per cent of his monthly emoluments ; and
  - (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

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

Note 2. - Shared accommodation has been categorised as follows :-

- (a) where the portions do not have independent amenities like kitchen, bath room and lavatory, etc., as in the case of sharing being done at Chandigarh and
- (b) where a big residential building has been converted into independent portions provided with essential amenities like bath room, lavatory and kitchen etc.

Note 3.- In cases falling under category (a) of Note 2 above, -

(1) at Chandigarh , where accommodation is shared by –

- (i) two Government employees, each Government employee shall be charged rent at the rate of five percent of his monthly emoluments ; and
- (ii) Three Government employees, each Government employee shall be charged rent at the rate of 3-1/3 per cent of his monthly emoluments.

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

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

Note 5. - The Government employees living in cheap (Katcha) houses or in sheds, which do not provide the minimum residential amenities, shall be charged standard rent or ten per cent of their emoluments, whichever is less.

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

5.30 Notwithstanding anything contained in clause (b) of rule 5.29 above, Government may-

- (i) At any, after the standard rents have been calculated, under the provision of rule 5.23 above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :-
- (1) that the basis of assessment is uniform ; and
  - (2) that the amount taken from any Government employee shall not exceed 10 per cent of his monthly emoluments;
- (ii) by the general or special order provide for taking a rent in excess of that prescribed in rule 5.29 (b) above from a Government employee –
- (1) who is not required or permitted or reside on duty at the station at which the residence is supplied to him ; or
  - (2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him; or
  - (3) who, is in receipt of a compensatory allowance granted on account of dearness of living; or
  - (4) who is permitted to sub-let the residence supplied to him; or
  - (5) who sub-lets without permission the residence supplied to him ; or
  - (6) who does not vacate the residence after the cancellation of allotment.

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

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

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

5.32 Non-migratory Government employees posted to recess in the hills shall pay for houses provided in the hills shall pay for houses provided in the hills, 10 per cent of emoluments, or the standard rent, whichever is less, for the period of allotment. This rent, shall be paid in addition to the rent assessable under the rules for a residence supplied at the Government employee's headquarters.

5.33 For the purposes of clause (b) of rule 5.29 above "emoluments" means :-

- (i) Pay ;
- (ii) Payment from Government revenues and fees if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post ;
- (iii) Compensatory allowances other than travelling allowance uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddle , whether drawn from the general revenues or from a local fund ;
- (iv) Exchange Compensation Allowance ;
- (v) Pension , other than a pension drawn under the provisions of Chapter VIII of Volume II of these rules or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended ;
- (vi) In the case of a Government employee under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government employee is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the

subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

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

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

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

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

Note 4.- Whole deduction on account of house rent from Government employees in receipt of sterling overseas pay should be made in India and the sterling overseas pay should be converted into rupee at 5.27 new pence or the rate in force from time to time to the rupee for the purposes of calculating house rent if the amount of house rent due has to be determined with references to pay of the occupier.

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

5.34 The Government employee to whom a residence is allotted, - vide rule 5.46 et seq is responsible for the rent recoverable under the rules during the period of allotment unless exempted by competent authority under the provisions of rule 5.35

Rent shall be recovered monthly in arrears for the period of allotment.

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

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

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

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

- (a) When a Government employee is performing the duties of a post, addition to those of his substantive post and already pays rent for a house.
- (b) When Government employee, in addition to the duties of a post carries on those of another post which preclude him from occupying the house.
- (c) When Government employee has been promoted or transferred to a post in the same station and it is not considered necessary that he should change his residence.

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

Note 2.- When rent are fixed in accordance with rule 5.23 and when one or more Government employees supplied with residence in the particular areas are granted a house free of rent or at reduced rent, the proper course is to apply rule 5.23 that and rule 5.35 afterwards that is the ordinary rent of the occupant of each house should be fixed under rule 5.23 and any reduction necessary should then be made under this rule.

Note 3.- A list of Government employees who have been granted rent free accommodation under this rule is given in Appendix 7.

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

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

Note 1.- The occupants of staff quarters and other buildings appurtenant to Government House are exempt from payment of charges for electricity consumed. As regards water charges see the "Exception" below the section "Water Charges" in rule 5.44.

Note 2.- See also rule 5.44

5.37 Omitted

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

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

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

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

5.40 In leasing, acquiring or constructing an official residence for any one of the Government employees mentioned in column 2 of the statement in rule 5.42 Government will arrange to provide accommodation for visitors in the shape

of a waiting room, and for a Commissioner or Deputy Commissioner-quarters for a police guard. The accommodation so provide plus half of the room set apart for the reception of visitors will not be taken into account in calculating the standard rent fixed for such residence under rule 5.23.

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

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

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

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

- (i) The rent of the waiting room and half the rent of the room in which visitors are received and the rent of the quarters for the public guard will be borne by Government ;
- (ii) The portion of the rent which is, thus, to be borne by Government on account of the waiting and reception rooms and quarters for the police guard will be assessed by the Executive Engineers concerned on the value of the accommodation in question. Its amount will bear the same proportion to the rent of the premises occupied as the space occupied by the accommodation provided bears to the

total plinth area of the building.

- (iii) The portion payable for the waiting and reception rooms will be paid by the Executive Engineer to the landlord. He will also arrange with the Police Department for the portion payable for the quarters for the police guard being paid by the Department as a police contingent charge direct to the Government employee occupying the building.

### STATEMENT

1		3
2		
1.	Commissioner	
2.	Deputy Commissioners	
3.	Settlement officers, Assistant Settlement Officers, Colonization and Assistant Colonization Officers.	Commissioner of Concerned Division
4.	Members of the I.A.S or P.C.S. in charge of Sub-Divisions.	
5.	Principal, Agricultural College.	.....Director of Agriculture
6.	Registrar, High Court of Judicature.	Honourable Judges of the ....High Court.
7.	Inspector-General of Police, all Deputy Inspectors –General of Police, and all Superintendents of Police (except the Principal Police Training School, the Personnel Assistant to the Inspector-General of Police and the Assistant to the Inspector General, Special Branch)	Inspector General of Police
8.	Deputy Superintendent of Police placed in charge of Sub Division.	Ditto

5.43 Constant changes in the accommodation to be set apart for visitors are depreciated on principle, but so long as these changes are necessary and are made for sound reasons, Government employees concerned can set apart different

rooms during summer and winter on condition that the accommodation set apart:-

- (a) is to the satisfaction of their superiors ;
- (b) is not less in area than that for which Government waives rent ; and
- (c) if in excess of that originally reserved, Government is not called upon to waive a large portion of the rent than that already fixed.

### **RENT FOR SPECIAL SERVICES**

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

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

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

- (a) The value of the site, and the cost of its preparation, shall be included in the capital cost of tennis courts and gardens.
- (b) Department charges shall be included in the capital cost of furniture, ceiling fans, tennis courts and gardens as well as their maintenance, depreciation and storage charges. The percentage rates for maintenance, depreciation and storage shall not be levied on the capital cost after the addition of

departmental charges but before such addition. Interest shall, however, be calculated on the capital cost including departmental charges.

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

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

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

(a) FURNITURE

(a)	Maintenance	4 per Cent
(b)	Interest	5 per Cent
(c)	Depreciation including renewal and and replacements.	6 per Cent
	Total	15 per cent

Note .- Free furniture is provided in the quarter of the Private Secretary to the Governor, Punjab, at Raj Bhawan, Chandigarh.

**CELLING FANS**

The rent shall be recovered at the rate of 17 per cent per annum on the capital cost as detailed below and shall be recovered during the whole of the year –

(a) Interest	4 per cent
(b) Depreciation	6-1/2 per cent
(c) Maintenance	4-1/2 per cent
(d) Storage Charges	2 per cent
Total	17 per cent

**(b) TENNIS COURT**

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

A. In regard to courts in the plains –

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

B. In regard to courts in the hills-

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

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

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

Note 3.- See also note under the head “ Garden “ below :-

### **(c) GARDEN**

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

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

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

### **(d) WATER CHARGES**

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

(a) Every official occupying a Government quarters with a separate water connection must pay water charges including the meter rent as fixed by a municipality, District Board or the Public Health

Department. No exception shall be granted in such cases.

- (b) Where quarters have not been provided with separate water connections and the occupants have to use outside, and technically public taps; no water charges should be recovered from them.
- (c) Where water tax as distinct from water charges is levied such tax is payable by tenants.

**Exception** .- This rule does not apply to Secretariat and Raj Bhawan employees occupying staff quarters and other building appurtenant to Raj Bhawan, Chandigarh.

### **CLASSIFICATION OF RESIDENCES**

5.45 Government buildings intended for occupation as residences are divided into two classes :-

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

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

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

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

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

### **GENERAL RULES AND INSRUCTIONS REGARDING ALLOTMENT OF RESIDENCE**

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

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

5.47 A Government employee shall not be considered to be in occupation of residence when he proceeds on leave unless the competent authority otherwise directs.

5.48 The period of allotment is determined as follows :-

- (a) If the house has been constructed, purchased or leased for the benefit of a particular post, it is the period of incumbency, permanent or temporary, of each Government employee in hat appointment exce3pt in the case provided for in rule 5.51-A.
- (b) Other wise it is for twelve moths at a time, but terminates on his transfer from the place where he is stationed, except in the cases of a house in the hills occupied by Government employee who is permitted to recess in the hills under the rules in force. In this case, the period of allotment is the period

of recess enjoyed.

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

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

- (a) after informing the Executive Engineer of the division in which the house is situated of the vacation, hands over the key to him; or
- (b) in the case of relief by another official, furnishes the Executive engineer concerned with the certificate referred to above.

If an office does not carry with it any responsibility for the rent of a building, the supplementary certificate will be blank and will be signed with a line drawn across it.

5.50 A Government employee in occupation of residence may sub-let it subject to the following conditions :-

- (a) the lessee shall be approved by the Chief Engineer, Public work Department, incharge of the building.
- (b) The sub-tenancy shall not be recognised by Government ;

- (c) The lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear ;
- (d) The sub-tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted ;
- (e) The rent payable by the lessee shall not, except with the previous sanction of Government exceed the rent payable to Government by the lessor ;
- (f) The rent payable to Government by the lessor shall be the rent payable by him, if he has not sub-let the residence or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher ;
- (g) In the case sub-letting of a Government residence when the lessor is not entitled to rent-free quarter or house-rent allowance in lieu entitled to rent-free quarter or house-rent allowance in lieu but the lessee is so entitled, the rent payable by the lessor, should be the rent payable by him, if he had not sub-let the residence or the rent payable by the lessee, if the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher ;
- (h) When Government residence is sub-let and the lessee and the lessor are, or the lessor is , entitled to rent-free quarters or house-rent allowance in lieu, the following procedure should be adopted in regard to the recover of rent :-
- (i) When both the lessor and the lessee are entitled to rent-free quarters or house rent allowance in lieu the lessor will pay to Government an amount equivalent to the higher of the two house-rent allowances; and
- (ii) When the lessor is entitled to rent-free quarters or house-rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent to the house-rent, allowance admissible to him or to the rent payable by the lessee if the house had been allotted to

him direct by Government, whichever is higher.

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

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

(iii) the rent to be recovered under the rules from the temporary tenant is not less than two-third of the standard rent of the house ,

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

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

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

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

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

5.51-A. If a Government employee to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from two month after the date of

his death, dismissal or retirement as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated whichever is earlier. In such cases the recovery of rent should be governed by rule 5.29 (b) i.e. while the original allotment subsists, rent should be charged at the same concessional rate as was being paid by Government employee before his death, dismissal or retirement as the case may be. Similarly the concessional of rent-free quarters, if it was granted in any case, should continue during the period of grace.

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

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### III-COMPENSATIONS

5.53 Claims to compensation made by Government employee will ordinarily be considered only in cases in which :-

- (i) the exposure of the property to risk is directly connected with the duties on which the Government employee is employed at the time, e.g. when the action of an enemy or insurgents or of raiders or wild tribes on the frontier causes the loss of the property of Government employee employed in the area affected ; or
- (ii) the property is lost in consequence of endeavours on the part of the Government employee to save the property of Government which was also endangered at the time ; or
- (iii) the property is destroyed under the orders of competent authority

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

- (a) which is caused by an act of God, e.g. earthquake, floods, etc.; or
- (b) which is due to an ordinary every day accident which may occur to any citizen, e.g., loss by theft, even when accompanied by violence or the result of a railway accident, fire, etc.; or
- (c) which is due in any way to negligence or other default on the part of the claimant.

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

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

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

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

#### **IV-HONORARIA AND FEES**

##### **HONORARIA**

5.55 Subject to the condition prescribed in rule 5.56, a competent authority may grant or permit a Government employee to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of

an honorarium should not be given unless the work has been undertaken with the prior consent of the competent authority and its amount has been settled in advance.

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

Exceptions .- A Government employee under the Punjab Government ment may accept remuneration up to any amount for work connected with an examination or examinations conducted by the Union Public Service Commission and up to the limit of Rs. 100 during a financial year for work connected with an examination or examinations conducted by the Punjab Public Service Commission or Subordinate Service Selection Board, Punjab, or the Director, Technical Education Punjab, without the sanction of the authority competent to permit the acceptance of a fee or honorarium by him. For the acceptance of honorarium in excess of Rs. 1,000 in the case of work connected with the examination or examinations conducted by the Punjab Public Service Commission or Subordinate Services Selection of the Punjab Government in the Administrative Department under which the Government employee concerned is serving is necessary.

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

extra remuneration.

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

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

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

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

Note 7.- No honorarium should be granted to gazetted officers engaged on work in connection with the setting up of companies, corporations, etc. Which forms apart of their normal duties even if they work beyond office hours.

5.56 When the service rendered falls within the course of the ordinary duties of the Government employee performing it, the test of special merit prescribed in rule 5.55 must be very strictly applied.

Note .- the expression “within the course of the ordinary duties “ has been as follows :-

A service rendered by a Government employee is said to be with in the course of the duties of that Government

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

### **FEES**

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

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

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

Note 3.- Government employees of the Education Agriculture and Animal Husbandry (including fishers) and Health Department and the teaching staff of the Punjab Engineering College are authorised to undertake work of examining and setting papers in respect of University and Engineering and other examinations and to accept remunerations therefore : Provided the total sum so drawn by an individual does not in the case of Agriculture and Animal Husbandry (including Fishers) Department Examinations exceed Rs. 500, and in the case of the Education, Health and Engineering Department Examinations Rs. 1,000in a financial year .

The teaching staff of the Department of Agriculture and Animal Husbandry (including Fishers) is

permitted to retain fees up to Rs. 500 in a financial year for working as Supervisors, Superintendents, Deputy Superintendents, Invigilators, etc. at the University examination : provided the work is undertaken outside the normal hours of duty. The officials besides teaching work, Doing research work are not permitted to undertake this work. Government employees of the Education Department are permitted to retain fees upto Rs. 1,000 for working as Supervisors or Superintendents at University Examinations provided the work is undertaken outside the normal hours of duty. For the acceptance of fees in excess of this sum the sanction of the competent authority should be obtained. In order to watch the above-mentioned limits the Heads of Department concerned should obtain annually from the Government employees of their respective department, who receive remuneration under this note, a statement showing the amount received by each Government employee in the preceding financial year.

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

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

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

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

5.58. Unless the competent authority by special orders or other wise direct one-third of any fees in excess of Rs.500 or if, a recurring fee, of Rs. 250 a year, paid to Government employee shall be credited to general revenues: provided

that the fee to be retained by the Government employee concerned will not be reduced below Rs. 500 if non-recurring of Rs. 250 a year if recurring and provided further that where a fee is paid for work done during the time which would otherwise be spent in the performance of official duties, the entire fee must be credited to Government, unless the competent authority for special reasons which should be recorded, directs otherwise.

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

Note 2.- Non-recurring and recurring fees should be dealt with separately and should not be added for the purpose of crediting one-third to general revenues under this rule . IN the case of the former, the limit of Rs. 500 prescribed in this rule should be applied in each individual case and in the case of the latter the limit of Rs. 250 should be applied with reference to the total recurring fees for the financial year.

Note 3.- The fees received by Government employee from the following institutions are exempted from the operation of this rule :-

- (1) Society for the Prevention of Cruelty to Animals.
- (2) Indian Roads Congress.
- (3) India Cattle Show Committee.
- (4) Inter- University Board.
- (5) Inter-Provincial Board for Anglo-Indian Education.
- (6) Indian Red Cross Society.
- (7) Bharat Scouts and Guides, Punjab (Exemption relates only to fees received by Government employee for doing clerical work)

(8) Child Activity Centres.

(9) Bharat Sewak Samaj.

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

Note 4.- The fees referred to in note 3 below rule 5.57 in excess of Rs.500 in the case of Government employee of Agriculture and Animal Husbandry (including Fisheries) Department and Rs.1000 in the case of Government employees of the Education and Health Departments and the Punjab Engineering College during a financial year shall be shared between the Government employee and the Government in the ratio of 2 :1, i.e. one third of the amount in excess of these limits should be credited to Government. These orders will, however, not be applicable to the fees received by Government employee of the Health Department for acting as Examiners of the Punjab University , Punjabi University or Kurukshetra University or the Punjab State Medical faculty. In their case, the orders regarding the sharing of fees would apply only to the fees received by them for acting as examiners of the outside Universities and bodies.

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

Note 5.- The term "Fee" used in this rule shall not include conveyance allowance, provided the amount of conveyance received by a Government employee from a source other than the revenues of the State does not exceed what would be admissible under the Punjab Government Rules under similar circumstances and is not a source of profit to the Government employee concerned. In case of doubt, a

competent authority may decide whether the conveyance allowance thus received by Government employee is reasonable as compared with the standard adopted by the Government for the grant of Conveyance allowance and is not a source of profit to the Government employee .

Note 6.- If any fee to which this rule applies exceeds Rs.500 non-recurring or Rs. 250 a year recurring or Rs. 500 in the case of Government employees of Agriculture and Animal Husbandry (including Fisheries) Department and Rs.1000 in the case of Government employees of the Education and Health Department and the Punjab Engineering College, referred to in note 3 below rule 5.57 during a financial year, one-third of the total amount payable, as the case may be should be credited to general revenues provided that the amount retained by the Government employee concerned will not, merely owing to the operation of this rule, be reduced below Rs. 500 if non-recurring or Rs. 250a year if recurring of Rs. 1,000 as the case may be.

Non-recurring and fees should be dealt with separately and should not be added for the purpose of crediting one-third to general revenues, under this rule. In the case of the former, the limit of Rs. 500 prescribed in this rule should be applied in each individual case and in the case of the latter the limit of Rs. 250 should be applied with reference to the total recurring fees for the financial year.

None 7.- The fee received by a Superintending Engineer of the Public Works Department, Buildings and Roads Branch for acting as an arbitrator in a dispute arising between contractors and a Local Body relating to a contractor shall be apportioned between the Government, the officer and the staff employed in that connection as follows:

Government	35 per cent
Superintending Engineer	55 per cent
Staff (clerical employed)	10 per cent

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

Government	40 per cent
Superintending Engineer	60 per cent

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

Note 8.- Any scholarship or stipend received, during study leave or other wise by a Government employee from a source other than the Consolidated fund of India or Consolidated Fund of a State for the Purpose of prosecuting a course of studies or receiving specialized training in professional or technical subject to a cut under the provision of this rule.

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

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

Note 10.- This rule will not apply which Government employees may receive from a University or other examining bodies in return for their as examiners, paper-setters. Superintendents, Invigilators, checkers, etc The “examining body” covers only those institutions which are semi-Government employee for similar service from Public Sector Undertakings or enterprises which are wholly or substantially owned by Government even though they are not examining bodies.

Note 11.- The operation of this rule may be exempted, with the concurrence of the Finance Department , for the income derived by a Government employee from sale or royalties of a book written by him with the aid of the knowledge acquired by him during the course of his services provided the Administrative Department certifies that such book is not a mere compilation of Government rules, regulations or procedures but reveals the author’s scholarly study of the subject.

Note 12.- This rule will not apply to the income derived by a Government employee :-

- (a) from writing of reports, papers or study reports on selected subjects for International bodies like U.N.O. UNESCO, etc., ; and
- (b) delivering of lectures on literary, cultural, artistic, technological and scientific subjects including management sciences which are treated as literary pursuits.

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

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

5.61 Omitted.

5.62 Omitted.

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

- (a) the premium awarded for any essay or plan in public competitions ;
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
- (c) any reward payable in accordance with Regulation or rules framed thereunder;

- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws ; and
- (e) any fees payable to a Government employee for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

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

5.64 A Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made<sup>3</sup> by such Government employee save with the permission of the competent authority my impose.

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

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

Note 2.- The payment of honoraria as remuneration for the use by Government of inventions patented by persons

in Government employ whose duties do not involve the carrying out of scientific or technical research should be regulated by the provisions of section 17 of the Inventions and Designs Act, 1888 and section 21, if the Indian Patents and Designs Act, 1911, and not by rule 5.55 or 5.64 the terms on which an invention may be used for the services of the Union should be settled with the approval of the Union Government before any payment is made to the patentee.

## **CHAPTER VI – Deputation out of India**

\*6.1. The deputation of a Govt. employee out of India shall be sanctioned by Administrative Department concerned for the initial period of deputation which may be extended upto 5 years and in a rare case of special nature if, the exigencies so require in public interest, such period may be extended beyond 5 years by the Administrative Department concerned with the prior concurrence of the Department of Personnel and Administrative Reforms, in accordance with the terms and conditions laid down in Annexure to this chapter.

*\*[Substituted vide Govt. Notification No. 3/1/6/88/IFCD/6010 dated 21 & 22 June, 89]*

\*“ANNEXURE”

(Referred to in rule 6.1)

Standard terms and conditions of foreign service in respect of employees of Punjab Government deputed to foreign countries.

1. **Period of Deputation** : The period of deputation shall be for \_\_\_\_\_ year(s) in the first instance from the date the Govt Employee joins the assignment. But the period of foreign assignment may be extended or reduced according to the requirements of the foreign employer or the State Government.

2. **Pay, Allowances and other perks** : The Government employee shall be entitled to pay allowances and other perks fixed by the borrowing Government and approved by the Government of India in consultation with the

State Government.

3. **Leave salary and pension contributions** – The leave salary and pension contributions shall be paid wither by the foreign employer or by the employee concerned in accordance with the provisions of rule 10.9 of the Punjab Civil Services Rules, Volumes I Part I. In case of default interest shall be recoverable as per the provisions of rule 10.10 of the said rules.

4. **General Provident Fund and Group Insurance Scheme** – The Govt. employee shall continue to be governed by the rules of the State Govt. as amended from time to time and shall ensure monthly subscription towards General Provident Fund and Group Insurance Scheme.

5. **Loans and Advance** – The Government employee shall ensure that monthly installments on account of recovery of loan and advance outstanding against him are paid regularly and he shall furnish a surety bond for payment of such dues on a non-judicial stamp paper worth Rs. 15/- or a may be required under the rules.

6. **Disability**-- The payment of leave salary in respect of disability incurred in or through the disability manifests itself after the termination of foreign service, shall be paid by the foreign employer.

7. **Medical facilities**- The Government employee shall be entitled to such medical facilities as are not inferior to those which he would have enjoyed under the State Government rules and instructions as amended from time to time, if he had been employed in the service of State Government.

8. **Travel**- The cost of travel from the place of posting of the employee to the place of posting in the foreign country shall be borne either by the foreign employer or by the employee concerned as is settled at the time of proceeding on deputation.

9. **Joining time, pay and travelling allowance, etc**- Joining time pay and travelling allowance (both ways) shall be borne by the foreign employer.

10 **Foreign Exchange**- The Government Employee shall himself arrange for foreign exchange.

11 **Extension in the period of deputation** – In case the foreign Govt. requires the services of the Govt. employee beyond the specified period of contract, he shall intimate this fact to the Government of India (Ministry of External Affairs) as soon as it comes to his notice and shall also request his foreign employer to take up the matter with the Govt. of India's representative in that country.

12 **Acceptance of Resignation** – The resignation of a Govt. employee shall not be accepted while he is aboard under any circumstances.

13 **Non-indulgence in activities prejudicial to the interest in activities prejudicial to the interest of India** – while on deputation aboard the Govt. employee shall not take part in any activity, which may prove prejudicial to the interest of India of his State of domicile.

14 **Conduct Rules** – The Government employee shall continue to be governed by the Punjab Government Employee (Conduct) Rules 1966 as amended from time to time.

15 **Intimation of Address** – After joining foreign assignment the Government employee shall communicate his office address to his parent Department as well as to the High Commissioner of India in that country for future correspondence.

16 **Residual matters** – The matters not specifically covered here and other unclassified matter will be governed by the proviso of Chapter X of Punjab Civil Service Rules, Vol-I Part-I and the instructions issued by the State Government from time to time.

*\*[Substituted vide Govt. Notification No. 3/1/6/88/IFCD/6010 dated 21 & 22 June, 89]*

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

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

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

(2) A Government employee on deputation in a foreign country may also be granted a compensatory allowance of such amount as the competent authority may think fit.

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

(4) The grant of free passages, and of subsistence and travelling allowance to Government employees on duty in Europe and America is governed by the rules in Chapter XIII of this Volume and Appendix 10 of Part II of this Volume, respectively.

Note 1.- A competent authority may depute a subordinate police employee to any country outside India to accompany on take charge of criminal or lunatics, or any other business which is part of his duty as a police officer, and may grant to the officer so deputed-

- (a) full pay, for the entire period of absence from India, with;
- (b) actual travelling expenses, and a substance allowance not exceeding the following scale, while in any country outside India –

	S.	D.
For Government employee of the Inspector class (including sub inspector)	22	6 a day
For Government employees of the Sergeant class		
For Government employee of the constables and Assistant Inspectors Class.	15	0 a day

Pakistan for the purposes of this not is treated as in India.

Note 2- The High Commissioner may be authorised to act on the decision taken under provision to sub-rule (1). The periods of deputation, thus, converted into leave will count for pensions as leave and not as deputation.

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

Note 4.- The turn “pay in the expression “pay which he would have drawn had he remained on duty in duty India occurring in this rule, should be interpreted literally with references to the definition in rule 2.44 and the pay which a Government employee would have drawn if he were on duty in India should be determined, for the purpose of this rule, with reference to what the competent authorities I India, state

the Government employees pay would have been if he were on duty in India, it will, therefore, be necessary for Accountant General to intimate to the High Commissioner in each case after consultation with Government, the pay which a Government employee would have drawn if on duty in India.

As overseas pay is included in "pay" and as a Government employee would draw overseas pay under rule 6.2 (I) (if entitled to it) had he remained on duty in India, it should be taken into account for the purpose of calculation of the deputation pay under that rule.

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

Note 5.- In the case of a Government employee proceeding on deputation the grant of return passage to India is conditional on his return to duty forth with on the conclusion of the deputation unless an arrangement to the contrary effect is specially permitted at the time the deputation closes or is about to close, and the time the deputation close or is about to close, and the proposed leave is begun.

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

Note 7. - For terms to be granted to Government employees sent on training abroad under the various training schemes see Appendix 20-A to part II of this Volume.

6.3 When Government employee is with proper sanction deputed for duty out of India to hold a regular constituted permanent or quasi permanent, post, other than a post borne on the cadre of the service to which the belongs his pay

shall be regulated by the orders of the competent authority.

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**CHAPTER – VII**  
**Dismissal, Removal and Suspension**

**CESSATION OF PAY ANDE ALLOWANCES ON REMOVAL OR DISMISSAL**

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

**ALLOWANCES DURING PERIOD OF SUSPENSION**

- 7.2 (1) A Government employee under suspension shall be entitled to the following payments, namely :-
- (i) in the case of a Warrant Officer in Civil employ who is liable to revert to military duty, the pay and allowances to which he would have been entitled had he been suspended, while in military employment.
  - (ii) In the case of any other Government employee -
  - (iii) A subsistence allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on leave on half pay, and in addition dearness allowance, if admissible, on the basis of such leave salary :

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

- (i) the amount of subsistence allowance may be increased by a suitable amount not exceeding 30 per cent of the subsistence allowance admissible during the period of the fist six months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the Government employee .
- (ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of

the subsistence allowance admissible during the period of the first six months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Government employee.

- (iii) the rate of dearness allowance will be based on the increased or as the case may be the decreased amount of subsistence allowance admissible under clauses (i) and (ii) above ;
- (b) any other compensatory allowances admissible from time to time on the basis of pay of which the Government employee was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

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

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

The term “Mounted Police Officer” includes members of the Mounted Police as well as Upper Subordinates who keep mounts.

Note 2.- It is obligatory under this rule that in sufficient time before the expiry of the first six months of suspension the competent authority should review each case in which the period of suspension is likely to exceed six months, and even if it comes to the conclusion that the rule is not to be altered having regard to all circumstances of the case specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken.

### **ALLOWANCES ON REINSTATEMENT**

7.3. (1) When a Government employee, who has been dismissed, removed or compulsory retired, is reinstated as a result of appeal, revision or review, or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order-

- (a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty including the period of suspension, preceding his dismissal removal or compulsory retirement, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of opinion that the Government employee, who had been dismissed, removed or compulsorily retired, has been fully exonerated, the Government employee shall, subject to the provisions of sub-rule (6), be paid his full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended, prior to such dismissal, removal or compulsory retirement, as the case may be :

Provided that where such authority is of opinion that the termination at the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall, subject to the provisions of sub-rule (7), be paid for the period of such delay only such amount (not being the whole) of pay and allowances, as it may determine.

(3) In a case falling under sub-rule (2) , the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty

for all purposes.

(4) In cases other than those covered by sub-rule (2) including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the authority exercising Powers or appeal revision or review solely on the ground of non compliance with the requirements of clause (2) of article 311 of the Constitution and no further Inquiry is proposed to be held, the Government employee shall, subject to the provisions of sub-rules (6) 811d (7), be paid such amount (not being the whole) of pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or Suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection with such period as may be specified in the notice.

Provided that any payment under this sub-rule to a Government employee other than a Government employee who is governed by the provisions of the payment of Wages Act, 1936 (Act 4 of 1936) shall be restricted to a period of three years immediately preceding the date on which order for re-instatement of such Government employee are passed by the authority exercising the powers of appeal, revision or review, or Immediately preceding the date of retirement on superannuation of such Government employee, as the case may be.

(5) In a case falling under Sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, 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 Government employee so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government employee.

Note :-The order of the competent authority under the preceding proviso shall be absolute and no sanction of the higher authority shall be necessary for the grant of-

- (a) extraordinary leave excess of three months in the case temporary Government employee; and
- (b) leave of any kind due in excess of five years in the case of a permanent and quassi permanent Government employee.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowance is admissible.

(7) The amount determined under the proviso to sub-rule (2), or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

(8) Any payment made under this rule to a Government employee on his reinstatement, shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere nothing shall be paid to the Government employee.

Note1 This rule is absolute and unconditional and so the question of lien does not arise in the case of a Government employee who is dismissed from service and is reinstated on appeal, revision or review when the period of unemployment between the date of dismissal and reinstatement is declared by the authority exercising the period of appeal, revision or review as the period spent on duty.

Note2 Clause (b) or sub-rule (I) of this rule does not forbid the period spent under suspension being treated as leave, and it is open to the authority exercising the Powers of appeal, revision or review to specify the proportion of pay and allowances to be paid as the leave salary which would be permissible, if the Government employee were on leave.

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

Note3 If no order is passed under sub-rule (5), directing that the Period of absence be treated as duty for any specified purpose, the period of absence should be treated as 'non-duty'. In such event, the past service (i. e, service rendered before dismissal, removal, compulsory retirement) will not be forfeited.

Note4 There is no bar to the conversion of any portion of a Period of suspension into extraordinary leave. In the case of persons who are not fully exonerated, the conversion of the Period of suspension into leave with or without

allowances has the affect of removing the stigma of suspension and all the adverse consequences owing therefrom. The moment the period of suspension is converted into leave, it has the effect of vacating the order of suspension, and it will be deemed not to have been passed at all. Therefore, if it is found that the total amount of subsistence and compensatory allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances, the excess will have to be refunded and there is no escape from this conclusion.

7.3-A. (1) Where the dismissal removal or compulsory retirement of a Government employee is set aside by a court of law and such Government employee is re-instated without holding any further inquiry, the period of absence from duty shall be regularized and the Government employee shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or sub-rule (3) subject to the directions if any, of the court.

(2) (i) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by the court solely on the ground of non-compliance with the requirements of article 311 of the Constitution, and where he is not exonerated on merits, the Government employee shall, subject to the provisions of Sub-rule (7) of rule 7.3, be paid such amount (not being the whole) of the pay and allowances, to which he would have been entitled had he not been dismissed, removed or compulsorily retired, suspended prior to such dismissal removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period may be specified in the notice :

Provided that any payment made under the sub-rule to a Government employee other than a Government employee who is governed by the provisions of the Payment of Wages Act, 1986 (Act 4 of 1936) shall be restricted to a period of three years immediately preceding the date on which the judgment of the court was passed or the date of retirement on superannuation of such Government employee, as the case may be.

(11) The period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularized in accordance with the provisions contained in sub-rule (5) of rule 7.3.

(3) If the dismissal, removal or compulsory retirement of a Government employee is set aside by the court on the merits of the case, the period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, a. the case may be, and the date of reinstatement shall be treated as spent on duty for all purposes and he shall be paid full pay and allowances for that period to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or Suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere nothing shall be paid to the Government employee.

7.3-B (1) When a Government employee who has been suspended is reinstated or would have been so re-instated but for his retirement on superannuation while under suspension the authority competent to order re-instatement shall consider and make a specific order-

- (a) regarding the pay and allowance to be paid to the Government employee for the period of suspension ending with re-instatement or the date of his retirement on superannuation, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in rule 7.3 or rule 7.3-A, where a Government employee under Suspension dies before the disciplinary or court proceedings instituted against him, are concluded, the period between the date of suspension and the date of death shall be treated as spent on duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order re-instatement is of opinion that the suspension was wholly unjustified, the Government employee shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended :

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee, had been delayed due to reasons directly attributable to the Government employee, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall be paid for the period of such delay only such amount {not being the Whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule {3), the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and {3), the Government employee shall, subject to the provisions of sub-rules (8) and {9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the competent authority may determine, after giving notice to the Government employee or the quantum proposed and after considering the representation, if any, submitted by

him in that connection within such period as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government employee shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of Sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension 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 Government employee so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government employee.

Note- The order of the competent authority under the preceding proviso shall be absolute and no sanction of the higher authority shall be necessary for the grant of-

- (a) extraordinary leave in excess of three months in the case of temporary Government employee; and
- (b) leave of any kind in excess of five years in the case of permanent Government employee.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

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

Note2 The period spent under medical treatment by a Government employee under suspension, shall be treated as spent under suspension and the subsistence allowance as admissible under the rules shall be given for that period on reinstatement, it shall be specified whether it is to be treated as 'duty' or 'non-duty' with reference to the provisions of this rule, unless the Government employee concerned desires and the competent authority orders that it may be converted into leave of the kind due and admissible to him.

Note3 Extra post is not required to be created for grant of full pay and allowances on reinstatement of a suspended employee after his having been fully exonerated.

Note 4 Also see note 4 under rule 7.3(8).

### **LEAVE TO A GOVERNMENT' EMPLOYEE UNDER SUSPENSION**

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

Note1 A Suspension vacancy should be treated as filled by a reservist, if one is available at the time, a Government employee belonging to an establishment containing a leave reserve is placed under suspension. If no reservist is available at the time, an outsider may be appointed but replaced by a reservist as soon as one is available.

Note2 In an establishment where provision for leave reserve exists, any vacancy caused on account of suspension of a Government employee should be filled by a 'reservist' and where 'reservist' is not available, the post should be filled by an officiating appointment. It is, however, not necessary to create an extra post.

### **FORFEITURE OF SERVICE ON RESIGNATION**

7.5(1) Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be converted by grant of leave of any kind due to the Government employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in public interest on the following conditions, namely :-

- (i) that the resignation was tendered by the Government employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation ;
- (ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper ;
- (iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person was allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days ;
- (iv) that the aforementioned period of ninety days shall be observed in the manner that the employee concerned should put in his application for withdrawal of resignation within two months of being relieved and the same should as far possible be processed within a period of one month; and (v) that the post, which was vacated by the Government employee on the acceptance of his resignation or any other

comparable post is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government employee resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

## **CHAPTER VIII – Leave**

### **SECTION I – General Conditions And Extent of Application**

#### **I. SERVICE COUNTING FOR LEAVE**

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

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

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

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

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

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

## II- APPLICATION FOR AND GRANT OF LEAVE

### (1) GENERAL

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

Note. - The instructions issued by the Comptroller and Auditor-General of India are contained in paragraphs 1 to 5 Part I of Appendix 11 in Part II of this Volume.

### (2) APPLICATION FOR LEAVE.

#### (a) To whom to be submitted.

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

Note. - Application for leave should be made on form Public C.S.R. No.2.

8.5 A Government employee on foreign service in India should submit all applications for leave, other than earned leave not exceeding 120 days, with the report of the Accountant-General, through his employer, to the authority competent to sanction the leave.

#### (b) Procedure in case of leave on medical certificate.

##### Instructions for Medical Officers

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

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

8.8 – 812. Omitted.

##### Medical certificate for Government employees.

8.13 (a) Every application for leave on medical grounds made by a Government employee shall be accompanied by a medical certificate given by a registered medical practitioner or a Vaid or Hakim or a Homoeopathic Practitioner defining as nearly as possible the nature and probable duration of the illness or by a request for the issue of a requisition for examination by a medical officer of the Government :

Provided that the authority competent to sanction leave may, at its discretion, waive the condition of producing a medical certificate in the case of a gazetted Government employee if the leave applied for does not exceed three days at a time and such leave shall not be treated as leave on medical certificate and shall be debited against leave due other than the leave on medical grounds.

(b) The authority competent to sanction leave may at its discretion, secure a second medical opinion by requesting the Principal Medical Officer or Assistant to the Civil Surgeon to have the applicant examined. If it decides to do so, it must arrange for the second examination to be made at the earliest possible date after the date on which the first medical opinion was given.

(c) The Principal Medical Officer or Assistant to the Civil Surgeon shall express his opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may require the applicant for leave to appear either before himself or before a medical officer nominated by him.

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

Note 2. - The possession of a certificate as prescribed in this rule does not registered under the provisions of the Punjab Medical Registration Act, 1916 and includes a medical practitioner –

(i) whose name appears in the latest annual medical list ; and

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

Note 3. - The terms Vaid, Hakim or Homoeopathic Practitioner means any practitioner registered under the provisions of the Punjab Ayurvedic and Unani Practitioners Act, 1963 or the Punjab Homoeopathic Practitioners Act, 1965.

Note 4. - The Government employee should obtain a medical certificate in the following form or as nearly in that form as the circumstances may permit :-

“Medical Certificate for Government employees recommended for leave, extension or leave or commutation of leave.”

(1) Name (to be filled in by the applicant in the presence of the registered medical practitioner/

Vaid/ Hakim/ Homoeopathic Practitioner).

- (2) Appointment.
- (3) Age.
- (4) Signature of the applicant.
- (5) Total service.
- (6) Previous period of leave or of absence on medical certificate.

(Columns 5 and 6 to be filled in by the applicant in the presence of the registered medical practitioner/ Vaid/ Hakim/ Homoeopathic Practitioner).

I \_\_\_\_\_, after careful personal examination of the case hereby certify that \_\_\_\_\_ whose signature and particulars are given above, is suffering from \_\_\_\_\_ and I consider that a period of absence from duty of \_\_\_\_\_ with effect from \_\_\_\_\_ is absolutely necessary for the restoration of his health

Dated the

Government Medical Attendant OR  
Registered Medical Practitioner,  
Vaid, Hakim or Homoeopathic  
Practitioner.

(Second medical opinion if called for by the authority competent to sanction leave).

Principal Medical Officer or  
Assistant to Civil Surgeon

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

### (3) GRANT OF LEAVE

#### (a) General.

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

The nature of leave due and applied for by a Government employee cannot be altered at the option of the

sanctioning authority. Some while it is open to the sanctioning authority to refuse or revoke leave due and applied for under this rule it is not open to him to alter the nature of such leave.

8.16 (1) The grant of a certificate under rule 8.13 or 8.14 does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited. A Government employee who absents himself from his duty without permission of the competent authority is liable to have his absence treated as absence from duty without leave.

(2) The authority competent to grant leave may, in its discretion waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

8.17 In cases where all applications for leave can not, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account following considerations:

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

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

- (a) If the medical committee or board is unable to say with certainty that the Government employee will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee or board.
- (b) If the medical committee or board declares the Government employee to be completely and permanently incapacitated for further service he should, except as provided in clause (c) below, be invalidated from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee or board, or, if he is on duty from the date of relief of his duties which should be arranged without delay on receipt of the report of the medical authority.

- (c) A Government employee declared by a Committee or Board to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government employee's breakdown in health has been caused in and by Government service, or when he has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

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

8.20 Leave should be sanctioned to both Gazetted and Non-Gazetted employees after due verification by the authority maintaining the leave account and a modified sanction for the period of leave can be issued, where necessary. If a Government employee is on foreign service or is applying for leave out of India, leave should not be sanctioned without obtaining the title to leave from the Account General, Punjab.

Note. - In the case of leave preparatory to retirement or refused leave an undertaking for recovery of leave salary, if any, paid in excess shall be taken from the Government employee.

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

8.21 (a) Leave at the credit of a Government employee in his leave account shall lapse on the date of his retirement:

Provided that the Government employee, –

- (A) retiring on superannuation on or
- (B) retiring prematurely, voluntarily or on invalidation or
- (C) retiring compulsorily as a measure of punishment and in whose case out in the amount of pension has not been ordered by the competent authority;

Shall, subject to the provisions of sub rule (c), be entitled to cash payment in lieu of the unutilised leave due as leave preparatory to retirement as under:-

- (i) the cash payment shall be equivalent to leave salary limited to a maximum of 180 days' earned leave ;
- (ii) the cash payment shall become payable on retirement on superannuation in lump sum as a one-time settlement ;

- (iii) the leave salary for the purpose of this rule shall not include city compensatory allowance or house rent allowance; and
- (iv) no deduction on account of pension, pensionary benefits equivalent of other retirement benefits, and the graded relief on pension shall be made from the cash thus paid:

Provided further that a Government employee, who attained the age of superannuation before the 30<sup>th</sup> day of September, 1977, and was on extension of service thereafter shall not be entitled to the aforesaid benefits of cash payment for the unauthorised leave due as leave preparatory to retirement:

Provided further that the Government employee who was on leave preparatory to retirement on the 30<sup>th</sup> day of September, 1977 and was allowed to return to duty by the competent authority on or after that date shall be entitled to the aforesaid benefit of cash payment for the unutilised leave due as leave preparatory to retirement.

“Provided further that a Government employee, who has been prematurely or voluntarily retired or has retired on invalidation, shall be entitled to the aforesaid benefit of cash payment for the unutilised leave due notwithstanding that as a result of it the period between date of his retirement as aforesaid and the date on which he would have retired in the normal course on superannuation exceeds the date of retirement on superannuation.”

- (aa) Notwithstanding anything contained in sub rule (a) the authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of Government employee who retires from service on superannuation while under suspension or while disciplinary or criminal proceedings are pending against him if in the opinion of such authority, there is a possibility of some money becoming recoverable from him on conclusion of the proceedings, against him and on conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any”
- (b) In the case of a Government employee who is granted extension of service after the date of retirement on superannuation, on or after the 30<sup>th</sup> day of September, 1977, the benefit of cash payment admissible under sub-rule (a) shall be granted to such Government employee on the expiry of such extension to the extent of earned leave at his credit on the date of retirement on superannuation plus earned leave, earned by him during the period of extension in service, reduced by the earned leave availed of during such period, subject to maximum of 180 days earned leave, due as the leave preparatory to retirement,
- (d) Notwithstanding anything to the contrary contained in sub-rule (a), on or after the 11<sup>th</sup> day of March, 1981, the cash payment for the unutilised leave preparatory to retirement admissible under the aforesaid sub-rule (a) shall be calculated as under:

Pay admissible on the date of	Number of days of unutilised
-------------------------------	------------------------------

retirement plus dearness X earned leave at credit on the date of  
allowance admissible on that retirement subject to a maximum of  
date 180 days.

30

- (d) A Government employee remained in service after the date of retirement shall earn leave on full pay, at the rate of 1/12<sup>th</sup> of duty performed after that date and shall be allowed to add thereto any amount of leave, the benefit of which would have been granted to him under sub-rule (a) had he retired on that date. The total period of leave which he may take on each occasion shall not exceed 180 days, or the amount of earned leave, due whichever is less. The Government employee may be granted leave preparatory to retirement upto a maximum of 180 days or earned leave, as the case may be, as follows:-
- (i) the balance, after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave, the benefit of which could have been granted to him under sub-rule (a) had he retired on the date of retirement plus.
  - (ii) the amount of leave earned under this sub-rule.

- Note 1. - In the case of the person re-employed after retirement the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.
- Note 2. - When a Government employee, who is already on an extension of service, applies for leave during the period of his extended service the conditions for the grant of such leave should be the same as for the grant of leave in an ordinary case after the age of retirement.
- Note 3. - A Government employee retained in service after the age of retirement is entitled to earned leave under sub-rule (d) of this rule and a debit balance, if any, on the date he attained that age should be considered as wiped off.
- Note 4. - The period of 180 days mentioned in this rule includes any period of vacation with which leave is combined.
- Note 5. - See also note under clause (d) of rule 3.26.
- Note 6. - A deduction under rule 8.117 on account of vacation enjoyed should also be made in the case of Government employees whose leave is regulated under clause (d) of this rule.

Note 7. - A deduction under rule 8.117 on account of vacation enjoyed and at the credit of Government employee on the date of his retirement, would be competent to issue an order granting cash equivalent of such earned leave as also the authority to whom the powers to grant earned leave have been delegated under the relevant delegation orders.

8.22 Omitted.

#### (4) AUTHORITIES COMPETENT TO GRANT LEAVE

8.23 Appendix 12 in Part II of this Volume specifies the authorities by whom leave admissible under these rules, other than leave on medical certificate under rule 8.18, leave after the date of compulsory retirement under rule 8.21, special disability leave under rule 8.124 and 8.125, study leave under rule 8.126 and extraordinary leave under rule 8.137 of these rules, may be granted;

“Provided that authorities specified in Appendix 12, in Part II of this Volume may further delegate their powers to grant leave to any authority subordinate to them subject to such conditions and limitations as they may deem fit to impose Provided further that”.

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

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

8.23 Omitted.

### **III - COMMENCEMENT AND EXPIRY OF LEAVE AND COMBINATION OF HOLIDAYS WITH LEAVE**

#### **(1) Commencement and expiry of leave.**

8.25 Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government employee returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation, or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India.

(2) **Combination of holidays with leave.**

8.26 An authority competent to grant leave may permit Sundays, other recognized holidays or vacation to be prefixed to leave or affixed to leave or to be both prefixed and affixed to leave in the circumstances and on the conditions laid down in rules 8.27 to 8.32.

Provided that prefixing and suffixing Sundays or other holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons, permission for prefixing and suffixing Sundays or other holidays to leave is specifically withheld. In case of leave on medical certificate if the day on which an employee is certified medically fit for rejoining duties happens to be Sunday or other holiday, he shall automatically be allowed to suffix such a holiday to his medical leave and such day shall not be counted as leave.

Note. - See also rules 3.23 and 3.24.

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

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

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

Note 2. - The fundamental principle is that two Government employees can not be on duty in the same post. Under rule 8.27/8.28 a competent authority can not accordingly direct that both the relieving and the relieved Government employees shall be considered as on duty in the same post during the period of holidays. A competent authority can under the rule direct that the leave of the Government employee \_\_\_\_\_preceding on/returning from leave and the consequent arrangement of pay and allowance shall take effect from the first day after/before the holidays or from some day during the holidays. If a holiday comes at the beginning/end of leave the Government employee

\_\_\_\_\_going on/ Returning from leave can be allowed under rule 827/828 during that holiday, where ordinarily no work is required of him to to \_\_\_go/remain off and count the holiday as duty, as if would have counted had he not been going on leave/ returning to duty before holidays. The Government employee going on/Returning from leave. Does not then make over till the holiday is over. If a competent authority then takes over before the holiday commences decided that in the circumstances of the case some one must be on the spot in charge than either (1) the Government employee going on/ Returning from leave remain the relieving Government employee must ----- during the holiday or (2) -----return the Government employee to be relived be appointed to must the charge during the whole or part of the holidays according to the orders and he must do the work without drawing the outgoing/ incoming pay of the post, the man being allowed to be away from the station though being treated as on duty during the whole or part of the holidays.

8.29 In the case of Government employees serving in vacation Departments, vacations may be prefixed or affixed to leave, or both prefixed and affixed or allowed to intervene between two periods of leave subject to the conditions mentioned in rules 3.23, 3.24, 8.27, 8.28, and 8.117(c). The previous approval of the Department of Finance should be obtained in cases where combination of vacation with leave involves extra expense to Government.

Note. - Recognised holidays intervening between leave and vacation or vice versa should, be treated as part of the vacation and such holidays should be taken into account for the purpose of calculating the maximum amount of earned leave admissible to a Government employee at any one time.

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

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

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

- (i) no additional expense is incurred by the State for the period of the vacation.
- (ii) vacation shall be reckoned as leave in calculating the maximum amount of “earned leave” which may be included in the particular period of leave.

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

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

(2) Unless the authority competent to grant leave in any case, otherwise directs, -

- (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes effect from the day after the holidays; and
- (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent re-arrangement of pay and allowances take effect from the day on which the leave would have ended, if holidays had not been suffixed.

#### **IV - DEPARTMENT ON LEAVE**

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

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

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

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

8.38 If, when a Government employee is about to depart from India, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide before he leaves India, whether it will be permanent or temporary; or if for any reason it is considered inexpedient that

a Government employee on leave should return to India, a full report of the circumstances must be made by the department of the Government concerned to the High Commissioner for India to enable him to take any necessary measures before the Government employee, would, in the ordinary course, be permitted to return to duty. The report should in any case reach the India Office at least three months before the end of the Government employee's leave.

8.39 When leave on medical certificate has been granted to a Government employee, or in the case of a military officer in civil employ, when the grant of such leave has appeared in order, and the Government employee or military officer proposes to spend his leave in Europe. North Africa, America or the West Indies, the department of the Government must, without delay, forward a copy of the medical statement of the case to the High Commissioner for India.

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

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## V - ACCEPTANCE OF EMPLOYMENT DURING LEAVE

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

- (a) the competent authority, if the proposed service or employment lies elsewhere than in India;
- (b) the Government, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

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

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

Note 3. - No permission for accepting employment during leave preparatory to retirement shall be granted;

Provided that in exceptional circumstances, the competent authority or the Government, as the case may be, may permit the Government employee to accept employment with any public sector undertaking and on grant of such permission, the leave salary shall not be restricted to that admissible during half-pay leave.

Note 4. - The leave salary of a Government employee permitted to take up employment during terminal leave granted under rule 8.138-A shall not be restricted to the amount of leave salary admissible during the half-pay-leave but shall be subject to reduction on account of pension and pension equivalent of other retirement benefits and such a Government employee shall be paid in lump sum the amount equivalent to leave salary and allowances, for the entire period of such leave as one-time settlement.

Note 5. - A Government employee who volunteers for premature retrenchment in order to take up private employment should be treated as having resigned his post of his own volition and granted terminal leave not exceeding half the amount of earned leave at his credit and his leave-salary restricted to the amount of leave-salary admissible in respect of half pay leave.

Note 6. - Re-employed pensioners and specialists/ contract officers can be permitted to take up employment/ service during the currency of terminal leave, but in that case their leave salary should be restricted to

the amount of leave salary admissible in respect of half pay leave.

Note 7. - This rule does not apply where a Government employee has been allowed to take up a limited amount of private practice and receives fees therefore as part of his conditions of services, e.g. where a right of private practice has been granted to a medical officer.

8.41-A. The following are the terms granted to officers on appointment in Civil Departments during leave preparatory to retirement –

- (1) When a Government employee who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under the Punjab Government, and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of Rule 8.21; it may be granted from the date of compulsory retirement of the Government employee. Such recall will be treated as optional for the purposes of Rule 8.42.
- (2)
  - (a) When a Government employee is employed in any post under the Punjab Government, while he is on leave under rule 8.21, he may continue to enjoy his leave concurrently with such employment but his leave salary which may be drawn in addition to pay of the post in which he is employed, shall be restricted to the amount of leave salary admissible in respect of leave on half pay in all such cases including the case of that Government employee who is eligible for pension.
  - (b) In respect of the fresh employment during leave, the pay of the Government employee will be regulated according to the latest scale of pay attached to the new post in which he is re-employed as if he were in temporary employ. No leave will be earned in respect of such period of employment during leave.
  - (c) During such employment he may also be granted dearness and compensatory allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary nor will the leave salary be taken into account in calculating these allowances.
- (3) The leave salary of a Government employee who is permitted during leave preparatory to retirement before attaining the age of superannuation, or during leave granted after the date of compulsory retirement, under Rule 8.21 to take up employment under the Government of India, or a State Government, or under a private employer or employment payable from a Local Fund, will also be restricted during such employment as in (2) above.

Note. - The intention underlying clause (2) is not to fetter the discretion of the competent authority to recall a Government employee from leave preparatory to retirement granted under rule 8.21, and the grant to

him if necessary of further extension of service. When a Government employee, who was to proceed on leave preparatory to retirement under rule 8.21 is recalled to duty during the period of such leave and is granted further extension of service the unexpired portion of the leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under rule 8.21 (b).

## **VI. - RECALL FROM LEAVE**

8.42 In case a Government employee is recalled to duty before the expiry of his leave, he is entitled –

- (a) if the leave from which he is recalled is out of India –
  - (i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;
  - (ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
  - (iii) to receive leave salary during the voyage to India and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it, had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under the Punjab Travelling Allowance Rules.
- (b) If the leave from which he is recalled is in India to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under the Punjab Travelling Allowance Rules for the journey, and to draw leave salary until he joins his post at the same rate at which he would have drawn it but for recall to duty.

Note 1. - Orders recalling a Government employee on leave out of India should in all cases be communicated to him through the High Commissioner for India.

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

Note 3. - The expression “on the termination of his leave”, in clause 9a) (iii) of this rule means “on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted.” The effect of this interpretation will be to make the same leave salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave

proper or joining time under Rule 9.1 as the case may be.

Note 4. - Omitted.

## **VII. RETURN FROM LEAVE**

### **(1) Before expiry of leave.**

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

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

### **(2) Return from leave on Medical Certificate.**

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

Signature of the applicant \_\_\_\_\_.

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

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

“(ii) The authority under which the Government employee will be employed on return from leave may, if it considers necessary, obtain a second medical opinion about the fitness of the Government employee to resume duty by requesting the Civil Surgeon, the Principal Medical Officer or the Assistant to Civil Surgeon to medically examine the Government employee”, and

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

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

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

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

“Note: A Government employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness Certificate which recommends light work for him.”

8.44-A (a) Omitted

### **(3) Report of return from leave.**

8.45 A gazetted Government employee, on return from leave, must report his return to Government.

8.46 A Government employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave. He must report his return to duty and await orders.

## **VIII. OVERSTAYAL OF LEAVE**

8.47 (1) Unless the authority competent to grant leave extends the leave, a Government employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Willful absence from duty after the expiry of leave renders a Government employee liable to disciplinary action.

## **IX. LEAVE-SALARY**

### **(1) General**

8.48 (a) Subject to any instructions given by the competent authority in connection with the control of the issue of money from treasuries or by the Comptroller and Auditor General of India in order to secure efficiency and uniformity of audit, the following rules prescribe the procedure:

- (i) in the payment of leave-salary; and
- (ii) in the maintenance of record of service, shall be observed in India.

Note. - The instructions issued by the Comptroller and Auditor-General of India are given in Appendix 11 of this Volume.

- (b) The procedure to be followed elsewhere than in India in respect of payment of leave-salary, extension of leave and return from leave is detailed in Appendix 13.

## (2) Payment of leave-salary.

8.49 (1) Unless the competent authority by general or special order otherwise directs, leave salary shall be drawn in rupee in India:

Provided that, that portion of leave salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling and the payment shall be made by the High Commissioner for India in London.

(2) & (3) Omitted.

(4) Payment of leave salary in sterling shall be subject to such restrictions in the matter of foreign exchange as the Government of India may from time to time impose.

(5) Any leave salary drawn outside India shall be subject to deduction of Indian Income-tax and super-tax at the rate which would have been applicable if that salary had been drawn in India.

## X. LEAVE ACCOUNTS

8.50 A leave account for each permanent Government employee subject to the Leave Rules in Section III of this Chapter shall be maintained in form A.T.C. 2-A (see Appendix 11 to these Rules).

Note 1. - A separate leave account should be kept of the leave earned by a Government employee serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted and the allowance drawn during all leave which is so debited should be charged to that Government.

Note 2. - The leave account of Government employees under the Revised Leave Rules, 1936, should be maintained in form Punjab C.S.R. No.16, with effect from 1<sup>st</sup> July, 1959.

Note 3. - The balance of earned leave or half pay leave at the credit of a Government employee shall invariably be indicated on the order sanctioning such leave to that employee.

8.51 The leave account of a Gazetted and non-gazetted Government employee shall be maintained by the Head of the Department and by the Head of Office, as the case may be, in which he is employed.”

## X. EXTENT AND APPLICATION

### (1) Different Sets of Leave Rules and the Categories of Government employee subject thereto.

8.52. For purpose of grant of leave and leave salary Government employee other than those engaged on contract (vide Rule 8.57) or those for whom special provision regarding leave has been made fall in any of the following categories:-

- (1) Government employee whose leave was regulated in accordance with the Fundamental Rules as subsequently adopted and amended from time to time by Punjab Government;
- (2) Government employees who are subject to Punjab Revised Leave Rules,1936 and who enter or have entered or are or have been re-employed in Government service, whether in a permanent or other capacity, on or after 1<sup>st</sup> January,1931.

**Explanation :** “Government Service” shall be deemed to include prior service under any other Government in India or under Local Funds administered by Government.

Note. - The staff employed on Central Agency Work will be governed by the leave rules of the Central Government or these rules in accordance with the provisions set forth in Annexure II of section I of this Chapter.

8.53. The leave rules relating to Category (2) in Rule 8.52 are contained in Section III of this Chapter.

8.54 Omitted.

8.55 The rules in this section are not applicable to Government employee paid from Defence Estimates who are temporarily transferred to service, paid from Civil Estimate, (including service in a tenure post). Such Government employees remain subject to the rules which applied to them before their transfer.

8.56 Omitted.

8.57 Leave admissible to Government employees engaged on contract will be determined by the terms of their contracts: Provided that no leave will be admissible in excess of the leave which would be admissible to a Government employee holding a permanent post.

Note:- Model Leave Terms for Government employees engage on contract on or after the 22<sup>nd</sup> July,1936, are given in part I of Appendix –16, in Punjab Civil Services Rules, Volume I, Part II.

8.58 Leave on medical certificate to Government employees subject to Rules 8.131 and 8.132 shall not be granted for a period extending beyond the term of the Government employees contract unless or until it has been decided to retain him in permanent employment.

Note:- The provisions of Rule 8.21 apply mutatis mutandis to Government employees engaged on contract.

## **2) Periods of Off Duty which are not treated as Regular Leave.**

### **(a) Vacation**

8.59 Unless the contrary appears from the context vacation counts as duty and not as leave.

A competent authority may specify the departments or parts of departments which should be treated as vacation departments and the conditions in which a Government employee should be considered to have availed himself of a vacation.

Note. - The orders issued under this rule are given in the Annexure I to this section.

### **(b) Casual and Quarantine leave**

8.60 A Government employee on casual leave or on quarantine leave is not treated, as absent from duty and his pay and allowances are not intermitted, as such leave is not recognised regular leave and is not subject to the rules in this Chapter.

8.61 Rules regulating the grant of casual leave and quarantine leave are given in Appendix 17 in Part II of this Volume.

## **ANNEXURE I**

(See Rule 8.59)

1. A vacation department is a department, or part of a department, to which regular vacations are allowed during which Government employees serving in the department are permitted to be absent from duty.

2. (i) The following classes of Government employees serve in vacation department when the conditions of paragraph 1 above are fulfilled :-
- (a) Educational Officers, other than the Director of Public Instruction and inspecting officers, and their establishment.
  - (b) Judicial officers of rank not higher than that of subordinate judge and their establishments –
  - (c) Any other class of Government employees which a competent authority may declare to be so serving.
- (ii) In case of doubt, a competent authority may decide whether or not a particular Government employee is serving in a vacation department.

Note 1. - District and Sessions Judges may, with the express permission of the Hon'ble Judges of the High Court, avail themselves, without prejudice to their regular leave, of so much of the vacation during the month of September as is not needed for the disposal of Criminal business : Provided that suitable arrangements, with the approval of the High Court, can be made for the disposal of work and that the State is not put to any additional expenditure in the way of telegraph, postal or other similar charges. At places where there are two or more Judges in a Sessions Court, they may subject to the condition that at least one of them remains on duty, avail themselves of the vacation on dates falling between the 24<sup>th</sup> August and 8<sup>th</sup> October. Vacation in their case shall be treated as recognised holidays.

Note 2. - A complete list of Government employees serving in vacation departments is given in Appendix 18 in Part II of this Volume.

3. A Government employee serving in a vacation department shall be considered to have availed himself of a vacation, or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to forego such vacation, or portion of a vacation; Provided that if he has been prevented by such an order from enjoying more than 15 days of vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 1. - A Government employee who has routine duties to discharge during a vacation which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government employee, shall be considered to have availed himself of a vacation or a part of it. A Government employee who absents himself from his place of duty during any part of vacation is expected to arrange for and is responsible for the performance without any cost to Government, of such routine duty. Should a Government employee who is absent from the place of duty during any portion of a vacation be recalled thereto, he will not be entitled to travelling allowance unless the vacation is combined with leave.

Note 2. - The words “higher authority” occurring in this paragraph mean in the case of the head of an office or institution the Head of Department and in other cases the head of the office or institution.

## ANNEXURE II

(Referred to in Note 3 below Rule 8.52)

1. The staff employed on Union Agency work will be governed by the leave rules of the Union Government or the rules of the Punjab Government in accordance with the following principles.
2. Such staff may be divided into the following categories :-
  - (a) Personnel recruited for and employed in agency departments whose pay, leave salary, allowances and pensions are charged direct to the Union Government, i.e., personnel who are paid direct by the Union Government but who are technically under the administrative control of the Punjab Government.
  - (b) Personnel recruited and employed in connection with the affairs of the Punjab, whose pay, leave salary, allowances and pensions are charged to State revenues, but whom the Punjab Government employs temporarily on agency work. For their services the Union Government pays the Punjab Government an agreed sum and the entire leave charges are borne by the latter.
  - (c) Personnel as in category (b) above whose services are employed by the Punjab Government part-time or casually, on performing Union Agency duties. For their services the Union Government usually pays an agreed sum to the Punjab Government which includes leave charges.
  - (d) Personnel falling in either of the three categories given above who have from 1<sup>st</sup> April, 1937 come under the direct control of the Union Government on resumption by them of the administrative control over certain agency functions.
3.
  - (i) The Government employees belonging to category (a) who were recruited on or after 1<sup>st</sup> April, 1937 would be governed, by the leave rules of the Union Government, however, such officers who were on 6<sup>th</sup> January, 1944, governed by the leave rules of the Punjab Government will have an option of remaining under those rules or of coming under the Union Government’s leave rules on the principles and conditions laid down in rule 8.115-A of these rules.
  - (ii) The Government employees falling under categories (b) and (c) (irrespective of the dates of recruitment) would remain under the leave rules of the Punjab Government and the Union Government would meet their share of leave charges as calculated under these rules.

## SECTION II

Old Leave Rules applicable to Government employees belonging to category 1 mentioned in Rule 8.52.  
8.62 to 8.112. Omitted.

(Note. - For old leave Rules applicable to Government employees of category I mentioned in Rule 8.52, see Rules 8.62 to 8.112 printed in 1963 edition of this book.)

### SECTION III - REVISED LEAVE RULES APPLICABLE TO GOVERNMENT EMPLOYEES BELONGING TO CATEGORY (2) MENTIONED IN RULE 8.52.

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**Definitions**

8.113 In the rules in this section –

- (i) “leave” includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;
- (ii) “earned leave” means leave earned in respect of periods spent on duty;
- (iii) “half pay leave” means leave earned in respect of completed years of service;
- (iv) “earned leave due” means the amount of earned leave to the credit of Government employee on the 31<sup>st</sup> August, 1949, under the rules in force on that date plus the amount of earned leave calculated as prescribed in rules 8.116, 8.117 and 8.133 as the case may be, diminished by the amount of earned leave taken after the 31<sup>st</sup> August, 1949.
- (v) “Half pay leave due” means the amount of half pay leave calculated as prescribed in Rule 8.119 for the entire service diminished by the amount of leave on private affairs and leave on medical certificates taken before 1<sup>st</sup> September, 1949, and half pay leave on or after that date;
- (vi) “Commutated leave” means leave taken under, clause (c) of Rule 8.119.
- (vii) “Government employee in a permanent employ” means a Government employee who holds substantively a permanent post or holds a lien on a permanent post or who would hold a lien on a permanent post had his lien not been suspended. It also includes a provisionally permanent Government employee;
- (viii) “Completed years of service” and “one year’s continuous service” means continuous service of the specified duration under the Punjab Government and includes periods spent on duty as well as on leave including extraordinary leave;

- (ix) “Military Officer” means an officer of the Armed Forces who is –
- (i) a Commissioned Officer of the Army, Navy or the Air Force; or
  - (ii) (a) a junior commissioned officer (including an honorary commissioned officer) or an “other rank” of the Army ; or
  - (b) a Branch list officer or a rating of the Navy, or
  - (c) an air-man including a Master Warrant Officer of the Air Force.
- (x) “Vacation Department” means a department, or part of a department, to which regular vacations are allowed, during which Government employees serving in the Department are permitted to be absent from duty.

## **GENERAL RULES AND CONDITIONS**

8.114 Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

8.115 The authority which granted leave to a Government employee can commute it retrospectively into leave of a different kind which may be admissible but the Government employee concerned can not claim it as a matter of right.

8.115-A. Omitted.

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## **PART –A LEAVE TO GOVERNMENT EMPLOYEES IN PERMANENT EMPLOY**

### **GENERAL PROVISIONS**

#### **(i) Earned Leave**

8.116. (i) The earned leave admissible to a Government employee in permanent employ is :-

- (a)  $1/24^{\text{th}}$  of the period spent on duty, during the first 10 years of his service;
- (b)  $1/18^{\text{th}}$  of the period spent on duty during the next 10 years of his service; and  $1/12^{\text{th}}$  of the period spent on duty, thereafter.

Note 1. - For the purpose of assessing the “length of service” under this sub-rule, break in service caused as a result of retrenchment shall not entail forfeiture of previous service. Further in the case of a women Government employees break in service due to resignation as a result of family circumstances of the Government employee concerned, shall also be condoned by the re-appointing authority; provided the duration of break does not exceed 10 years.

Note 2. - In calculating earned leave, the actual number of days of duty performed shall first be counted and then multiplied by  $1/12$ ,  $1/18$ ,  $1/24$  as the case may be and the product expressed in days and fraction of day. In case, there is a change in the rate of earning of leave, the fraction in the earned leave shall be rounded off to the nearest day that is fraction below half shall be ignored and that half or more shall be reckoned as one day.

“Note 3. - The period spent on duty shall include all kinds of leave, except extraordinary leave, for the purpose of calculation of earned leave”;

- (ii) Accumulation of earned leave shall be permissible to any extent but the maximum earned leave that may be granted at a time to a Government employee shall be (a) 120 days if spent in India (b) 240 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Nepal and Pakistan, provided that where earned leave exceeding 120 days is granted under this sub-rule the period of such leave spent in India shall not in the aggregate exceed 120 days.

Provided further that, except as provided in the Study Leave Rules contained in Appendix 20 to the Punjab Civil Services Rules, Volume I, Part II; if a Government employee goes on a course of study or research or work which in the Government’s view increases his competence, knowledge or efficiency or adds to the technical knowledge, he may be granted earned leave to the extent it is due to him and not limited to 120 or 240 days.

Note 1. - The consent of Department of Finance is not presumed to the grant of such study leave.

“(ii) Accumulation of earned leave shall be permissible to any extent but in the case of a Government employee who had opted for the revised orders contained in the instructions issued by the Government of Punjab, Department of Finance, - vide circular letter No.10/77/88/FPI/10304, dated the 24<sup>th</sup> November, 1988 (hereinafter called the said instructions) and also in the case of those Government employees who joined service on or after the 24<sup>th</sup> November, 1988, the accumulation of earned leave shall be restricted to 360 days and there will be no restriction on availing of earned leave at a time;”;

(iii) Leave preparatory to retirement may be allowed upto 180 days on full pay, and in the case of a Government employee who had opted for the revised orders contained in the said instructions and also in the case of those Government employees who joined service on or after the 24<sup>th</sup> November, 1988 such a leave may be allowed upto 240 days on full pay, provided it is due; and

Note 1. See proviso to Rule 8.21 (a) and Explanation 1 below Rule 8.21.

Note 2. - The leave granted as leave preparatory to retirement shall not include extraordinary leave.

“Note 3. - In a case, where a Government employee who is required to retire, or who himself chooses to be retired before the age of superannuation, he may be allowed the leave due and admissible to him as indicated below, provided it does not extend beyond the date on which he attains the age of superannuation:

(i) Leave Preparatory to Retirement upto 180 days on full pay and in the case of a Government employee who had opted for the revised orders contained in the said instructions and also in the case of those Government employees who joined service on or after the 24<sup>th</sup> November, 1988 upto 240 days on full pay, if it is due; or

(ii) Earned leave upto the extent leave preparatory to retirement is admissible as in clause (I) will permission to combine it with any other kind of leave, if due.”

8.117. (a) Earned leave is not admissible to a Government employee serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

(b) The earned leave admissible to such Government employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears the full vacation :-

(i) to a Government employee with 10 years service or less;

15 days.

- (ii) to a Government employee with more than ten years service but not exceeding 20 years service;  
20 days.
- (iii) to a Government employee with over 20 years service;  
30 days.

If in any year he does not avail himself of the vacation, earned leave will be admissible in respect of that year in accordance with the provisions of Rule 8.116.

- (c) Vacation may be taken in combination with or in continuation of any kind of leave under the rules in this section; provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government employee at a time under rule 8.116.

8.118. Omitted.

**(ii) Half pay leave, commuted leave and 'Leave not due'.**

- 8.119. (a) The half pay leave admissible to an officer in permanent employee in respect of each completed year of 'service' is 20 days.
- (b) The half pay leave due may be granted to a Government employee on medical certificate or on private affairs.
  - (c) Commuted leave not exceeding half the amount of half pay leave due may be granted to a Government employee on medical certificate only subject to the following conditions :-
    - (i) Commuted leave during the entire service shall be limited to a maximum of (240) days;
    - (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
    - (iii) Half pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority :

Provided that no commuted leave may be granted under this rule unless the authority competent to sanction leave has reason to believe that the Government employee will return to duty on its expiry, and provided further that no commuted leave may be granted unless it has been applied for at least 30

days at a time. This restriction of maximum quantum of leave to be taken at a time does not apply in the case of Vacation Department whose employees are not entitled to earned leave.

Provided further that after availing of maternity leave for a period not exceeding three months sanctioned under sub rule (a) of rule 8.127 or sub-rule (1) of rule 8.137-A, a female Government employee who can not get her leave extended by furnishing a medical certificate but applies for commuted leave in continuation of the maternity leave, may be allowed such leave up to a maximum of sixty days without the production of a medical certificate. But in case she gets her maternity leave extended for any period beyond the aforesaid period of three months by furnishing a medical certificate, she would not be eligible to get the benefit of combination of commuted leave with maternity leave without the production of a medical certificate.

Note 1. - The option once exercised will be final and debars a Government employee from claiming re-conversion, as a matter of right, though the authority, which granted leave, can (if so disposed) allow it.

Note 2. - When commuted leave is granted to a Government employee under this rule and he intends to retire subsequently, the commuted leave should be converted into half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave should be recovered. An undertaking to this affect should, therefore, be taken from the Government employee who avails himself of commuted leave but the question whether the Government employees concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on merits of each case, i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reason of ill-health, incapacitating him for further service or in the event of his death no refund should be taken.

(b) Save in the case of leave preparatory to retirement 'leave not due' may be granted to a Government employee in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all, may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the Government employee may earn subsequently.

Note 1. - Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is reasonable prospect of the Government employee returning to duty on the expiry of the leave and should be limited to the half pay leave he is likely to earn thereafter.

Note 2. - As the basis of half pay, leave has been changed, it will be necessary to make retrospective calculations in respect of such leave for the entire continuous service of an officer. The half pay leave to be carried forward under these orders will, therefore, be the total half pay leave earned in respect of completed years of service on the 1<sup>st</sup> September, 1949, reduced by the amount of leave on private affairs, and leave on medical certificate availed of prior to that date. If this calculation results in a minus balance, it

should be adjusted against the half pay leave that will be earned subsequently, such minus balance being treated as leave not due for purposes of the 180 days, limit indicated in clause (d) above. These orders also do not authorise the retrospective calculation of leave-salary in respect of the leave availed or before 1<sup>st</sup> September, 1949.

Note 3. - The half pay leave to be carried forward on the 1<sup>st</sup> September, 1949, will be the amount of leave which accrued on that date in respect of completed years of previous service less the leave taken on medical certificate and private affairs. Such leave in respect of any fraction of a year's service left over on the 1<sup>st</sup> September, 1949, will accrue on completion of another year of service which will include the fraction left over the 1<sup>st</sup> September, 1949. To illustrate in the case of a person (of clause I, II or III service) who entered service on the 1<sup>st</sup> February, 1948, and has taken no leave on medical certificate or private affairs, the credit to the half pay leave account on the 1<sup>st</sup> September, 1949, will be 20 days and the person will get a further credit of 20 days on the 1<sup>st</sup> February, 1960.

Note 4. - As for half pay leave in respect of a completed year of service during which service was rendered partly in a Class III post and partly in a Class IV post, this leave will be calculated on a pro-rata basis separately in respect of class III service or class IV service and then added up. The fraction, if any, present in the total half pay leave for the particular year will be ignored if it is less than half, or reckoned as one day if it is half or more.

Note – 5 Omitted.

Note 6. - The half pay leave earned by a Government employee in respect of a completed year of service can be availed of by him during the course of a spell of leave or during an extension thereof within which the date of anniversary of service falls.

Note 7. - Where a Government employee who has been granted 'Leave not due' under this clause applies for permission to retire, voluntarily, the leave not due' shall, if the permission is granted be cancelled and his retirement shall have effect from the date on which such leave commenced. An undertaking to this effect should, therefore, be taken from Government employee as who avail of 'Leave not due'. But the question whether a Government employee should be called upon to refund the amount of leave salary should be decided on the merits of each case e.g. if the retirement is voluntary refund should be enforced : if it is unavoidable by reason of ill health incapacitating him for further service or in the event of his death no refund should be insisted upon.

Note 8. - When "leave not due" is granted to a Government employee under this clause and he applied for permission to retire voluntarily or resigns of his own volition at any time after returning to duty, the question of refund of leave salary in respect of the leave not due already availed of before return to duty shall, to the extent it has not been subsequently wiped off, be treated in the same way as laid down in

note 7 above.

Note 9. - Where a Government employee who having availed himself of the 'leave not due' returns to duty and is retired from service under sub-rule (1) of rule 3 of the Punjab Civil Services (Premature Retirement, Rules, 1975 and has not been able to earn half pay leave to the extent of the 'leave not due' granted to him before such retirement, he shall not be called upon to refund the amount of leave salary in respect of that 'leave not due'.

8.120. Omitted.

**(iii) Extraordinary Leave.**

8.121. (i) Extraordinary leave may be granted to any Government employee in special circumstances :-

- (a) when no other leave is admissible, or
- (b) when other leave is admissible, but Government employee concerned applies in writing for the grant of extraordinary leave.

(2) The authority empowered to grant leave may commute retrospectively:

- (a) period of absence without leave into extraordinary leave.
- (b) Extraordinary leave granted into leave of a different kind if the latter type of leave was admissible at the time extraordinary leave was granted.

Note 1. - The power of commuting retrospectively, period of absence without leave into extraordinary leave under clause (b) is absolute and not subject to the conditions mentioned in clause (a) ; in other words, such a commutation is permissible even when other leave was admissible to the Government employee concerned at the time his absence without leave commenced. This concession, however, can not be claimed by Government employee as a matter of right.

Note 2. - The concession admissible under clause (2) can not be claimed by a Government employee as a matter of right.

Note 3.- Extraordinary leave granted to a Government employee on medical certificate may be commuted retrospectively into 'leave not due' at the discretion of the authority competent to sanction leave in respect of extraordinary leave taken on medical certificate after the 31<sup>st</sup> August, 1949. Such a commutation is also permissible in a case where extraordinary leave was granted to a Government employee on medical certificate during temporary service after the 3<sup>rd</sup> August, 1949, and he is

subsequently confirmed or declared quasi-permanent with effect from a date earlier than the commencement of the extraordinary leave.

Note 4. - Extraordinary leave taken by a Government employee otherwise than on medical certificate after the 11<sup>th</sup> September, 1955 may also be Commuted into 'leave not due' at the discretion of the authority competent to sanction leave.

### **LEAVE SALARY**

- 8.122. (1) An officer on earned leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.
- (2) An officer on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1)
- (3) An officer on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).
- (4) An officer on extraordinary leave is not entitled to any leave to salary.
- (5) (a) A Government employee who is granted leave beyond the date of compulsory retirement or quitting of service, as the case may be, shall be entitled during such leave to leave salary admissible under this rule, reduced by the amount of pension and pension equivalent of other retirement benefits.
- (b) Where such Government employee is re-employed during such leave, the leave salary shall be restricted to the amount of leave salary admissible while on half pay leave and further reduced by the amount of pension and pension equivalent of other retirement benefits:
- Provided that it shall be open to the Government employee not to avail himself of the leave but to avail of full pension.
- (c) If during such re-employment he is granted leave earned by him during the period re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.
- (1) In the case of a person to whom the Employees, State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefits payable under the said Act for the corresponding period.

- (2) Leave salary up to one month may be allowed in advance to all Government employees proceeding on earned leave subject to the following conditions :-
- (a) No advance may be granted when the leave taken is less than thirty days;
  - (b) The amount of the advance should be restricted to the net amount of leave salary for the first month of leave that is clearly admissible to the Government employee after deductions on account of Income Tax, Provident Fund, house rent, repayment of advances etc. ;
  - (c) The advance should be adjusted in full in the leave salary bill in respect of the leave availed of where the advance can not be adjusted full, the balance should be recovered from the next payment of pay or and leave salary;
  - (d) The advance may be sanctioned by the Head of office or by any other subordinate officer to whom the power may be specially delegated, both in the case of gazetted and non-gazetted officers. Officers who are Heads of Offices may sanction the advances themselves;
  - (e) The amount of advance will be debited to the head of account to which the pay, etc., of the employee is debited and the adjustment of the advance will be watched through objection book by the Account Officer.
  - (f) Advances shall be sanctioned in whole rupee.
- (3) In case of Government employee including a military pensioner re-employed in civil service dies while in service, the cash equivalent of the leave salary (carrying the appropriate amount of dearness allowance) in respect of earned leave at his credit subject to a maximum of 180 days shall be paid to his family and in the case of Government employee who had opted for the revised orders contained in the instructions, issued by the Government of Punjab, Department of Finance, vide circular letter No.10/77/88/FPI/10304, dated the 24<sup>th</sup> November, 1988 subject to a maximum of 240 days, shall be paid to his family."

Provided that in the case of employees governed by Contributory Provident Fund Rules, no deduction on account of Government contribution to Contributory Provident Fund shall be made out of the cash equivalent of leave salary payable to the family of a deceased employee.

8.123. Omitted.

## **ADDITIONAL KIND OF LEAVE IN SPECIAL CIRCUMSTANCES**

### **(i) Special Disability Leave**

8.124. Subject to the conditions in clauses hereunder :-

- (1) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed and the persons disabled acted with due promptitude in bringing it to the notice, but the competent authority if it is satisfied as to the cause of disability may permit leave to be granted in cases where the disability manifested itself more than 3 months after the occurrence of its cause.
- (2) The period of leave granted shall be such as is certified by the authorised Medical Attendant of the Government employee concerned to be necessary. It shall not be extended except on the certificate of that authority and shall in no case exceed 24 months.
- (3) Such leave may be combined with leave of any other kind.
- (4) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.
- (5)
  - (a) In the case of a person to whom Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under section 4(1)(d) of the said Act.
  - (b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable shall be reduced by the amount of benefit admissible under the said Act, for the corresponding period.
- (6) The provisions of this rule apply to a Civil employee disabled in consequence of service with a Military force if he is discharged as unfit for further military service but is not completely and permanently incapacitated for further Civil service and to a Civil employee, not so discharged who suffers a disability, which is certified by a Medical Board, to be directly attributable to his service, with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Note. - The intention of the above clause is not that special disability leave should be given to cover any portion of Government employee's military service, but that it should be admissible only after the Government employee's discharge as unfit for further military service.

- (I) Such leave shall counted as duty in calculating service for pension, but half the amount of such leave on full pay taken under clause III below shall be counted as "earned leave" taken.

- (II) Leave salary during such leave including a period of such leave granted under condition (4) above shall be equal to full pay for the first 120 days.
- (III) For the remaining period of any such leave, to half pay, or at the Government employee's option for a period not exceeding the period of earned leave, otherwise admissible to him under rule 8.116 or 8.117 to full pay.

Note. - Leave salary during special disability leave will be regulated under rule 8.122..

8.125. The application of provisions of Rule 8.124 may subject to the conditions given below be extended by a competent authority to Government employees 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 in increasing his inability to illness or injury, beyond the ordinary risk attaching to the Civil post, which he holds :-

- (i) The disability if due to disease must be certified by the Authority Medical Attendant of the Government employee concerned to be directly due to the performance of the particular duty;
- (2) If the Government employee has contracted such disability during service, otherwise than with a military force, it must be in the opinion of the competent authority exceptional in character;
- (3) The period of absence recommended by the Authorised Medical Attendant of the Government employee concerned may be covered in part by leave under this rule and in part by other leave; and
- (4) The amount of special disability leave granted on full pay will be less than :-
  - (i) 120 days in the case of a Government employee in Class I, II and III service.
  - (ii) 60, 90 or 120 days, as the case may be in the case of Government employee of Class IV.

#### **(ii) Study Leave**

8.126. Leave may be granted to Government employees on such terms as may be prescribed by general or special orders of the competent authority to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Note. - For general orders issued under this rule see Appendix 20 in Part II of this Volume.

#### **(iii) Maternity Leave and Hospital Leave**

8.127 (a) The competent authority under Rule 8.23 may grant to a female Government employee maternity leave on full pay for a period not exceeding 180 days without the necessity of production of a medical certificate and the grant of such a leave, shall be so regulated that the date of confinement falls within the period of this leave and the leave so granted shall not be debited against the leave account of the female Government employee :

Provided that no leave under this sub-rule shall be granted to a female Government employee who has three or more living children.

Note . - Extension in leave, if any, on the expiry of maximum period of 180 days maternity leave, shall be permissible by the grant of leave of the kind due.” ; and

Note 1. - During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. The term “pay” in this rule includes officiating pay : provided the authority sanctioning the leave certifies that the Government employee would have continued to officiate had she not proceeded on leave.

Note 2. - Where a female Government employee has less than two living children, maternity leave under this rule may also be granted in cases of miscarriages and abortion including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the condition that the leave does not exceed six weeks and the application for leave is supported by a certificate from a registered Medical Practitioner and, in case of doubt, certificate of a Principal Medical Officer or Assistant to Civil Surgeon or Gazetted Medical Officer may be called for:

Provided that a female Government employee having two or more children shall not be entitled to avail of this concession, but if required, can be sanctioned leave of the kind due, on the production of a medical certificate.”

8.127. (b) Any other kind of leave may be permitted to be prefixed in maternity leave without insisting on a medical certificate. But any leave applied for in continuation of maternity leave may be granted only if the request is supported by a medical certificate.

Provided that after availing of maternity leave for a period not exceeding three months sanctioned under sub-rule (a), a female Government employee who can not get her leave extended by furnishing a medical certificate but desires leave of the kind due in continuation of the maternity leave, may be allowed leave upto a maximum of sixty days without the production of a medical certificate. But in case she gets her maternity leave extended for any period beyond the aforesaid period of three months by furnishing a medical certificate she would not be eligible to get the benefit of combination of leave of the kind due with maternity leave without the production of a medical certificate.

Note 1. - This rule does not preclude the grant of maternity leave in continuation of leave of any kind.

Note 2. - The Female Gazetted Employees applying for grant of leave under the above rule, should like all Gazetted Government employees applying for leave on medical certificate produce the required certificate from a medical committee or board in accordance with rules 8.9 – 8.10 unless this requirement is relaxed under rule 8.12 by the authority competent to grant leave.

Note 3. - Regular leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to the female Government employee producing a medical certificate from the authorised medical attendant to the effect that the condition of the ailing baby warrants mother's personal attention and her presence by the baby's side is absolutely necessary.

8.127. (c) The competent authority under rule 8.23 of these rules may grant hospital leave to a Class IV Government employee and such Class III Government employee whose duties involve handling of dangerous machinery, explosive material, poisonous drugs etc., or the performance of hazardous tasks, while under medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

Note 1. - In the case of persons to whom the Workmen's Compensation Act, 1923 applies the amount of leave salary shall be reduced by the amount of compensation payable under Section 4(I) (d) of the said Act.

Note 2. - Industrial and work-charges staff will also be entitled to Hospital leave in the same manner as other State Government employees.

Note 3. - Hospital leave should be granted on the production by the Government employee concerned of a medical certificate from a superior officer, not below the rank of Gazetted Officer to the effect that the illness or injury was directly due to risk incurred in the course of official duties and also that the leave recommended is necessary to effect a cure.

Note 4. - In the case of a person to whom the provisions of Employees' State Insurance Act, 1948 apply, leave salary payable under these rules shall be reduced by the amount of benefit admissible under the said Act for the corresponding period.

8.127. (d) Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary.

(i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave, for the remaining period of any such leave.

8.127. (e) Hospital leave is not debited against the leave account and may be combined with any other leave

which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.

8.128 – 8.129. Omitted.

8.129-A. Notwithstanding any thing contained in rule 8.119, 8.133 and 8.137, where a military officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as follows:-

- (a) (i) Instead of annual leave, he may be granted earned leave as calculated under rule 8.116 from the beginning of the calendar year following that in which he becomes subject to this rule, his leave account being initially credited with the earned leave equal to the number of days of annual leave which, on the date on which he becomes subject to this rule, it would be permissible to grant him under the leave rules of the Armed Forces.

Provided that, if annual leave under the leave rules of the Armed Forces is not admissible in respect of the calendar year of transfer, duty counting for earned leave shall commence on the date on which he becomes subject to this rule.

Provided further that in the case of Military Officer serving in a vacation department the provisions of rule 8.117, shall apply, mutatis mutandis to the calculation and grant of leave.

Provided also that a military officer holding substantively a tenure post, who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any annual leave taken under the leave rules of the Armed Forces during the period being treated as earned leave taken under this rule.

- (ii) He may also be granted any leave, other than annual leave, admissible under the leave rules of the Armed forces either alone or in combination with earned leave.
- (b) The total period of leave shall be regulated by the limit in force under the leave rules of the Armed forces to which the military officer is subject.
  - (c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the military officer concerned at the time it was granted;

Provided that except in the case of military officer holding substantively a tenure post, no leave under clause (ii) of sub-rule (a) may be granted to such military officer unless the civil authority which grants the leave is prepared to re-employ him immediately upon the termination of the leave:

Provided further that in the case of a military officer holding substantively a tenure post, leave under clause (I) of sub-rule (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of public service.

- (d) Any leave granted under this rule to a military officer holding civil appointment of limited tenure shall not exceed beyond the term of his civil appointment.

8.129-B. A military officer in civil employ shall cease to be governed by rule 8.129-A with effect from date from which he released or discharged from the Armed Forces and shall with effect from the date of such release or discharge become subject to these rules, the earned leave due to him on that date being carried forward.

8.129-C. Where a military officer is appointed substantively to a permanent civil post (other than a tenure post) there shall be credited initially in his account.

- (a) (i) earned leave equal to the number of days of the annual leave which, on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces, or
- (ii) earned leave, if any, which on the date on which he is so appointed, it would be permissible to grant him under rule 8.129-A:

Provided that where such appointment is made in the calendar year in which the military officer was transferred to civil employ, the credit under clause (I) shall be reduced by 1/12<sup>th</sup> of the duty intervening between the date of that appointment and the termination of the calendar year of transfer but no reduction shall be made if annual leave is not admissible in respect of the calendar year of transfer ;

- (b) half pay leave equal to the number of days of furlough which on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

## **LEAVE TO GOVERNMENT EMPLOYEES ON DEPUTATION OUT OF INDIA**

8.130 Unless the competent authority in any case otherwise directs, the following provisions apply to Government employees placed on deputation out of India, under conditions declared to be quasi-European if the period of the deputation exceeds one year :-

- (a) The period of deputation shall not count as duty for the purpose of this chapter.
- (b) The amount of leave which can be earned by the deputation shall be determined by the competent authority. Such leave can only be taken during the period of deputation and will not be credited on debited in the Government employee's leave account. Leave salary during such leave shall be equal to the rate of deputation pay :

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year, these provisions shall apply only in respect of the period in excess of one year.

## **PART B - LEAVE TO PROBATIONERS AND APPRENTICES**

### **LEAVE TO PROBATIONERS**

8.131. During the period of probation, a probationer is entitled to leave as follows:-

- (1) If appointed under contract, to such leave as is prescribed in his contract; or
- (2) (i) if there be no such prescription in the contract or
- (ii) if appointed otherwise, to such leave as would be admissible to him under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the order of an authority competent to appoint him.

Note. - See also rule 8.58.

### **LEAVE TO APPRENTICES**

8.132. During the period of apprenticeship, an apprentice is entitled to leave as follows :-

- (i) if appointed under contract, to such leave as is prescribed in his contract; or

2. (i) if there be no such prescription in the contract or
- (ii) if appointed otherwise;
  - (a) to leave on medical certificate on leave salary equivalent to half of the pay on the last day of duty prior to commencement of leave for a period not exceeding one month in any year of apprenticeship if the period of apprenticeship is less than one year, proportionate leave will be admissible, viz. For Nine/ Six/ Three months, period of apprenticeship, leave admissible will be twenty-one/ fifteen/ seven days, respectively; and
  - (b) to extraordinary leave under rules 8.121.

Note 1. - See also rule 8.58.

Note 2. - This rule has reference to leave earned or taken during the apprentice period only and not afterwards. See also rule 2.16 (a) (I).

Note 3. - Paid candidates will be treated as apprentices for the purpose of this rule.

Note 4. - The leave at the credit of a Government employee on the date of his appointment as an apprentice under Punjab Government should not lapse but may be allowed to be carried forward on his appointment to a post under Punjab Government on the expiry of the period apprenticeship.

**PART – C LEAVE EARNED BY TEMPORARY AND OFFICIATING SERVICE, SERVICE WHICH IS NOT CONTINUOUS AND PART TIME SERVICE OR SERVICE REMUNERATED WHOLLY OR PARTIALLY BY THE PAYMENT OF HONORARIA ON DAILY WAGES.**

**LEAVE TO GOVERNMENT EMPLOYEES NOT IN PERMANENT EMPLOY**

**(i) Earned leave, half pay leave, commuted leave and ‘Leave not due’**

8.133. The provisions of rules 8.116 to 8.119 apply also to a Government employee not in permanent employ, provided that

- (a) no half pay leave shall be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry ; and
- (b) leave not due for a period not exceeding 360 days during the entire service shall not be granted to such an employee unless he is suffering from T.B., Leprosy, Cancer or mental illness and the following

conditions are fulfilled :-

- (i) that the Government employee has put in a minimum of one year's service;
- (ii) that the post from which the Government employee proceeds on leave is likely to last till has return to duty; and
- (iii) the request for the grant of such leave is supported by a medical certificate of the authorised Medical Attendant.

8.134. Omitted.

8.135. Omitted.

8.136. No leave is admissible to temporary establishment paid from contingencies on contingent bills. Such establishment may, however, be allowed extraordinary leave under rule 8.137.

#### **(ii) Extraordinary Leave**

8.137. Subject to the provision of rule 8.121 extraordinary leave not exceeding the following limits may be granted by the competent authority on any one occasion:-

- (i) one year ;
- (ii) twelve months in cases where the Government employee has completed three years, continuous service on the date of expiry of leave of the kind due and admissible under the rules (including one year's extraordinary leave under (i) above) and his request for such leave is supported by a medical certificate as required under the rules;
- (iii) eighteen months, where the employee is undergoing treatment for –
  - (1) pulmonary tuberculosis or pleurisy of tubercular origin in a recognised sanatorium, or
  - (2) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon, or
  - (3) leprosy in a recognised leprosy institution or by a civil surgeon or a specialist in leprosy recognised as such by the State Administrative Medical Officer concerned.
- (3-a) twelve months where the Government employee is under going treatment for cancer or for mental illness in an institution recognised for the treatment of such disease or by a Principal Medical Officer or a specialist in such disease.

- Note. - This concession will be admissible only to those Government employees who have been in continuous Government service for a period exceeding one year.
- (iv) twenty-four months where the leave is required for the purpose of prosecuting studies certified to be in the public interests provided the Government employee concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under the rules (including one year extraordinary leave under (I) above).
- Note 1. - The concession of extraordinary leave up to eighteen months will be admissible also to a Government employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculous specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances or recovery on the expiry of the leave recommended.
- Note 2. - The concession of extraordinary leave upto eighteen months under this sub-rule will be admissible only to those Government employees who have been in continuous Government service for a period exceeding one year.
- Note 3. - The maximum limit of one year prescribed in this rule does not apply in the case of teachers in the Education Department who are not in permanent employ and who take leave for the purpose of undergoing a course of training. In their case the limit of extraordinary leave is subject to 24 months which the D.P.I. can grant himself.
- Note 4. - Where a Government employee who is not in permanent employ or quasi-permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Government employee who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under this rule, he shall be removed from service after following the procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1970.
- Note 5. - Where a Government employee avails of the above leave concession for undergoing treatment for T.B. or leprosy, he should be required to produce a fitness certificate, before he is permitted to resume duty on the expiry of the leave, from the following authorities:-
- (i) A temporary Gazetted Government employee suffering from palmonary tuberculosis or tuberculosis of any other part of the body, should produce a fitness certificate from a Medical Committee/ Board as laid down in rule 8.44 irrespective of the fact whether the treatment is had at a sanatorium or at the residence of the Government employee. A T.B. Specialist should also be co-opted as a member of the Medical Committee/ Board.

- (ii) A temporary non-Gazetted Government employee, suffering from pulmonary tuberculosis, should produce a certificate of fitness either from the Medical Officer-in-charge of a recognised sanatorium or from a T.B. Specialist recognised by a State Government while such a Government employee suffering from Tuberculosis of any other part of the body should produce a certificate from a qualified T.B. Specialist or a Civil Surgeon.

Note 6. - The periods of extraordinary leave when separated by a spell of vacation will be treated as one continuous spell of extraordinary leave for applying the limit mentioned in this rule.

### (iii) Maternity Leave

8.137-A (1) The competent authority under rule 8.23 may grant to a female Government employee maternity leave on full pay for a period not exceeding 180 days without the necessity of production of a medical certificate and the grant of such leave shall be so regulated that the date of confinement falls within the period of this leave:

Provided that no leave under this sub-rule shall be granted to a female Government employee who has three or more living children.

Note. (1). - Extension, in leave, if any, beyond 180 days shall, however, be permissible by the grant of leave of the kind due.

- (2) Maternity leave will not be debited against the leave account of the concerned female Government employee;

Note 2. - Where a female Government employee has less than two living children, maternity leave under this rule may also be granted in cases of miscarriages and abortion including abortion included under the Medical Termination of Pregnancy Act, 1971, subject to the conditions that the leave does not exceed six weeks and the application for leave is supported by a certificate from a registered medical practitioner and in case of doubt certificate of a Principal Medical Officer or Assistant to Civil Surgeon or gazetted Medical Officer may be called for :

Provided that a female Government employee having two or more children shall not be entitled to avail of this concession, but, if required, can be sanctioned leave of kind due, on the production of a medical certificate.”

- (2) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applied, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

8.137-B. Any other kind of leave may be permitted to be prefixed to maternity leave without insisting on a medical certificate. But any leave applied for in continuation of the maternity leave may be granted only if the request is supported by a medical certificate.

Provided that after availing of maternity leave for a period not exceeding three months sanctioned under sub-rule (i) of rule 8.137A, a female Government employee who can not get her leave extended by furnishing a medical certificate but desires leave of the kind due in continuation of the maternity leave, may be allowed leave upto a maximum of sixty days without the production of a medical certificate. But in case she gets her maternity leave extended for any period beyond the aforesaid period of three months by furnishing a medical certificate she would not be eligible to get the benefit of combination of the leave of the kind due with maternity leave without the production of a medical Certificate.

#### **(iv) Special Disability Leave**

8.137 - C The provisions of rules 8.124 and 8.125 apply mutatis mutandis to temporary and officiating Government employees whose leave is regulated by the rules in this part.

#### **(v) Hospital Leave**

8.138 (i) (a) The competent authority under rule 8.23 of the rules may grant hospital leave to Head Constables and Constables of the Punjab Armed Police Force and Regular Police Force, Overseers and Sub-Overseers in the Punjab Mental Hospital and the Establishment of the Government Press, whose leave is regulated by the Rules in this Part.

Note 1. - In the case of persons to whom the Workmen's Compensation Act, 1923, applies the amount of leave-salary shall be reduced by the amount of compensation payable under Section 4(1) (d) of the said Act.

Note 2. - Industrial and work –charged staff will also be entitled to Hospital leave in the same manner as other state Government employees.

Note 3. - Hospital leave should be granted on the production by the Government employee concerned of a medical certificate from a superior officer, not below the rank of Gazetted Officer to the effect that the illness or injury was directly due to the risks incurred in the course of official duties and also that the leave recommended is necessary to effect a cure. The period of leave shall be such as may be certified by the Authorised Medical Attendant to be necessary.

8.138. (1) (b) Hospital leave may be granted on leave salary equal to either pay drawn immediately before proceeding on earned leave or half pay and for such period, as the authority granting it may consider necessary.

8.138. (1) (c) Hospital leave is not debited against the leave account and may be combined with any other

leave which may be admissible: provided that the total period of leave, after such combination, shall not exceed 28 months.

#### **(vi) Terminal Leave**

8.138-A.(1) Earned leave to the extent due and admissible at a time can be granted to temporary employees (other than those employed on a contract basis) at the discretion of the sanctioning authority on the termination of service on account of retrenchment or on the abolition of posts before attaining the age of superannuation even when it has not been applied for and refused in the public interest. In all cases, however, where any notice of termination of service is required to be given under the terms of employment of the temporary employee concerned, and that employee is relieved before the expiry of the notice, such notice or the unexpired portion thereof should run concurrently with the leave granted.

- (2) Such terminal leave may also be granted to --
- (a) re-employed pensioners who are treated as “new entrants” in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;
  - (b) persons employed for a period exceeding one year on a contract basis in terms of Appendix 16 to the Punjab Civil Services Rules, Volume I, Part II.
  - (c) Unqualified persons who may have to vacate their temporary posts to make room for qualified candidates.
  - (d) Persons whose services may have to be dispensed with, as a matter of administrative convenience as an alternative to the initiation of disciplinary proceeding against them.

Note 1. - This rule shall not apply to apprentices and persons in non-continuous employment of Government who will continue to be governed by the normal rules applicable to them.

Note 2. - Terminal leave under this rule will not be admissible in the following circumstances :-

- (i) where the employee concerned has been dismissed or removed from service, or where service is terminated in the interest of national security ; or
- (ii) where the employee concerned resigns his post of his own volition unless the resignation is for reason of ill-health or for other reasons beyond his control. Leave not exceeding half the amount of earned leave which the Government employee concerned can avail of at a time may, however, at the discretion of the sanctioning authority, be allowed in this case :

- (iii) where the services of a temporary Government employee are lent by commercial concerns or semi-Government organisations on terms which include the payment of leave salary contribution, the grant of leave on termination of the employment under Government will in such cases, be at the cost and within the discretion of the parent employer.

Note 3. - It will not be necessary to extend the temporary post to cover the period of the leave granted to a Government employee at the end of his temporary employment.

Note 4. - Retrenched Government employees who are re-employed either their own or another department on or before the expiry of their terminal leave with no break in service are to be deemed to be in continuous Government service and allowed the benefit of their previous service for calculating casual and earned leave due to them on their re-employment.

**\*Note 5** Omitted

[\* Omitted vide Notification No.3-1(5)/1FCD-88/4097 dated 6<sup>th</sup> April, 1989]

Note 6. - A temporary Government employee continues in service during that part of terminal leave only which runs concurrently with the notice period and ceases to be a Government service on the expiry of the notice period, the leave to the extent it goes beyond the notice period being treated as a terminal benefit only.

#### **(vii) Leave beyond the date of compulsory retirement**

8.139. The provisions of rule 8.21 apply mutatis mutandis to temporary and officiating Government employees whose leave is regulated by the rules in this Part.

#### **(viii) Leave Salary**

8.140. The provisions of rule 8.122 shall apply mutatis mutandis in the case of a Government employee governed by the rules in this part.

Note. - During the re-employment after retirement from pensionable service, an officer's pension is either held in abeyance or is allowed to be drawn separately, a suitable reduction being made in the re-employed pay wherever necessary. An officer whose pension is drawn separately during re-employment and who proceeds on earned leave or half pay leave or commuted leave will be entitled to leave salary based on the net re-employed pay (i.e. exclusive of the pension and/ or pension equivalent of gratuity) and will continue to draw the pension separately in addition. An officer whose pension has been held in abeyance will draw the leave salary based on the net re-employed pay (i.e. pay minus the amount of the uncommuted pension and/ or pension equivalent of gratuity) and in addition an amount equivalent to the

pension which was held in abeyance. In either case the leave salary (exclusive of the pension or the amount equivalent to pension which was held in abeyance, and / or pension equivalent of gratuity) admissible during half pay leave or commuted leave will be subject to the monthly maximum of Rs.750 and Rs.1,550 respectively.

During the period of extraordinary leave, an officer whose pension has been held in abeyance will be allowed to draw only an amount, equivalent to the pension which was held in abeyance. Where the pension is drawn separately it will continue to be so drawn during the period of extraordinary leave also.

The leave salary in respect of earned leave, half pay leave and commuted leave of officers, who were governed by the Contributory Provident system prior in retirement, will be based on their net-re-employed pay. They will not draw any leave salary during the period of extraordinary leave.

## LEAVE ADMISSIBLE TO PART TIME GOVERNMENT EMPLOYEES AND GOVERNMENT EMPLOYEES WHOSE SERVICE IS NOT CONTINUOUS

### LAW OFFICERS

#### (i) Assistant Legal Remembrancers

8.141. An Assistant Legal Remembrancer whose pay is fixed at a definite rate but his whole-time is not retained for the service of Government, may be granted leave as follows:-

- (a) Leave on full pay during the vacation of the High Court; Provided that no extra expense is hereby caused to Government; such leave will be counted as duty.
- (b) Leave on half pay for not more than six months once only in his service after six years of duty.
- (c) On medical certificate leave on half pay up to the maximum of 12 months during whole service, further leave on medical certificate not exceeding 6 months in all may be granted in exceptional cases on the recommendation of a medical board.
- (d) On the conditions prescribed in rule 8.121 extraordinary leave.

Note. - Leave under any one of the clauses of this rule may be combined with leave under other clause

#### (ii) District attorneys and Government Pleaders.

8.142. (a) (1) District Attorneys will ordinarily be permitted to absent themselves from their duties during the

period for which the court of the Sessions Judge is closed for the summer vacation, upto a maximum of one month if the State of work permits; but such permission may be withdrawn by the Director of prosecution and Litigation when the work so requires. In these cases, it should not be necessary to appoint any other person to perform the duties of the District Attorney, who will be permitted to draw his consolidated monthly fees for the period of his absence.

(2) When a District Attorney is refused permission to absent himself from duty during the period of the Sessions Court's vacation, he may, with the sanction of Government, be permitted to absent himself from duty at some other time of the year for a period not exceeding one month, during which time he will continue to draw his consolidated monthly fees.

(3) Apart from the concession in clause (2) a District Attorney may be permitted by the Director of Prosecution and Litigation to absent himself from his duties at any time of the year up to a period of three months, or for a longer period with the sanction of the Government, during which time he will not be entitled to any remuneration other than that provided in clause (6) below.

(4) During the absence from duty of a District Attorney under the provisions of any of the above clauses arrangements may be made by the Director of Prosecution and Litigation for the discharge of his duties by another legal practitioner. The Director of Prosecution and Litigation may engage a private practitioner either on fees for individual cases at the rates fixed by Government for the employment of private practitioners for criminal case work or on consolidated fees not exceeding Rs.400 per month, whichever alternative is in the opinion of the Director of Prosecution & Litigation most economical and conducive to efficiency. Such appointments will be made by the Director of Prosecution and Litigation in consultation with the local authorities.

(5) If no suitable legal practitioner is willing to do the work on Rs.400 per mensem or if the appointment of a private practitioner on fees does not appear appropriate or economical the Deputy Commissioner should refer the matter with his recommendations to the Director of Prosecution & Litigation for the orders of Government.

(6) If the period of absence (other than any period during which the District Attorney is entitled to draw full fees) does not exceed one month, the District Attorney may be allowed to draw the difference, if any, between the rate fixed for his fees and the sum paid to his substitute or substitutes.

(7) When the same District Attorney is attached to more districts than one, the Deputy Commissioner of each district concerned must be consulted.

(b) (i) Government Pleaders must arrange that their services are available at all times, other than the period of the vacation fixed for subordinate civil courts, unless permission of absence has been

given.

- (ii) Government Pleaders who are not District Attorneys may be given permission of absence at any time of the year; provided that they can be spared. Such permission must be obtained from the Director of Prosecution & Litigation through the Deputy Commissioner.

**(iii) Editor and Reporters of the Indian Law Reports**

8.143. The Editor and Reporters engaged in the production of the Indian Law Reports (Punjab Series) who are part-time Government employees earn leave upto 1/12<sup>th</sup> of the period spent on duty. They can be granted leave up to the maximum of 120 days at any one time and will be allowed leave salary equal to the pay on the day before the leave commences; provided no extra expense is thereby caused to Government.

**Departmental Sub-Registrar**

8.144. Subject to the deduction of the amount of leave actually enjoyed from the amount of leave which has been earned a Departmental Sub-Registrar may be granted leave as follows :-

- (i) Leave with pay --
  - (a) Leave on full pay not exceeding one year in the whole of his service upto 1/12<sup>th</sup> of the period spent on duty subject to the conditions that --
    - (1) Leave earned can not at any one time be granted to an extent greater than 120 days ; and
    - (2) Of leave so granted 1-1/2 months will be leave without medical certificate and the rest on medical certificate.
  - (b) Leave on medical certificate on half pay for not more than six months during his service after the completion of six years of duty.
- (ii) Leave without pay
  - (a) without medical certificate, for a period not exceeding one year during the whole of his service; a Sub-Registrar who is also a member of the Union Parliament or States Legislature may in addition be granted leave for the period he actually attends the meetings of such Parliament or Legislature or of its Sub-Committee.
  - (b) On medical certificate, without any limit.

- (iii) Any combination of leave under clauses (i) (a), (i) (b) and (ii) (a) (ii) (b); provided that no combination under clauses (i) (a), (i) (b) and (ii) (a) at any one time exceeds one year.

## LEAVE ADMISSIBLE TO GOVERNMENT EMPLOYEES REMUNERATED WHOLLY OR PARTIALLY BY THE PAYMENT OF HONORARIA OR DAILY WAGES

8.145. A Government employee remunerated by honoraria may be granted leave on the terms laid down in rule 8.141; provided that he makes satisfactory arrangements for the performance of his duties that no extraexpense is caused to Government and that during leave of the kind contemplated by clause (b) of rule 8.141, the whole of the honararia are paid to the person who officiates in his post.

8.146. Leave to –

- (1) A section-writer or a temporary press employee, paid under the piece work system, or a daily labourer, employer in the Public Works Department, if granted leave, is not entitled to any leave salary whatever during his absence.
- (2) Labourers employed on a daily wages in Government workshops, power-houses, quarries; electric sub-stations and other similar institutions, or on demolition of buildings, or on blasting operations or roads, or on a power line, a telephone line a haulage way in the Public Works Department, who are injured while on duty, may be granted leave while under medical treatment for the injury ; provided that the injury is directly due to risks incurred in the course of their official duties. The total amount of such leave in any one term of 3 years shall not exceed six months, full wages being allowed for the first three months and half wages thereafter inclusive of compensation under the Workmen's Compensation Act, where such compensation is payable.

8.147. Omitted.

## LEAVE RULES APPLICABLE TO PERMANENT SALARIED INDUSTRIAL EMPLOYEES IN THE PUNJAB GOVERNMENT CLASS III AND CLASS IV

- 8.148 (1) (a) – Leave on full pay will be earned at the rate of :-
- (i)  $\frac{1}{24}^{\text{th}}$  of the period spent on duty, during the first 10 years of his service.
  - (ii)  $\frac{1}{18}^{\text{th}}$  of the period spent on duty during the next 10 years of his service; and
  - (iii)  $\frac{1}{12}^{\text{th}}$  of the period spent on duty, thereafter.
- (b) In the case of a permanent industrial employee transferred from the piece to the salaried

establishment, the account of his leave on full pay shall commence with a credit or debit balance, as the case may be, equal to the difference between --

- (i) such fraction of leave admissible to him under sub clause (a) of clause (1) of rule 8.147 for the calendar year in which the transfer takes place as is equal to the proportion which the portion of the year preceding the date of transfer bears to the whole year; and
- (ii) any leave already taken by him out of leave admissible.

Provided that the said credit shall not be taken into account in calculating the 120 day's leave on full pay specified in clause (a) above.

- (c) When the total period of leave on full pay standing to the credit of an employee under clauses (a) and (b) is more than 120 days, the maximum amount of leave on full pay that may be granted to him at any one time shall not exceed 120 days. In the case of any employee whose account of leave on full pay commences with a debit no leave on full pay shall be granted until the expiry of a fresh period spent on duty sufficient to earn such credit as will permit of the leave to be granted after canceling the debit.

(2) The half pay leave admissible to an employee in respect of each completed year of service is 20 days and will be accumulative. The half pay leave due may be granted to an employee on medical certificate or on private affairs.

(3) Leave without pay may be granted when no other leave is admissible.

(4) The provisions of rule 8.119 (c) and (d) apply to Government employees whose leave is regulated by the rules in this part except that leave not due will be granted only on medical certificate.

(5) Injury leave at half pay rates may be granted to a permanent salaried industrial employee, below the grade of Overseer or General Foreman who is injured in circumstances which would have given rise to a claim for compensation under the Workmen's Compensation Act, 1923 (VIII of 1923), if he had been a workman as defined therein, whether or not proviso (a) to sub-section (1) of section 3 of that Act is applicable. In the case of workers who are declared to be suffering from lead poisoning by certifying Surgeon, injury leave will be admissible on full pay. Such leave shall not be deemed to be leave on medical certificate for the purpose of clause (2). It shall be granted from the commencement of disablement for so long as is necessary subject to a limit of two years for any one disability and a limit of five years during an employee's total service including service, if any, on the piece establishment. Leave granted under clause (5) of rule 8.111 shall be taken into account in applying these limits. The salary payable in respect of a period of leave granted under this rule shall in the case of an employee to whom the provisions of the Workmen's Compensation Act, 1923, (VII of 1923), apply be reduced by

the amount of compensation paid under clause (d) of sub-section (1) of section 4 of that Act.

Note. - The expression “pay” in this rule means the pay on the day before the leave commences.

## LEAVE RULES APPLICABLE TO OFFICIATING TEMPORARY INDUSTRIAL EMPLOYEES OF PUNJAB GOVERNMENT PRESS, CLASS III AND CLASS IV.

8.149. (1) The competent authority under rule 8.23 of these rules may grant hospital leave to a Class IV Government employee and such class III Government employees whose duties involve handling of dangerous machinery, explosive materials, poisonous drug etc. or the performance of hazardous tasks, while under medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

Note 1. - In the case of person to whom the Workmen’s Compensation Act, 1923 applies, the amount of leave-salary shall be reduced by the amount of compensation payable under section 4(1)(d) of the said Act.

Note 2. - Industrial and Work-charged staff will also be entitled to hospital leave in the same manner as other State Government employees.

Note 3. - Hospital leave should be granted on the production by the Government employee concerned of a medical certificate, from a superior officer, not below the rank of Gazetted Officer to the effect that the illness or injury was directly due to risks incurred in the course of official duties and also that the leave recommended is necessary to effect a cure. The period of the leave shall be such as may be certified by the Authorised Medical Attendant to be necessary.

8.149. (2) Hospital leave may be granted on leave salary equal to either pay drawn immediately before proceeding on earned leave or half pay and for such period as the authority granting it may consider necessary.

8.149. (3) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.

8.149. (4) Provisions of sub-rules (a), (b) and (c) of rule 8.119, rule 8.137 and sub-rules 1 (a) and 1 (c) of rule 8.148 *ibid* shall apply *mutatis mutandis*.

CHAPTER IX – Joining Time  
CONDITIONS UNDER WHICH ADMISSIBLE

9.1 Joining time may be granted to a Government employee to enable him –

- (a) to join a new post either at the same or 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) earned leave not exceeding 180 days, in respect of Government employees subject to the Leave Rules in Section III of Chapter VIII.
  - (ii) leave other than that specified in sub-clause (I) when he has not had sufficient notice of his appointment to new post.
- (c)
  - (i) to proceed on transfer or on the expiry of leave from a specified station to join a post in a place in a remote locality which is not easy of access;`
  - (ii) to proceed, on relinquishing charge of a post on transfer or leave, in a place in a remote locality which is not easy of access to a specified station.

Note 1.- The authority which granted the leave will decide whether the notice referred to in clause (b) (ii) was insufficient.

Note:- 2. The joining time and travelling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India (Rules) and paragraph 2 (iii) and 14 of the Defence Services Regulations, India Passage Regulations, respectively, read with Fundamental Rule 3. These rules admit of the grant of joining time and travelling allowance to military officers in civil employ not only on the occasion of their transfer to civil employ and retransfer to military employ but also when they are actually serving in the civil employ. For the purposes of these rules, privilege leave under the military leave rules, should be treated as earned leave of not more than four months' duration.

Note 3:- The time reasonably required for journeys between the place of training and the stations to which a Government employee is posted immediately before and after the period of training should be treated as part of the training period. This does not apply to probationers holding “training posts” which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

- Note 4. - When a Government employee holding a temporary post is offered through his official superior another such post at some other station at any time before the abolition of his post, he is entitled to joining time.
- Note 5. - No joining time, joining time pay or travelling allowance shall be granted to a State Government employee who is appointed to a post under the Union Government but joins his new post after termination of his employment under the State Government by resignation or otherwise, unless the employment of a particular Government employee is in the wider public interest. The same applies to a employee of the Union Government or of another State Government who, in similar circumstances, is appointed to a post under the Punjab Government. Further, when a Government employee of one department is appointed to a post in another department, both departments being under the Punjab Government, but joins his new post after termination of his employment under the old departments, no joining time, joining time pay or travelling allowance shall be allowed unless it is in the public interest to do so. If joining time is allowed in any case it should be the minimum necessary and should in no case exceed the transit period.
- Note 6. - Joining time, joining time pay and travelling allowance of Government employees appointed to posts under the Punjab Government on the results a Competitive Examination, which is open to both Government employees and others, is regulated as under :-
- (a) travelling allowance, joining time and joining time pay should ordinarily be allowed to all Government employees serving under the Union or State Government who hold permanent post in a substantive capacity.
  - (b) No travelling allowance, joining time pay should be granted in the case of those who are employed in a temporary capacity without the sanction of Government.
  - (c) For the purpose of clause (a) above provisionally permanent and quasi-permanent Government employees shall be treated as on par with the permanent Government employees.
- 9.2 No joining time is allowed in cases when a Government employee is transferred from one post to another in the same office establishment.
- 9.3 (a) A Government employee on transfer during a vacation may be permitted to take joining time at the end of the vacation.
- (b) If vacation is combined with leave, joining time shall be regulated under rule 9.1 (b) (i), if the total period of leave on average pay and vacation or earned leave and vacation combined is of not more than six months or 180 days duration, respectively.
- 9.4 If a Government employee takes leave while in transit from one post to another, the period which has elapsed

since he handed over charge of his old post must be included in his leave. On the expiry of the leave, the Government employee may be allowed normal joining time.

### CALCULATION OF JOINING TIME

9.5 The joining time of a Government employee in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a minimum of 30 days. Six days are allowed for preparation and in addition, a period to cover the actual journey calculated as follows:-

(a) A Government employee is allowed :-

(i)	For the portion of the journey which he travels by air craft	Actual time occupied in the journey.
(ii)	For the portion of the journey which he travels or might travel.	One day for each.
	By railways	... 500 kilometers
	By ocean steamer ...350 kilometers)	Or any
	By river steamer ... 150 kilometers )	Longer time actually occupied in the journey.
	By motor vehicle or horse-drawn conveyance	... 150 kilometers.
	In any other way	... 25 kilometers

(b) (i) For purpose of journey by air under clause (a) (i) a part of day should be treated as one day.

(ii) a day is also allowed for any fractional portion of any distance prescribed in clause (a) (ii).

(c) when part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

Note . - If a steamer is not due to start immediately after the expiry of six days from the day when the Government employee, gives over charge, the Government employee may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry.

- (d) travel by road not exceeding eight kilometers to or from a railway station, or steamer ghat at the beginning or end of journey does not count for joining time.
- (e) A Sunday does not count as a day for the purpose of the calculations in this rule but Sundays are included in the maximum period of 30 days.

**Exception** - The authority sanctioning the transfer may in special circumstances reduce the period of joining time admissible under this rule.

9.6 Not more than one day is allowed to a Government employee in order to join a new post when the 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 rule.

9.6-A. When holiday (s) follow (s) joining time, the normal joining time may be deemed to have been extended to cover such holiday (s).

9.7 Except in the case of a journey performed by air which will be governed by the provisions in clause (a) (I) of rule 9.5 by whatever route a Government employee actually travels his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinary use.

9.8 (a) The joining time of a Government employee under clause (b) (I) and (ii) of rule 9.1 will be counted from his old station or from the place at which he receives the order of appointment, whichever calculation will entitle him to less joining time. If the leave is being spent out of India and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule. If, however, such a Government employee actually performs the journey to his old headquarters for winding up his personal affairs, etc. his joining time will be calculated from the old headquarters to the new headquarters, irrespective of the place where he spends leave or receives posting orders. A certificate to the effect that the Government employee had actually performed the journey from the station where he was spending leave to the old headquarters for winding up personal affairs should be furnished by the officer concerned with his charge report for assumption of the post at the new headquarters. The responsibility for obtaining the certificate from a gazetted officer would rest with the Audit Officer concerned and for non gazetted staff , with the head of office.

(b) A Government employee taking joining time under clause (b) (I) of rule 9.1 who receives, while on leave (whether spent in or out of India); order of transfer to a station other than that from which he took leave, will be

granted full joining time admissible under clause (a) above, without reference to the authority which granted the leave and irrespective of the date on which the orders of transfer are received by him. Should he join his new appointment before the expiry of such leave plus the joining time admissible the period short taken should be considered as leave not enjoyed, and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case, the Government employee desires not to avail himself of the full period of joining time admissible the period of leave and joining time should be adjusted with reference to such option.

9.9 Omitted.

9.10 If a Government employee is authorised to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he actually makes over charge.

9.10-A. If the headquarter of a Government employee, while on tour is changed to the tour station itself, or his temporary transfer is converted into permanent transfer by the competent authority, his joining time may be calculated from the old headquarters, to the new headquarters, in case he actually performs the journey to his old headquarters for winding up his household etc.

9.11 If a Government employee is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Note. - A second period of six days for preparation should not be included in calculating the joining time of a Government employee whose appointment is changed while he is in transit.

9.12 When a Government employee under the administrative control of the Punjab Government is transferred to the control of another Government, his joining time for the journey to join his post under that Government and for the return will be governed by the rules of that Government.

9.13 and 9.14 Omitted.

### **PAY DURING JOINING TIME**

9.15 A Government employee on joining time shall be regarded as on duty, and shall be entitled to be paid as follows:-

- (a) where joining time is granted under clause (a) of rule 9.1 the pay which he would have drawn if he had continued in the old post; or the pay which he will draw on taking charge of the new post, whichever is less;
- (b) where the joining time is granted under clause (b) of rule 9.1 –

- (i) if it is in continuation of leave which included a period of leave on average pay of earned leave pay equal to leave-salary which he last drew during such leave on average pay or earned leave at the rate prescribed for payment of leave salary in India ; and
  - (ii) if it is in continuation of leave which did not include a period of earned leave-pay equal to the leave salary which the Government employee would have drawn under the leave rules applicable to him as if he had been on leave on average pay or earned leave in India for the period of joining time;
- (c) where joining time is granted under clause (c) of rule 9.1, the pay which he would draw in his post in the remote locality :

Provided that :-

- (i) a Government employee on transfer shall not be entitled to any pay for the period of joining time unless his transfer is in the interest of public service;
- (ii) no joining time pay shall be granted to a Government employee who does not hold a permanent post under Government (including the central and State Governments) in a substantive capacity or a post under the Punjab Government in a quasi-permanent capacity, when he is appointed to a new post on the results of a competitive examination or interview which is open to both Government employees and others.

Note 1. - A Government employee on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interest.

In such cases the Government employee may be granted regular leave by the competent authority under the leave rules admissible to him even if the transfer is at his own request to cover the period after handing over charge at the old station and before taking over at another, if the Government employee applies for it and the competent authority is willing to sanction it. In case, however, where the Government employee does not apply for leave to cover the period spent in transit, this period should be treated as “dies non” for purposes of leave, increment and pension.

Note 2. - A military officer subject to the Military Leave Rules who retains a lien on his civil post is entitled on joining time, under sub-clause (ii) of clause (b) above, to draw the same amount of leave salary which he would have drawn had he taken leave under Civil Leave Rules : Provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

9.16 In the Public Works Department no extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government employee until the transfer is complete, but as far as ordinary pay and

allowances are concerned as exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division, or other charge) consists of several scattered works which the relieving and the relieved Government employee are required, by the orders of a superior officer, to inspect together before the transfer can be complete. The relieving Government employee will be considered as on duty if the period taken in carrying out these inspection is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government employee will draw :-

- (i) if he is transferred from a post which he holds substantively his presumptive pay in that post;
- (ii) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post : provided it is not more than the pay he would draw after the transfer is complete : otherwise his presumptive pay in the permanent post on which he had a lien prior to transfer ;
- (iii) if he returns from leave, his pay during the period of taking over charge be regulated as follows :-
  - (a) if he went on leave while working in the post held by him substantively, the presumptive pay of that post; and
  - (b) if he went on leave while working in a post in an officiating capacity, the officiating pay of that post or the pay which will be admissible to him in the new post, after taking over charge, which ever is less.

Note 1. - The concession of house-rent allowance or free quarter ordinarily admissible to a Government employee should be treated as “ordinary pay and allowances” within the meaning of this rule and is admissible to both the relieved and the relieving Government employees during the period occupied by them in handing over and taking over charge.

Note 2. - In each case where it has been decided to treat the period of taking over charge of a relieving officer as ‘duty’ under the provisions of this rule, a declaration in the following proforma should be issued:-

### DECLARATION

I, \_\_\_\_\_  
(Name) (Designation)

declare that Shri \_\_\_\_\_  
(Name and designation of the officer to be relieved)

and Shri \_\_\_\_\_  
(Name of the relieving officer)

\_\_\_\_\_ were engaged in  
(Designation)

Joint inspection of several scattered works and / or stores during the period \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

In connection with handing over and taking over charge and I do not consider the above period as excessive during which Shri \_\_\_\_\_ shall be treated as on duty.

(Name of the relieving officer)

Station. Name

Date. Designation.

9.17. The application of rule 9.16 which forms as exception to the general rule and which concerns the Public Works Department only, has also been extended to the transfer of charge specified in column 2 of the table below in the case of the following departments. The authority noted in column 3 against each is to determine whether the period spent in completing the transfer of charge is not excessive:-

Name of Department	Charge to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
1. Jail Department	Deputy Superintendent and Storekeepers.  Senior Factory Assistant, Reformatory Settlement, Amritsar	Inspector-General of Prisons, Punjab.  Ditto
2. Industries Department	Teachers and clerks holding charge of Stores in the Government Industrial Schools and Institutions  Storekeepers in the Government Central Weaving Institute, Amritsar; School of Arts, Government Institute of	Director of Industrial Training.  Director of Industries.

Dyeing and Calico-Printing  
and Demonstration Weaving  
Factory, Ludhiana.

Lady Superintendent and Head Director of Industries.  
Mistresses who hold charge of  
Stock and Stores in  
Government Zenana Industrial  
Schools.

Storekeepers and Clerks in Ditto  
Government Tanning Institute,  
Jullunder, Government Hosiery  
Institute, Ludhiana Marketing  
Sections, Wool Section and  
Sericulture Section.  
Laboratory Assistant in the  
Industrial Research  
Laboratory, Demonstrators of  
all Demonstration parties in the  
Punjab.

3. Agriculture Department Storekeepers, Well Supervisors and Well Borers in Workshops and Well Boring Section and Agriculture Assistants and Clerks attached to Farms. Director of Agriculture.
4. Veterinary Department Veterinary Assistant and Veterinary Assistant Surgeon incharge of Civil Veterinary Hospitals. Divisional Superintendent, Civil Veterinary Department
5. Judicial Department Ahlmads and Record-keepers in the Courts of District and Sessions Judges including Additional District and Sessions Judges District and Sessions Judges concerned upto 10 days.

Ahlmads, Execution Moharrirs, Presiding Officer of the

Guardian Moharrirs in the Court up to 7 days and Court of Senior and other District Sessions Judges Subordinate Judges and upto 10 days. administrative Subordinate Judges and Readers to Administrative Subordinate Judges, Ahlmads, Naib, Shariff incharge of Execution Work and Insolvency Clerk in Small Cause Courts.

6. Food and Supplies Department and Inspectors, Food and Supplies/ Sub-Inspectors, Food and Supplied. Head of the Department : Provided the total period spent in the transfer of charge does not exceed four days.
7. Treasuries and Accounts Branch. Finance Department and Assistant Treasury Officer, District Treasurers and Assistant/ Sub-Treasurers. Head of Department
8. Treasuries and Accounts Branch, Department of Finance. Treasury Officers. Head of Department upto two days.
9. Printing & Stationery Department & Store-Keepers. Head of Department provided the total period spent in transfer of charge does not exceed 6 days.

## OVERSTAYAL AND EXTENSION OF JOINING TIME

- 9.18. A Government employee who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 3.17.

- 9.19. (a) A competent authority may, in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.
- (b) Within the prescribed maximum of thirty days. Heads of Departments may, in the case of Government employees under their control (other than those belonging to All India Services), extend the joining time admissible under the rules to the extent necessary in the following circumstances :-
- (i) when the Government employee has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part has spent more time on the journey than is allowed by the rule or
  - (ii) when such extension is considered necessary for the public convenience or for the saving or such public expenditure as is caused by unnecessary or purely formal transfers ;
  - (iii) when the rules have, in any particular case, operated harshly, as for example, when a Government employee has through no fault on his part missed a steamer or fallen sick on the journey.

## JOINING TIME TO PERSONS NOT IN GOVERNMENT SERVICE ON JOINING THE GOVERNMENT SERVICE AND ON REVERSION FROM IT

- 9.20. A person in employment other than Government service or on leave granted from such employment, if, in the interest of Government, he is appointed to a post under Government, may, at the discretion of the competent authority, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him, by his private employer prior to his appointment to Government service or pay equal to the pay of the post in Government service, whichever is less.

## CHAPTER X

### FOREIGN SERVICE AND DEPUTATION IN INDIA

- 10.1. **Meaning of Foreign Service:** -As per definition given in rule 2.21 Foreign Service means service in which a Government employee receives his pay with the sanction of Government from any source other than the revenues of the Union or State Government or a Union Territory.

## GENERAL CONDITIONS FOR FOREIGN SERVICE

10.2. (a) A competent authority may sanction the transfer of a Government employee to foreign service in or out of India:

Provided no Government employee may be transferred to foreign service in or out of India against his will:

Provided further that a Government employee, other than an employee working in the Punjab Vidhan Sabha Secretariat, may, in public interest, be transferred without his consent to foreign service under a Company, a Corporation or a Body whether incorporated or not, which is wholly or substantially owned or controlled by the State Government or under a Municipal Corporation or a local body within the State of Punjab or under the Bhakra Beas Management Board or the Beas Construction Board :

Provided further that no Government employee shall be transferred to a post carrying pay which is less than or a pay scale the maximum of which is less than the basic pay he would have drawn but for his transfer to foreign service :

Provided further that no Government employee shall be transferred to foreign service unless the foreign employer undertakes to afford him, as far as, may be, privileges not inferior to those which he would have enjoyed under the Punjab Service (Medical Attendance) Rules, 1940, as amended from time to time, if he had been employed in the service of the Government of Punjab.

(aa) A Government employee, other than an employee working in the Punjab Vidhan Sabha Secretariat, may in public interest, be deputed without his consent to a post under the Administration of ; Union Territory, Chandigarh :

Provided that no Government employee shall be deputed under this clause to a post carrying pay which is less than or a pay scale the maximum of which is less than the basic pay he would have drawn but for this deputation.

(b) The Government which will be entitled to recover pension contribution on behalf of a Government employee lent to foreign service should be regarded as the Government competent to sanction the transfer.

10.3 A transfer to foreign service is permissible if the following conditions are fulfilled:-

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government employee ;

(b) the Government employee transferred holds, at the time of his transfer to foreign service a post paid from Government revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended. Transfer of a temporary Government employee to foreign service who

fulfils this condition of lien is also permissible;

- (c) A Government employee transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer.

### **PAY AND JOINING TIME**

10.4 (a) A Government employee in foreign service shall draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. The amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

The competent authority may by general order impose such restrictions in regard to the admissibility of pay to an employee transferred to foreign service, as it may deem fit. Annexure 'A' contains the restrictions regulating the amount of remuneration to be paid to Government employees on foreign service in India.

10.5 A Government employee transferred to foreign service if appointed to officiate to a post in Government service, before his term of foreign service expires or before he reverts to his parent service in normal course shall draw pay calculated on the pay of the post in which he holds a lien had his lien not been suspended and that of the post in which he officiates. In other words his foreign service will be taken into account in fixing his pay on appointment as above.

Note. - In case of foreign service out of India the entitlement of the Government employee to sterling overseas pay is to be decided in consultation with the foreign employer and keeping in view the rupee value of the sterling pay (also see note 1 below article 229 of the Account Code, Volume IV).

### **PENSION AND LEAVE SALARY**

10.6. (a) A Government employee transferred to foreign service may not, without the sanction of the competent authority, accept a pension or gratuity from his foreign employer in respect of such service.

(b) When any Government employee whose services are lent on foreign service conditions retires from Government service without at the same time retiring from the service of his foreign employer, the Accountant General shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from employer the opportunity, if he be so inclined, of revising the existing terms of employment.

(c) The employee on foreign service out of India, if he so chooses, may accept gratuity from the foreign Government but the service rendered by him with that Government shall not qualify for pension under the State Government. The gratuity so accepted shall be credited into the General Provident Fund or the Contributory Provident

Fund account, as the case may be, of the employee concerned.

- 10.7. (a) While a Government employee is in foreign service, contribution towards the cost of his pension shall be paid to Government revenues on his behalf.
- (b) If the foreign service is in India, contributions shall be paid on account of the cost of leave salary also.
- (c) Contribution due under sub-rules (a) and (b) above shall be paid by the Government employee himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.
- (d) (i) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer to foreign service may determine before hand in consultation with the foreign employer the conditions on which leave will be granted by such employer. The leave-salary in respect of leave granted by said employer will be paid by him and the leave will not be debited against the Government employee's leave account.

Note. - Leave granted under this sub-rule should be treated as leave and not as duty for the purposes of pension.

- (ii) In special circumstances, the authority sanctioning transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employee pays leave contribution at the prescribed rate.

#### **RATE OF CONTRIBUTIONS PAYABLE ON ACCOUNT OF PENSION AND LEAVE SALARY**

10.8 (1) The rates of contribution payable on account of pension and leave salary shall be such as the competent authority may by general order specify with a view to –

- (a) secure to the Government employee the pension that he would have earned by service under Government if he had not been transferred to foreign service; and
- (b) to secure to Government employee leave salary on the scale and under the conditions applicable to him.

(2) A competent authority may remit the contributions due in any specified case or class of cases as is done in the case of transfer of Assistant Medical Officers to foreign service in Local Fund Charitable Hospitals and Dispensaries.

(3) While calculating the rate of leave salary admissible in the case of Government employee entitled to a lien in a post and paying his own contributions the pay drawn in foreign service shall account for the purpose of pay on the last day of duty.

Note. - The rates of contributions prescribed under this rule and the method of their calculation are given in annexure 'B' appended to this Chapter.

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## **TIME LIMIT FOR PAYMENT OF CONTRIBUTIONS**

10.9. The payment of leave salary and pension contribution in respect of Government employee in foreign service shall be made (separately as they are creditable to different heads of accounts) by the foreign employer or by the employee concerned as specified in the terms of transfer to foreign service within fifteen days from the end of the financial year or at the end of the term of the foreign service, whichever is earlier. No dues recoverable from Government on any account, shall be set off against these contributions.

## **INTEREST ON OVERDUE CONTRIBUTIONS**

10.10. In case the contribution is not paid within the specified period, interest shall be paid to Government on unpaid contribution, according to the terms of foreign service at the rate of two paise a day for one hundred rupees from the date of expiry of that period up to the date on which the contribution is finally paid. Where contributions are paid not in cash but by book adjustments in the accounts made by Accountant-General any interest levied on overdue contributions should be charged upto the date on which the adjustment is finally made in the accounts.

## **REMISSION OF INTEREST**

10.11. The Competent Authority may remit interest on overdue contributions in exceptional circumstances when for instance the payment of the contribution has been delayed through no fault of Government employee or the foreign employer concerned. Interest will not be remitted in consequence of delay on the part of the Accountant-General to make a claim, if the facts on which the claim is based were within the knowledge of the Government employee or the foreign employee concerned.

10.12. If a Government employee transferred to foreign service withholds the contributions, he shall forfeit the right to count as duty in Government service the time spent in foreign service. The contribution paid on his behalf maintains his claim to pension or/ and leave salary, as the case may be in accordance with the rules of service of which he is a member. Neither the Government employee nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

## **LEAVE WHILE ON FOREIGN SERVICE**

10.13. A Government employee transferred to foreign service shall before taking up his duties in foreign service, acquaint himself with the rules or arrangements which will regulate his leave during such service.

10.14. A Government employee transferred to foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

10.15. A Government employee transferred to foreign service in India shall be personally responsible, for the

observance of rule 10.14. By accepting leave to which he is not entitled under the rules he renders himself liable to refund leave salary irregularly drawn and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave salary.

10.16. A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer to foreign service may determine before hand in consultation with the foreign employer, the conditions on which leave will be granted by such employer. The leave salary in respect of leave granted by the said employer shall be paid by him and the leave shall not be debited against the Government employee's leave account. Leave granted under this clause should be treated as leave and not as duty for the purposes of pension.

(b) In special circumstances, the authority sanctioning transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employer pays leave contribution at the rate prescribed under rule 10.8 or otherwise specified.

10.17. The grant of leave preparatory to retirement to a Government employee coupled with permission to remain in the service of the foreign employer shall be regulated in the following manner :-

- (1) In the case of a Government employee, who is already on foreign service in or out of India under a body corporate, owned or controlled by Government applies for leave preparatory to retirement. The leave applied for can be granted only if the body corporate, owned or controlled by Government is prepared to release him from its employment to enable him to enjoy the leave.
- (2) In the case of a Government employee who is transferred to foreign service in or out of India under a body other than a body corporate, owned or controlled by Government who applies for leave preparatory to retirement, such a leave shall be admissible only where the Government employee quits duty under the foreign employer. In other words he will not be permitted to continue in employment under the foreign employer while on leave preparatory to retirement. If he is allowed to continue in the employment of the foreign organisation after the date of superannuation, he shall be treated purely as on private employment.

### **REVERSION FROM FOREIGN SERVICE**

10.18. A Government employee reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the competent authority may declare.

10.19. When a Government employee reverts from foreign service in Government, his pay shall cease to be paid by the foreign employer, and his contributions shall be discontinued, with effect from the date of reversion.

## RECOVERIES IN THE CASES OF ADDITIONS TO REGULAR ESTABLISHMENT

10.20. (1) The following rules shall govern the recoveries in the cases of additions made to a regular establishment from the persons for whose benefit the additional establishment is created on the condition that its cost or a definite portion of its cost shall be recovered from the persons concerned:-

- (a) The amount to be recovered shall be the gross sanctioned cost of the service or of the portion of the service as the case may be, and shall not vary with the actual expenditure of any month.
- (b) The cost of the service include contribution at such rates as may be laid down under rule 10.8 and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) A competent authority may reduce the amount of recoveries, or may entirely forego them.

(2) The following procedure shall be adopted in applying the rates of contribution prescribed under rule 10.8 to cases falling under this rule :-

- (i) **Pension contribution** - In the case of a Government employee of one of the Provincial Service, Class I, or holding a special post of corresponding rank, the amount to be recovered as contribution shall be the average of the rates prescribed in column 2 of the table in Annexure B to this Chapter.

In the case of employees of other services or those holding special posts of corresponding ranks a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in columns 3 and 4 of the table referred to above shall be levied.

- (ii) **Contribution for leave salary** - The rate for calculating the amount to be levied as contribution in respect of a member of one of the Provincial Services, Class I, or holding a special post of corresponding rank shall be the average of the rates prescribed for Government employees subject to ordinary leave rules in Chapter VIII, whereas the actual percentage prescribed for other Government employees shall be levied on the total sanctioned cost, or in the case of time-scales of pay on the average cost of all the posts concerned.
- (3) The procedure laid down in sub-rule (2) above shall also be applicable to all Government commercial concerns in which leave and pensionary charges are adjusted on contribution basis in their regular commercial accounts or in which pensionary charges are taken into account calculating the issue price of goods manufactured or fees for service rendered or to any other department in which pensionary charges are adjusted in the regular accounts on the basis of foreign service contribution rates.

## GENERAL CONDITIONS OF DEPUTATION AND DEPUTATION ALLOWANCE

## **GENERAL CONDITIONS**

10.21. (1) (i) The term 'deputation' covers only appointment made by transfer on temporary basis. Appointments of Government employees made either by promotion or by direct recruitment in competition with candidates from the open market, whether on a permanent or temporary basis shall not be regarded as deputation. Similarly, permanent appointments made by transfer shall not be treated as deputation.

(ii) The transfer on an employee from one department to another department under the Punjab Government will not be considered as deputation and no deputation allowance will be admissible.

(iii) The term 'Basic Pay' for this purpose shall mean the pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of officiating appointment in an employee's present cadre provided the officiating appointment so held was not in a tenure post and it is certified by the appointing authority that but for the deputation the employee concerned would have continued to hold the officiating appointment indefinitely.

(iv) Personal pay, if any, drawn by an employee on the post in his parent department may be allowed in addition and will not be absorbed in the deputation allowance, but will be absorbed in other increases in pay e.g. increment or increase of pay by promotion or for any other reason.

## **DEPUTATION ALLOWANCE**

10.21. (2) The grant of deputation allowance to Public Government employees who are transferred on deputation or to foreign service to other State Governments or the Central Government or bodies (incorporated or not), wholly or substantially owned or controlled by Government, provided the transfer is outside the regular line and is in the public interest shall be regulated as under :-

- (1) The deputation allowance shall be at the uniform rate of ten per cent of the employee's basic pay and shall be subject to a maximum of three hundred rupees per mensem :

Provided that a Government employee on deputation or on foreign service on or after the first day of January, 1978 but before the publication of the Punjab Civil Services Volume I (3<sup>rd</sup> Amendment) Rules, 1982, may, at his option to be exercised within a period of sixty days of such publication draw deputation allowance at the uniform rate of twenty per cent of his unrevised pay till the expiry of the existing term of his deputation :

Provided further that the basic pay plus the deputation allowance shall in no case exceed three thousand rupees per mensem.

- (2) The deputationist shall either be allowed special pay or deputation allowance on his basic pay and not both, irrespective of the fact whether the special pay has been sanctioned for the parent post in lieu of

higher time scale or otherwise. Similarly special pay, if any, attached to a deputation post shall also be admissible along with deputation allowance.

- (3) Any project allowance admissible in a project area may be drawn in addition to the deputation allowance.
- (4) Where a special rate of deputation allowance is admissible in any area on account of conditions of living there being particularly arduous or unattractive, such a special rate being more favorable than that admissible under these rules, the Government employees deputed to such area will be given the benefit of the special rate.
- (5) The deputation of an employee to the Union Territory of Chandigarh or transfer of an employee to foreign service under the Bhakra Beas Management Board or the Beas Construction Board, shall be treated as service in the interest of the State of Punjab and no deputation allowance shall be admissible.

#### **PAY ON DEPUTATION TO UNIVERSITIES, CORPORATIONS, LOCAL BODIES AND OTHER CORPORATE**

10.22. (1) The Government employees who go on deputation on foreign service to the Universities, Corporations, Local Bodies and other corporate bodies shall not be allowed to get higher start. In case a Government employee wants to take advantage of a higher scale of pay advertised by the Universities, Corporations, Local Bodies and other corporate bodies he can do so after resigning from Government service.

Note. - The Administrative Department should ensure that a representative of the Department of Finance is invariably associated in making recruitment to the corporate bodies, which are receiving financial assistance from the Government of Punjab.

(2) A Government employee placed on deputation may opt to draw either the pay in the scale of pay of the new post, as may be fixed under the normal rules, or his basic pay in the parent Government Department plus personal pay, if any, under rule 10.21 plus deputation allowance. For determining the pay under the normal rules for this purpose in case of deputation to autonomous bodies, it may be assumed that the Government rules apply. The option once exercised shall be final except that on each occasion when such an employee receives proforma promotion in his parent Government department under the next below rule or is reverted to a lower grade in the parent Government or is appointed to another grade by the borrowing agency a fresh option shall be allowed to him.

- (3) The employee on deputation may be given the benefit of the “next below” rule.
- (4) No Government employee shall receive an abnormal increase in pay because of his deputation. In cases

in which a Government employee is sent on deputation against a post the minimum scale of pay of which plus deputation allowance substantively exceeds the emoluments normally admissible to the deputationist, viz., the pay which he draws in the post from which he proceeds on deputation plus deputation allowance, the authority ordering the deputation shall restrict the pay in a suitable manner to curtail the substantial excess thereof.

(5) (i) These rules also apply in other cases of deputation or appointments of employees of their State Government and the Central Government to posts under the Punjab Government, where, however, special order may exist in respect of appointments of a specific category of employees to a specified class of posts, those orders will continue to be applied instead of these orders.

(ii) If a Central Government or any other State Government employee on deputation to the Punjab Government or a Punjab Government employee on deputation to Central Government or any other State Government is allowed to retain the scale of pay, admissible to him in his parent Government plus deputation allowance, if any, dearness allowance should also be allowed under the rules of the parent Government or organisation. Local allowance such as compensatory (city) and house rent allowance will, however, be payable under the rules of the borrowing Government. If, however, the deputationist is appointed in the scale of pay prescribed for the post by the borrowing Government, he should be allowed to draw all allowances including dearness under the rules of the borrowing Government. This sub-rule shall not be applicable to cases where separate orders are issued in consultation with Department of Finance or where special terms of deputation are fixed in consultation with the Department of Finance.

(6) In a case, a person already on deputation is desired to be promoted to a higher post in the borrowing department, the borrowing Government / authority shall obtain the concurrence of the lending Government / authority prior to that promotion. The lending Government / authority shall in such a situation also decide how the pay in the higher post shall be regulated.

(7) This rule shall not apply to cases of deputation to posts outside India

### **HOW TO TREAT DEPUTATION ALLOWANCE**

10.23. The 'Deputation allowance' admissible to Govt. employees transferred on deputation or to foreign service to any other State Government or the Central Government or Bodies (incorporated or not) wholly or substantially owned or controlled by the State Government shall not count as emoluments for any purpose other than pension. In case of pension too it shall count as emoluments only if it is mutually agreed upon between the two Governments that it shall so count for the purposes of pension and the sharing of additional liability is also settled before hand.

Note 1- It has been mutually agreed upon by the Punjab Government and the Central Government that with effect from 4<sup>th</sup> September, 1973 special pay and deputation (duty) allowance and with effect from 11<sup>th</sup> February, 1974 officiating pay drawn on the deputation post, irrespective of whether they would have drawn it had they not been sent on deputation shall be counted towards pension in the case of officials on deputation from the Punjab Government to the Central Government and vice versa. The additional

liability would be shared by the Punjab Government and Government of India in accordance with the provisions of Appendix 3 to the Account code, Volume I.

Note 2- The rules regarding leave salary and pension contribution as laid down in Appendix 3 to the Account Code, Volume I shall apply in cases where a permanent Government employee is appointed under a different Government through open competition, provided he is not required to resign his previous appointment and the Government under whom he was employed prior to his appointment under a different Government through open competition agrees to retain his lien until he is finally absorbed by the latter Government.

### **RESTRICTION ON GRANT OF EXTRA –ORDINARY CONCESSIONS**

10.24. The grant of extraordinary attractive concessions in the shape of higher pay scales, additional remuneration, conveyance allowance, free residential accommodation, free use of electricity and water, free use of car, use of servants for private purposes, samptuary allowance and bonus or award for good work shall not be allowed to Government employees deputed on foreign service to private bodies without the prior approval of the Department of Finance.

### **PERIOD OF DEPUTATION**

10.25. The initial period of deputation may be extended up to five years by the Administrative Department concerned and if in a rare case of special nature, the exigencies so require in public interest, such period may be extended beyond five years by the Administrative Department concerned with the prior concurrence of the Department of Personnel and Administrative Reforms.”

Provided that in the case of deputation on foreign service to bodies like Beas Construction Board, Bhakra Management Board, or other bodies which are not under the direct or indirect control of the Punjab Government and where replacement from amongst the Punjab Government employees cannot be insisted upon, the Administrative Department in consultation with the Department of Finance may extend the period of deputation up to a maximum period of 5 years in cases in which there is a proper justification. Similarly, in the case of Chandigarh Administration where no deputation allowance is admissible and the replacement from amongst Punjab Government employees cannot be insisted upon, Government may extend the period of deputation beyond 5 years:

Provided further that where the Administrative Department in consultation with the Department of Personnel and Administrative Reforms agrees to extend the period of deputation of an employee beyond a period of five years, the deputation allowance and other benefits available in the borrowing department or organisation in addition to those available in the parent department shall not be admissible during the period of deputation so extended.

## **TRAVELLING ALLOWANCE AND DAILY ALLOWANCE DURING DEPUTATION**

10.26. A deputationist, or a Government employee on transfer to foreign service shall be entitled to the Travelling and Daily Allowance at the rates applicable in the borrowing organisation.

## **HOUSE RENT ALLOWANCE DURING DEPUTATION**

10.27. House Rent Allowance will be admissible to a deputationist at the same rates as is admissible to the other Government employees of equivalent categories. A deputationist who may be occupying a Government residential accommodation will be permitted to retain the same on payment of ten percent of his pay plus deputation allowance or the standard rent, whichever ever is less, as house rent from his own pocket, the difference between the market rent and the rent paid by the deputationist from his own pocket shall be paid by the borrowing organisation:

Provided that a Government employee on deputation or foreign service before the publication of the Punjab Civil Services, Volume I (3<sup>rd</sup> Amendment) Rules, 1982, may, at his option to be exercised within a period of sixty days of such publication, draw House Rent Allowance on the existing terms on the basis of his un-revised pay till the expiry of his existing term of deputation.

## **CONDITIONS TO BE OBSERVED WHILE SANCTIONING THE CASES OF DEPUTATION OR FOREIGN SERVICE**

10.28. (1) A Government employee who has served on deputation or on foreign service again unless he has worked for a minimum period of two years on a post in his parent Government on reversion from deputation or foreign service from the first assignment so that Government may be able to make the best use of his service.

(2) The Government has an inherent power to terminate deputation arrangements earlier than the period specified in the order of terms and conditions of deputation when exigencies so demand. Government may, of its own motion or on the request of the borrowing organisation or authority, recall a Government employee at any time before the expiry of the period of deputation. However, to make it more clear and to remove any doubt in this behalf, a specific condition empowering the State Government to recall a Government employee before the expiry of the period of deputation shall invariably be incorporated in all orders transferring employees on deputation or to foreign service.

(3) In the case of Companies, Corporations, Boards etc., which are under the direct or indirect control of the Punjab Government, the maximum three years (five years in rare cases of special nature) period of deputation shall be strictly adhered to. Such corporate bodies shall be required to take replacements from the Government Departments concerned.

10.29. Any relaxation of the conditions and principles of deputation or foreign service laid down in this chapter will require prior concurrence of the Department of Finance.

**ANNEXURE 'A'**  
**[REFERRED TO IN RULE 10.4 (a)]**

The amount of remuneration to be granted to a Government employee transferred to foreign service in India be regulated by the following principles:-

- (1) When the transfer of a Government employee to foreign service in India is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value, in addition to his pay proper, the exact notice of such remuneration or concession must be similarly specified. No Government employee will be permitted to receive any remuneration or enjoy, any concession which is not so specified, and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.
- (2) The following two general principles must be observed in sanctioning the conditions of transfer :-
  - (a) The terms granted to the Government employee must not be such as to impose an unnecessarily heavy burden on the foreign employer.
  - (b) The terms granted must not be so greatly in excess of the remuneration which the Government employee would receive in Government service as to render foreign service appreciably more attractive than Government service.

Note. - The intention of this principle is to prevent undue increase in the emoluments of the individual Government employee transferred to foreign service. His pay in foreign service should, therefore, be fixed with reference to the post which he would have hold under Government, had he not been transferred and not with reference to the post in India corresponding to that held by him in foreign service.

(3) If the two principles laid down in paragraph (2) above are observed, a competent authority may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course but in those cases only in which their grant is in accordance with local custom and the wishes of the foreign employer, and is, in the opinion of the competent authority, justified by the circumstances. The value of the concessions must be taken into account in determining appropriate rate of pay for the Government employee in foreign service :-

- (a) The payment of contribution towards leave salary and pension under the ordinary rules regulating such contributions.
- (b) The grant of conveyance allowance under the ordinary travelling allowance rule of the Punjab

Government or under the local rules of the foreign employer.

- (c) The use of tents, boats, and transport on tour; provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.
- (d) The grant of free residential accommodation which may be furnished, in cases in which the competent authority considers this to be desirable, on such scale as may seem proper to that authority.
- (e) The use of motors, carriages and animals.
- (f) Payment by the foreign employer of such compensatory allowance as would be paid by Government at the station at which he is employed in foreign service, to the Government employee in the service of that Government.

(4) The grant of any concession not specified in paragraph (3) above requires the sanction of the Department of Finance.

(5) Specific terms in regard to travelling allowance to be allowed to Government employees for journeys on transfer to foreign service, and on reversion therefrom, should invariably be prescribed by sanctioning authorities in consultation and agreement with the foreign employer, i.e., it should be made clear in the orders sanctioning the transfer whether the travelling allowance for such journeys, which is payable by the foreign employer is to be regulated by the Punjab Civil Services (Travelling Allowance) Rules, Volume III or by the rules framed by the foreign employer.

(6) The foreign employers should in the case of Government employees transferred to foreign service accept liability for leave salary in respect of disability leave granted on account of disability incurred in and through foreign service, even though such disability manifests, itself after the termination of foreign service. The leave salary charges for such leave should be recovered direct from foreign employers. The foreign employer is liable to pay leave salary charges, if it is medically certified that the disability has been incurred in or through foreign service, irrespective of the period that has elapsed between the date of reversion and the date of manifestation of the disability.

## ANNEXURE B

(Referred to in note below Rule 10.8)

The following rates of contributions on account of Pension and Leave Salary have been prescribed by Government under rule 10.8 :-

1. Rates of monthly contributions for pension payable during active foreign service :-

Length of Service

Percentage of the maximum monthly pay of the post in the Officiating or substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service or to which he may receive proforma promotion while on foreign service in case of

	Class I Government employee	Class II Government employee	Class III Government employee	Class I Government employee
0-1 Years	7	5	5	4
1-2 Years	7	6	6	4
2-3 Years	8	7	6	5
3-4 Years	8	7	7	5
4-5 Years	9	8	7	5
5-6 Years	10	8	7	6
6-7 Years	10	9	8	6
7-8 Years	11	9	8	6
8-9 Years	11	10	9	7
9-10 Years	12	10	9	7
10-11 Years	12	11	10	7
11-12 Years	13	11	10	8
12-13 Years	14	12	10	8
13-14Years	14	12	11	8
14-15 Years	15	13	11	9
15-16 Years	15	13	12	9
16-17 Years	16	14	12	9
17-18 Years	16	14	13	10
18-19 Years	17	15	13	10
19-20 Years	17	15	13	10
20-21 Years	18	16	14	11
21-22 Years	19	16	14	11
22-23 Years	19	17	15	11
23-24 Years	20	17	15	12
24-25 Years	20	17	16	12

25-26 Years	21	18	16	12
26-27 Years	21	18	16	13
27-28 Years	22	19	17	13
28-29 Years	23	19	17	13
29-30 Years	23	20	19	13
Over 31 Years	23	20	18	14

2. Rates of monthly contribution for leave salary payable during active foreign service in respect of Government employees subject to leave rules in Section III of Chapter VIII shall be at 11 per cent of pay drawn in foreign service.

Note 1. - In the case of contract officers governed by the leave terms in Parts I and II of Appendix 16 to the Punjab Civil Services Rules, Volume I, Part II, and who are transferred to foreign service the leave salary contribution should be recovered at the rates prescribed for Government employees subject to the Leave Rules in Section III or Chapter VIII, respectively.

Note 2. - Recovery of leave contribution in respect of joining time taken under rule 9.1 (b) while proceeding to foreign service should be based on the pay that the Government employees would draw on the assumption of office in foreign service.

3. The following instructions should be observed in the calculation of the amounts of contribution :-

- (i) The term “active foreign service” in paragraphs 1 and 2 above is intended to include the period of joining time which may be allowed to a Government employee both on the occasion of his proceeding to and reverting from foreign service and accordingly contributions are leviable in respect of such periods.
- (ii) “Length of service” means the total period running from the date from which service for pension commences or is likely to commence.
- (iii) The leave salary contribution for the period of joining time taken by a Government employee in continuation of leave under clause (b) of Rule 9.1 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.
- (iv) When a temporary Government employee is transferred to foreign service, pension contributions should be recovered as in the case of permanent Government employees.

In such cases the recovery of contributions for leave salary does not present any difficulty, the amounts being calculated on the pay actually drawn in foreign service.

- (v) In the case of Government employees mentioned in rule 4.2 of Volume II of these rules, the period which they are entitled to add under that rule to their service qualifying for superannuation pension should be taken into account in reckoning “length of service” for determining the rates of foreign service contribution on account of pension prescribed.
- (vi) For purpose of recovery of pension, contribution a Government employee on foreign service should be deemed to be a member of the service to which he belongs substantively.

Note. - The expression ‘length of service’ occurring in this paragraph should be taken to mean the entire continuous service of the Government employee concerned including temporary service in a pensionable post.

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## CHAPTER XI - *Service under Local Funds*

11.1. Government employees paid from local funds which are administered by Government are subject to the provisions of Chapter I to IX and XII to XIV of these rules.

Note 1. - Employees of local funds administered by Government who are not paid from consolidated fund by the State and are, therefore, not Government employees are subject to the provisions of Chapter I to IX of the rules.

Note 2. - The expression "Local Funds which are administered by Government", means funds administered by bodies which by law or rule having the force of law come under the control of Government in regard to proceedings generally, and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pensions or similar rules; in other words it means funds over whose expenditure Government retains complete and direct control.

11.2. The transfer of Government employees to service under local funds which are not administered by Government will be regulated by the rules in Chapter X.

11.3. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A competent authority may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

## CHAPTER XII - *Record of Service*

12.1 **Service Rolls/ Service Books of Government employees** - Service record of each Government employee shall be maintained by the Head of Department or Office in such form and manner as may be prescribed by the Department of Finance of its own or in consultation with the Accountant-General, Punjab, or as may be prescribed by the Comptroller and Auditor General of India :

Provided that the maintenance of service record may be dispensed with in the case of Government employees whose service particulars are recorded in the history of service or a service register by the Head of the Department :

Provided further that in the case of Police Officers or and below the rank of a Head Constable, the Government/ Head of the Department may require the maintenance of such additional particulars and biodata as may be deemed fit.

Note. -- The form presently prescribed by the Comptroller and Auditor General of India for the maintenance of service record is A.T.C. 3-A – vide Article 187 of the Audit Code (See Part II Appendix II).

12.2 (1) All the incidents relating to the official career of a Government employee, which have a bearing on pay, promotion, leave, pension etc. shall be recorded in the service record of such a Government employee particularly in respect of the following incidents along with the dates and the relevant authentication /orders:

- (i) Appointment and joining.
- (ii) Grant of increment or withholding of increment.
- (iii) Grant of Selection Grade.
- (iv) Crossing of efficiency bar.
- (v) Fixation of pay.
- (vi) Grant of leave.
- (vii) Deputation/ transfer
- (viii) Suspension or interruption in service along with details of the period thereof.
- (ix) Reinstatement.
- (x) Resignation.
- (xi) Termination of service along with its reasons.
- (xii) Promotion.
- (xiii) Compulsory / Premature/ Voluntary Retirement.
- (xiv) Removal or dismissal from service.
- (xv) Reversion.
- (xvi) Reduction in rank or pay along with the precise reasons thereof viz. Whether reduction is on account of inefficiency or reduction in establishment or abolition of the post held by the employee.
- (xvii) Retirement on superannuation.

(2) Each entry in the service record shall be neatly made and duly attested by the Head of Department or Office, as the case may be. However, where an employee himself is the Head of the Department or Office, the attestation of the entries in his service record shall be made by the next higher authority.

The attesting officer shall ensure that the entries are made regularly and in proper manner.

(3) Erasure, overwriting or interpolation in the service record are not permissible and all corrections where necessary shall be made under proper attestation by the attesting officer.

(1) The Head of Department or Office, as the case may be, may authorise any responsible official, preferably who supervises the office, under him not below the rank of the Government employee to whom the service record pertains to attest the entries made in that record from time to time. Such

authorisation will, however, not absolve him of any responsibility for ensuring accuracy of the entry so attested.

13 It shall be the duty of every Head of Department or Office, as the case may be, to initiate action to show the service book, every financial year within its first quarter, to the Government employee, concerned under his administrative control and obtain his signatures thereon in respect of each entry in token of his having seen the service book. A certificate to the effect that necessary action in this behalf has been taken in respect of the preceding financial year shall be submitted by the concerned Head of Department or Office as the case may be, to the next higher authority by the end of every September. Before affixing his signatures the Government employee concerned shall ensure that his service has been duly verified and certified as required by the rules.

14 (1) The service record including the service book required to be maintained under the preceding rules shall be kept in the custody of the Head of Department or Office, as the case may be, in which the Government employee concerned is serving and it shall be transferred to the office to which such a Government employee may be transferred. The service record so maintained shall in no case be made over to the Government employee concerned.

(2) If the Government employee is transferred to foreign service, his Head of Department or Office, as the case may be, shall note therein the order sanctioning the transfer in regard to leave admissible during the foreign service and such other particulars as he may consider necessary in connection with the transfer. On retransfer of the Government employee from foreign service to Government service, the head of the Department or Office, as the case may be, shall note in it all necessary particulars connected with his foreign service, including the facts of recovery of leave and pension contribution.

14.1 A Government employee shall be entitled to have a certified copy of his service book on payment of such amount as may be fixed by the Department of Finance by a general or special order as copying fee and cost of the service book and also to have all subsequent events and entries recorded therein under proper attestation by the Attesting Officer.

Note:- The fee presently prescribed for the purpose of this rule is five rupees and the relevant head under which it is to be deposited is "068-Miscellaneous General Services-(c)-Other Receipts II"

## **CHAPTER XIII**

**[Omitted]**

## **CHAPTER XIV**

**Classification of Services (including method of recruitment and appointment thereto and number and character of posts), Conduct and Discipline and Punishment and Appeals.**

**SECTION I CLASSIFICATION OF SERVICES**

**(a) GENERAL**

\*14.1 The public services of the State under the administrative control of Government of Punjab shall be classified as under:

- i) The Punjab State Services Class I;
- ii) The Punjab State Services Class II
- iii) The Punjab State Services Class III; and
- iv) The Punjab State Services Class IV

*[\*Substituted vide Notification No. 3-1 (4)-OSD(F)-84/5852 dated 10-6-84]*

14.2. In the case of a person to whom these rules apply and who is not already included in any of the services given in rule 14.1 the competent authority shall decide the service to which he shall belong.

\*14.3 (1) Any person who is dismissed from Govt. Service shall not be appointed to any of the State Services or posts.

*[\*Substituted vide Notification No. 3-1 (4)-OSD(F)-84/5852 dated 10-6-84]*

(2) A member of any of the State Service when appointed to any other service or post shall not be deprived, without his consent, of any right or privilege to which he may have been entitled as a member of his former service. This protection will however, not be available to a member of the service whose appointment in his former service has been terminated by awarding the penalty of removal from service under rule 5 of the Punjab Civil Services (Punishment and Appeal Rules, 1970)

14.4 A competent authority may make rules regulating (1) the method of recruitment to the different services, (2) the strength (including both the number and character of posts) of such services, and (3) the making of first appointment to the different services.

Note 1. - Rules relating to the subjects mentioned in this rule for the different services have been issued separately by the departments concerned.

Note 2. - This rule in so far as it provides for the number and character of posts and their rates of pay to be determined by rule cannot suitably be applied in respect of all ministerial and petty officers and class IV employees. Accordingly these Government employees have been excluded from the operation of this rule to that extent.

Note 3. - The extent up to which the various departments and heads of departments or their subordinate authorities exercise power in respect of the creation or abolition of both permanent and temporary posts and the varying of emoluments of posts are given in Chapter XV.

Note 4. - Although a competent authority has full power to create posts and to fix pay thereof under this rule, the sanction of the Government of India is necessary to the holding in abeyance of a post borne on the cadre of the All-India Services, and the creation in its place of a temporary post of different status.

Note 5. - (a) Short term vacancies, the duration of which exceeds two months by an appreciable margin, may be filled up in the normal manner by the authorities competent to make appointments against the posts.

(b) Officiating promotions in vacancies of two months' duration or less continuous chain of vacancies in the same grade, each of a duration of two months or less but which taken together extend beyond two months, should not as a rule be made save in very exceptional circumstances with the prior approval of the Administrative Secretary concerned in the case of gazetted appointments and of the Head of Department in the case of non-gazetted appointments;

Provided that no leave vacancy, of less than one month duration will ordinarily be filled in the Punjab Vidhan Sabha Secretariat and also that these instructions will not be applicable during its Session days.

#### **(b) PROVINCIAL SERVICES, CLASS I AND II, AND SPECIALIST SERVICES**

14.5. The provincial Services, Class I and II, consist of such services as the competent authority may from time to time declare by notification in the Punjab Gazette to be included in Class I and II Services.

Note. - For the list of services declared of Provincial Services, Class I and Class II, see Schedule at the end of this Chapter..

14.6. The Specialist Services shall consist of such services (other than All-India and Provincial Services, Class I and II) as the Government may from time to time by notification in the Punjab Gazette declare to be Specialist Services.

#### **(c) OTHER SERVICES**

14.7. Provincial Services, Class III and IV, include persons to whom these rules apply and who are not already

included in any of the services comprised in class (i), (ii) and (iii) of rule 14.1.

## SECTION II.

### CONDUCT AND DISCIPLINE

14.8. A competent authority may make rules to regulate the conduct of the members of the Provincial Services, Class I, II and III and holders of special posts.

Note. - Rules issued under this rule are contained in Appendix 23 to these rules.

## SECTION III

### PUNISHMENT AND APPEALS

14.9 A competent authority may issue rules specifying the penalties which may be imposed on members of the services and procedure for preferring appeals against the imposition of such penalties.

\*Note. – Omitted

*[\*Omitted vide Notification No. 3-1 (4)-1FCD-83/9347 dated 9/14-5-86]*

## CONDUCT AND DISCIPLINE AND PUNISHMENTS AND APPEALS

### SCHEDULE

(See note below Rule 14.5)

#### LIST OF PROVINCIAL SERVICES

1. (a) Punjab Civil Services (Executive) (Class I)  
(b) Punjab Civil Services (Judicial) (Class I)
2. (a) Punjab Secretariat Service (Class I)  
(b) Punjab Secretariat Service (Class II).
3. (a) Punjab Educational Service (Men's Branch) (Class I).  
(b) Punjab Educational Service (Men's Branch) (Class II).
4. (a) Punjab Educational Service (Women's Branch) (Class I).  
(b) Punjab Educational Service (Women's Branch) (Class II).
5. (a) Punjab Civil Medical Service (Class I).  
(b) Punjab Civil Medical Service (Class II).

6. Punjab Police Service (Class I).
7. (a) Punjab Agricultural Service (Class I)  
(b) Punjab Agricultural Service (Class II)
8. (a) Punjab Service of Engineers (Building and Roads Branch) (Class I).  
(b) Punjab Service of Engineers (Building and Roads Branch) (Class II).
9. (a) Punjab Service of Engineers (Irrigation Branch) (Class I)  
(b) Punjab Service of Engineers (Irrigation Branch) (Class II)
10. Punjab Forest Service (Class II)
11. (a) Punjab Veterinary Service (Class I)  
(b) Punjab Veterinary Service (Class II)
12. (a) P.S.E., P.W.D. (Public Health Branch) (Class I)  
(b) P.S.E., P.W.D. (Public Health Branch) (Class II)
13. (a) Punjab Co-operative Service (Class I)  
(b) Punjab Co-operative Service (Class II)
14. Punjab Irrigation Deputy Collector (Revenue Branch) Service  
(Class II)
15. Punjab Finance and Accounts Service (Class II).
16. (a) Punjab Excise and Taxation Department (State) Service, Class-I.  
(b) Punjab Excise and Taxation Department (State) Service, Class-II.
17. (a) Punjab Industrial Service (Class I).  
(b) Punjab Industrial Service (Class II).
18. (a) Punjab Irrigation Research Service (Class I)  
(b) Punjab Irrigation Research Service (Class II)
19. (a) Punjab Employment Service (Class I).  
(b) Punjab Employment Service (Class I).

20. Punjab State Accounts Service (Class II).
21. Punjab Health Department Dental State Service (Class II).
22. (a) Punjab Transport State Service (Class I).  
(b) Punjab Transport State Service (Class II).
23. (a) Punjab Labour Service (Class I)  
(b) Punjab Labour Service (Class II)
24. Punjab Co-operative Audit (State Service) (Class II).
25. (a) Punjab Local Fund Accounts (Class I) Service  
(b) Punjab Local Audit Department (Class II) Service.  
(a) Punjab Finance Department Treasuries and Accounts Branch Services (State Service Class II)
26. Punjab Prisons Service (Class II).
27. Punjab Soil Conservation and Engineering Service (Class II).
28. Punjab Financial Commissioner's Officer (State Service, Class II).
29. Punjab Development and Panchayat (Class II) Service.
30. Punjab Food and Supplies Department (State Service, Class II).
31. (a) the Punjab District Sainik Welfare Offices (State Service Class I)  
(b) the Punjab Sainik Welfare (Class I Service)
32. (a) Punjab State Legal Service.  
(b) Punjab Secretariat Service (State Service Class II) Law and Legislative Department.
33. Punjab District Attorneys Service.
34. Punjab State Archives Department Service (Class II).
35. Punjab Languages Department Service (Class I).
36. Punjab Languages Department (State Service Class II).
37. Punjab Printing and Stationery Department (State Service, Class I and II).
38. Punjab Revenue Services (Class I)
39. Punjab Revenue Services (Class II)

40. (a) The Punjab Economic and Statistical Organisation (State Service Class I).  
(b) The Punjab Economic and Statistical Organisation (State Service Class II).

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CHAPTER XV - *Authorities which exercise the powers of a competent authority under the various Rules.*

15.1. With reference to rule 2.14 the following authorities shall exercise the powers of a competent authority under the various rules.

Note 1. - The following provisions apply in the matter of the creation of posts:

- (i) The power to create a permanent post may, unless there exists a specific power in respect of similar temporary posts, be held to cover a temporary post within the same limits.
- (ii) The term “pay” does not include “special pay”.
- (iii) The powers to create posts do not refer to class IV establishment, the pay of which is debitable to “Contingencies”. These are governed by the rules given in the Punjab Financial Rules, Volume I.
- (iv) The powers in regard to the creation of posts are intended to be exercised in individual cases only. Proposals involving a general addition to the establishment of a number of offices should be referred to Department of Finance.
- (v) In respect of delegations for creation of posts, fees or commission, which are the authorised emoluments of the post, should be considered as pay or part of the post for the purposes of determining the authority competent to the post.

Note 2. - The Administrative Departments and the Heads of Departments concerned may red legate the powers, delegated to them in the table below this rule, to any officer under them at their headquarter offices on their own overall responsibility and subject to such conditions and restrictions as they may like to impose. Copies of such orders should invariably be endorsed to the Department of Finance and the Accountant General, Punjab. They may also re-delegate their powers in respect of the following items in the manner indicated below:

Serial number of the table below this rule.	Authority to whom power may be re-delegated.
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2, 4, 5, 11, 12, 29, 32, 34, 35,	To any officer subordinate to them.
38, 44, 45, 48, 49, 51, and 57.	The Power in respect of items Nos. 44

and 45 may, however, be re-delegated only in respect of non-gazetted officers.

8, 9, 10, 14, 21, 23, 40, 41, 43, To authorities competent to make appointments.  
47, 52 and 54.

[15.1] THE PUNJAB CIVIL SERVICES RULES [Chap.XV]

Serial No.	No. of Rule	Nature of Power	Authority to which the power is delegated	Extent of power delegated.
1	2	3	4	5
1.	2.26	Omitted.		
2.	2.27 (b)	Power to declare a Government employee's headquarters	Departments of Government.  Head of Departments  Conservators of Forests  Divisional Forest Officers.  Superintending Engineers in the Buildings and Roads and Irrigation Branches.	Full powers.  Full powers in case of all Government employees of Class II, Class III and Class IV and also Class I officers upto district level.  Full powers in respect of posts under their control except those of Divisional Forest Officers and equivalent posts.  Full powers in case of those Government employees whom they can appoint.  Full powers in case of non-gazetted Government employees under their control.

			Deputy Registrar, Co-operative Societies	Full powers in case of Government employees whom they or any authority subordinate to them can appoint.
3.	2.42	Power to appoint a Government employee to officiate in a vacant post.	Departments of Government.	Full powers.
			Authority competent to make a substantive appointment to the post.	Full powers.
			Elections Commissioner, Punjab	Full powers in respect of temporary post which he is competent to create.
			Chief Conservator of Forests.	Full powers for all posts except in respect of P.F.S., Class I.
			Chief Engineer, Irrigation Works.	Full powers in respect of the posts under his control except those of Superintending Engineers or equivalent posts.
				Full powers except in respect of posts of the rank of Sub-Divisional Officers and above.
			Director of Industries, Punjab.	Full powers to appoint a Government employee to officiate in a vacant post for 3 months in case of appointment of all non-gazetted staff.
4.	2.53	Power to define the limits of a Government	Department of Government.	Full powers.

employee's sphere  
of duty

			Heads of Departments	Full powers in case of all Government employees of Class II, Class III and Class IV and also Class I officers upto district level.
			Conservators of Forests	Full powers in respect of posts under their control except those of Divisional Forest Officers and equivalent posts.
			Divisional Forest Officers.	Full powers in case of those Government employees whom they can appoint.
			Superintending Engineers in the Public Works Department	Full powers in case of those Government employees whom they can appoint.
			Deputy Registrar, Co-operative Societies	Full powers in case of Government employees whom they or any authority subordinate to them can appoint.
5.	Schedule to Chapter II, Paragraph I (vii).	Power to permit a Government employee to appear in an optional examination.	Department of Government.	Full powers.
			Heads of Departments	Full powers in respect of non-gazetted Government employees and Class II gazetted officers.
6.	Schedule to Chapter II, Paragraph II (5).	Power to sanction the absence of a Government employee on duty beyond sphere of	(i) Departments of Government, (ii) Heads of Departments.	Full powers for absence within India. Full powers in individual cases for reasons of public

duty.

nature to be specified in writing.

Provided :-

(i) the absence does not exceed 60 days; and

(ii) is within India.

(iii) Controlling Officers.

Full powers in individual cases for reasons of public nature to be specified in writing;

Provided :-

(i) The absence does not exceed 30 days; and

(ii) is within Punjab State.

(iv) Deputy Commissioners.

Full powers to allow IAS/ PCS officers serving under them to perform journeys beyond their sphere of duty for attending courts as witnesses in their official capacity to places within Punjab.

(v) Heads of Offices.

Full powers in individual cases, for reasons of public nature to be specified in writing;

Provided :

(i) the absence does not exceed 15 days; and

(ii) is within Punjab.

7. Schedule to Chapter II, Paragraph 11 (5). Powers to sanction absence of block personnel (except Village Level Workers) and staff of Gram Sewaks Financial Commissioner, Development and Secretary to Government, Punjab Development and

Full powers provided the absence does not exceed three months.

Training Centres and allied wings 'beyond their sphere of duty for training in India.

8.	3.2	Powers to dispense with the production of medical certificate of fitness.	Panchayat Department. Departments of Government	Full powers in individual cases.
9.	3.14	Powers to suspend a lien.	Departments of Government, Hon'ble Judges of the High Court.  Heads of Departments and Heads of Offices.	Full powers. Full powers in the case of members of the Punjab Civil Service (Judicial Branch) on posts in the Selection Grade; provided the Government employee whose lien is suspended is holding a superior post on which no other Government employee holds a lien and there is no reasonable expectation of his reversion with three years. As regard Government employees whom they can appoint.
10.	3.16	Power to transfer a lien.	Departments of Government. Heads of Departments.	Full powers. Full powers in respect of non-gazetted Government employees whom they can appoint.
11.	3.23	Power to relax the provisions of the rule 3.22.	Departments of Government. Heads of Departments and other authorities competent to grant	Full powers provided the place of making over charge is within Punjab. Full powers in respect of Government employees to whom they are competent to

			leave.	grant leave including class II officers provided place of making over/ taking over charge is within Punjab.
12.	3.24	Power to declare that proviso (a) to rule 3.23 is not applicable to any particular case.	Departments of Government. Heads of Departments and other authorities competent to grant leave.	Full powers. Full powers in respect of Government employees to whom they are competent to grant leave including class I officers provided the place of making over/ taking over charge is within Punjab.
13.	Omitted.			
14.	4.3	Power to grant the pay and allowances of a Government employee treated as on duty under rule 2.16(b).	Departments of Government. Heads of Departments and Superintending Engineers in the Irrigation Branch.	Full powers. In individual cases of non-gazetted Government employees only whom they can appoint without reference to the higher authority.
15.	4.3	Power to sanction the grant of pay while on training to a candidate for the post of :-  (a) Tehsildar  (b) Naib Tehsildar who is not in Government service.  (c) Kanungo while under settlement or colony training	Commissioners of Divisions.  Colonization Officers, Settlement Officers, Deputy Commissioners and Extra Assistant Commissioners incharge of settlement	Full powers subject to the condition that the rate of pay does not exceed in the case of :-  (a) Tehsildar, Rs.75 per mensem.  (b) Naib-Tehsildar Rs.50% per mensem.  Full powers subject to the condition that in the case of a candidate who is not a Government employee the rate of stipend does not exceed Rs. 20 per mensem

		operations.		and in the case of a person already in Government service the rate of pay shall be equal to the presumptive pay of the post, which he holds substantively, provide it does not exceed the minimum pay of the post of Kanungo, provided further that a Kanungo candidate recruited from the Patwari Class shall while working as settlement Patwari for the purpose of training receive the pay of his substantive post as patwari.
		(d) Kanungo while under training in a district not under settlement training.	Deputy Commissioner.	In the case of person who is already in Government service provided the pay shall be the minimum pay of a Patwari.
16.	Omitted.			
17.	Note 6 below rule 4.4	Power to issue a declaration as to the relative degree of responsibility attaching to two posts in case of doubt.	Departments of Government and Heads of Departments.	The certificate will be issued by the Administrative Department concerned in respect of the new post, in cases where the two posts are in different departments and by the Heads of Department where the Heads of Department is the appointing authority.
18.	4.7	Power to withhold increments.	(i) Authorities specified in the service rules.  (ii) Authorities competent to make substantive appointment to the post which the Government employee	To the extent specified in the Service Rules Full Powers.  Full Powers.

holds where no service rules have been issued -

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(iii) Deputy Inspectors General of Police, Assistant Inspector General, Railway Police, Superintendents of Police, Assistant Superintendent of Railway Police and Deputy Superintendents incharge of Railway Police Sub Divisions.

As provided in the Police Rules, in the case of the Subordinate ranks of the Police Force.

(iv) Heads of Offices

In the case of Class IV Government employees upto a maximum period of three years.

19.	4.10	Power to grant premature increments to a Government employee in a time-scale of pay in order to fix initial pay in excess of the amount permissible under rules 4.4 and 4.14.	Departments of Government.	Full powers in the following cases and subject to the following conditions :-  (a) In cases where the individual concerned does not apply for benefit under rule 4.10 for fixation of his pay within two months of the date on which the occasion for refixation of his pay arises, no arrears shall be allowed in respect of the periods prior to the date of application or, if there is no such application, the date of first reference by the Head of Office.  (b) In cases other than cases of re-employment after resignation, removal or dismissal from the public
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service where a Government employee has previously rendered service in a post in the higher time scale in an officiating or temporary capacity, his service in a higher post may be allowed to count for purposes of increments in the lower post but in the case of such service rendered against work charged post benefit may be allowed of only half of such service for increments in the lower post.

(c) Where the minimum of the scale of the lower post is greater than the minimum of the scale of the higher post the benefit claimed should be allowed with the concurrence of Department of Finance on the merits of each case.

(d) Where the Public Service/ Subordinate Services Selection Board recommends a higher start in fixing the initial pay by allowing not more than five advance increments the Administrative Department may sanction the pay so recommended for a period up to six months with a stipulation to the effect that the pay would be finally fixed by the Department of Finance and if pay finally

				fixed is less, no recovery would be effected in respect of the initial period up to six months. In cases where more than five advance increments are recommended, prior approval of Department of Finance should be sought.
19-A	4.10	Powers to grant advance increment to the officers who gazetted officers abroad to improve their qualifications.	Departments of Government.	Full powers subject to the condition that the procedure provided in Chief Secretary to Government, Punjab Circular letter No.961 4GS-62/5594, dated the 16 <sup>th</sup> February, 1962 is followed.
20.	Proviso to Rule 4.13	Power to decide whether officiating pay should or should not be given in case of Clerical and Subordinate posts not borne on Provincial scales.	Heads of Offices.	Subject to the principles laid down in rule 4.13.  Note : Officiating appointments in the offices of the Deputy Commissioners are regulated by the special orders relating thereto
21.	4.16	Power to reduce the pay of officiating Government employees.	Head of Departments.  Controller of Stationery and Printing.	Full powers.  In respect of officiating Government employees employed on technical establishment in the Punjab Government Presses.
22.	4.1, 4.20 and 4.21	Power to fix pay.	Heads of Departments, Superintending Engineers, Public Workds Department, Irrigation Branch Conservators of Forests and Election	In respect of temporary posts which they are specifically authorised to create.

			Commissioner.	
23.	4.22	Power to appoint a Government employee to hold temporarily or to officiate in more than one post.	Departments of Government, Speaker, Punjab Legislative Assembly.	Full powers.
			Heads of Departments.	Full powers in respect of non-gazetted Government employees.
24.	4.22	Power to fix the initial pay of a Government employee appointed to hold temporary or to officiate in more than one post.	Departments of Government.	<p>Full powers subject to the principles laid down below :-</p> <p>(a) The highest pay to which the Government employee would be entitled if his appointment to one of the posts stood alone.</p> <p>(b) In respect of the other post, if the additional post is lower than his own post no additional pay should be allowed. If, however, the post is higher than his own post he may be allowed the difference between his own pay and pay of the higher post as stated under (a) above. In case the other post is equivalent he will get nothing extra if the two posts are in the same office or establishment which are in the same line of promotion otherwise he may be allowed 20 percent of the minimum of the additional post :</p>

Provided that a claim for additional pay should be entertained only if the period involved exceeds 14 days and there is a formal order of appointment of the Government employee concerned to hold charge of the additional post, in addition to his own duties.

Heads of Departments.

Full powers in respect of non-gazetted Government employees subject to the principles laid down above.

25      4.24      Power to appoint and grant honorarium to Government employees appointing to hold charge of the current duties of another post in addition to their own duties.      Departments of Government

26.      4.24      (1) Power to grant honorarium to Government employees of the P.C.S. (Judicial Branch) appointed to hold charge of the current duties of the office of the District and Sessions Judges in addition to their own duties.      Judges of the High Court.      Up to 10 percent of substantive pay of the Government employee concerned, provided the period of the additional charge is not less than 14 days and not more than two months.

(2) Power to appoint gazetted Government employees class II and non gazetted Government employees to hold charge of current duties of another post in addition to their own duties and to grant honorarium to them.	Heads of Departments	Up to 10 percent of the substantive pay of the Government employees concerned or 5 percent of his officiating pay if he holds no lien on any permanent post, provided the period of additional charge is not less than 14 days and the amount of honorarium does not exceed what would have been admissible had he been formally appointed to hold full-fledged charge of the post.
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27. Omitted

28. 5.1 To (a) Deputy (1) Inspectors at- Rs. 35 per mensem.  
sanction Inspector General  
house rent of Police and (a) the headquarters  
allowance. Assistant or Cantonments of  
Inspector – Delhi in respect of  
General, Government Railway  
Government Police only, Amritsar.  
Railway Police.
- (b) the headquarters Rs 20 per mensem.  
or Cantonments of  
Jullundur and  
Ferozapore.
- (c) any other lace in Rs. 12 per mensem.  
the Punjab
- (2) probationary Up to a maximum of  
Inspectors- half the rates admissible  
to Inspectors.
- (b) (1) Sub – Inspectors Rs. 18 per mensem.  
Superintendents at \_\_ (a) headquarters  
of Police, the or Cantonments of  
Deputy Delhi in respect of  
Superintendent of Government Railway  
Police incharge Police only, Amritsar.  
of the Recruits  
Training Centre,  
Gobindgarh Fort  
Amritsar and  
Assistant  
Inspector-

General  
Government  
Railway Police.

(b) the headquarters or Cantonments of Jullundur, Ferozpore and hill station other than Simla and Dalhousie. Rs. 10 per mensem.

(c) any other place in the Punjab. Rs 6 per mesem.

(2) Probationary Sub Inspectors. Half the rates admissible to Sub – Inspectors.

(1) Assistant Sub – Inspectors, Probationary Assistant Sub – Inspectors and Head Constables at. Rs 5 per mensem.

(a) the headquarters or Cantonments of Delhi, in respect of Government Railway Police only, Amritsar.

(b) the headquarters or Cantonments of Jullundur, Ferozpore and any hill station other than Simla and Dalhousie. Rs. 3.50 per mensem.

(c) any other place in the Punjab. Rs. 2.50 per mensem.

(4) In the headquarters of Cantonment of .

Training Centre, Gobindgarh Fort, Amritsar and Assistant Inspectors General, Government Railway Police. (a) Ferozepore Up to Rs. 3 per mensem for married constables  
(b) .Delhi in respect of Government Railway Police only, Hoshiarpur, Jullundur, Ludhiana, Gurdaspur and Amritsar. Up to Rs. 2 per mensem for married constables..

(5) Elsewhere. Up to 1 per mensem for married constables.

29. 5.1 To grant compensatory allowance to Superintendents of boarding – houses attached to Government Middle and High Schools and Degree Colleges where suitable free quarters are not available. Director of Public Instruction, Punjab, Provided the allowance does not exceed 10 percent of their pay.

30. 5.1 To grant house – rent allowance to Mukadams who are entitled to free quarters but for whom such quarters are not Director of Agriculture, Punjab. of Up to 5 per mensem in each case .

available

To grant house – Heads of offices in Up to Rs 5 per mensem  
rent allowance to Agriculture in each case subject to  
Agriculture Sub– Department. the control of the D. A.  
Inspectors who Punjab.  
are entitled to  
free quarters but  
for whom such  
quarters are not  
available.

31 . Omitted.

32. 5.5 Power to accept Departments of Full powers  
an officiating Government.  
Government  
employee's  
reasons for  
refusing to  
occupy the house  
placed at his  
disposal by the  
permanent  
incumbent while  
on leave or  
transfer.

Heads of Departments Full powers in respect  
of :-

(a) non – gazetted  
Government employees.

(b) class ii gazetted  
officers ;and

(c) Class I gazetted  
officers up to district  
level.

33. 5.35 (b) Powers to waive Departments of Full powers in types of  
and 5.35 or reduce the Government. cases enumerated in  
(c) amount of rent to be recovered from any Government employee or class of Government employees or to waive or reduce the amount of municipal and other taxes not being house or property tax to be recovered from any Government employee .

Heads of Departments Full powers in respect of non gazetted employees whom they can appoint in types of cases enumerated in rule 5.35.

34. 5.38 Power to sanction remission of rent when a building is uninhabitable. Departments of Full powers in types of cases enumerated in Note 1 below rule 5.35.

Heads of Departments Full powers in respect of non – gazetted employees whom they can appoint in types of cases enumerated in rule 5.35.

35. 5.47 Power to direct that a Government employee on leave shall be in occupation of a residence.
- Departments of Government
- Full powers in types of cases enumerated in Note 1 below rule 5.35.
- Heads of Departments
- Full powers in respect of –
- (a) non – gazetted Government employee ;
- (b) class II gazetted officers; and
- (c) class, gazetted officers up to district level.
- Chief Engineers, Public Works Department, Building and Roads, Engineers in the Irrigation Branch.
- Full powers in respect of residences under their control occupied by non-gazetted Government employees.
36. 5.51 Powers to permit furniture to be stored free of rent.
- Superintending Engineers, Public Works Department and Conservator of Forests.
- In respect of residences under their control.
37. 5.54 Power to grant compensation to Government employees for the accidental
- Departments of Government, Chief Engineers, Public Works Department, Financial
- of Chief of the Government employee, whichever is less.
- Up to a limit of Rs. 1,000 or a month's pay of the Government employee, whichever is less.

loss of their Commissioner,  
property. Inspector – General of  
Police and Hon'ble  
Judges of the High  
Court.

Heads of Departments Up to a limit of Rs. 500  
(except those or a month's pay of the  
mentioned above) and Government employee  
Commissioners of whichever is less.  
Divisions.

38. 5.55 Powers to grant Departments of Upto a maximum of  
or permit a Government. Rs.200 if the service  
Government rendered falls within the  
employee to course of the ordinary  
receive duties of the  
honorarium. Government employee  
concerned & in other  
cases upto Rs. 2,000 in  
each individual case  
during a financial year.

Heads of i) Upto a maximum of  
Departments. Rs.250 in each  
individual case during a  
financial year, Provided  
the services rendered  
does not fall within the  
course of the ordinary  
duties of the  
Government employee.

ii) Full powers in  
respect of setting up of  
examination papers, and  
evaluation of answer  
sheets including these  
relating to practical  
examination, and in

respect of payment to invigilators or supervisors and for holding of part-time classes subject to the condition that the rates have been approved by the Department of Finance.

Director of Public Instruction, Punjab. Upto a maximum of Rs.200 in each individual case during a financial year provided the service rendered does not fall within the course of ordinary duties of the Government employee

Director of Technical Education, Punjab. Upto Rs.1,000 in each individual case within a financial year in each case of Government employees engaged in connection with the examinations conducted by the State Board of Technical Education, Punjab and in other cases upto Rs.250 in each individual case within a financial year provided that :-

Full powers in respect of evaluation of answer books & holding of part time classes, subject to the condition that the

rates have been approved by the Department of Finance.

39. Omitted.

40. 5.57 Power to sanction the taking of work for which a fee is offered and the acceptance of the fees thereof :-

i) to Class I Departments of Full powers. Officers not Government. below the rank of Additional or Joint Heads of Departments.

ii) to the Heads of Departments Full powers. Gazetted Officers other than Class I officers referred to in sub-clause (i) above.

iii) to Class III Head of Offices. - do - and Class IV Government employees working under the Heads of offices.

41. 7.3(4), 7.3- Power to The authority Full powers.  
A (2) determine the competent to order re-  
and 7.3- amount of pay instatement of the  
B(5) and allowances Government

which may be employee.  
paid to the  
Government  
employee.

42. 7.3-B(7) Power to treat the The authority Full powers.  
period of competent to order  
suspension of the reinstatement of the  
Government Government  
employee as a employee.  
period spent on  
duty for any  
specified  
purpose.
43. 8.18 Powers to grant Departments of Full powers in respect  
leave to a Government. of gazetted officers.  
Government  
employee in Heads of Full powers in respect  
respect of whom Departments. of non-gazetted  
a medical Government employees.  
committee has  
reported that  
there is no  
reasonable  
prospect that he  
will ever be fit to  
return to duty.
44. 8.23 Powers to grant Departments of Full powers.  
leave Government.
45. 8.27 and 8.28 Power to direct Departments of Full powers.  
in any case Government.  
otherwise than as  
laid down in  
rules 8.27 and  
8.28.

Heads of In respect of

Departments  
Conservators  
Forests. Government employees  
of to whom they are  
competent to grant  
leave.

46. 8.29 To grant Departments of Full powers.  
permission to Government.  
prefix or affix  
vacation to leave  
in cases where  
the combination  
of vacation with  
leave involves  
extra expense to  
Government.

47. 8.33 Powers to decide Departments of Full powers.  
in doubtful or Government.  
inequitable cases  
which  
Government  
employee shall  
be held to have  
been incharge  
and to whom the  
pay of the post  
for Sunday or  
holidays shall be  
paid.

Heads  
Departments. of Full powers in respect  
of non-gazetted  
Government employees  
and Class II gazetted  
officers.

48. 8.41 (b) Powers to grant Departments of Full powers.  
permission to a Government  
Government  
employee on Speaker, Punjab

leave to accept Legislative Assembly.  
employment or to  
take up service.

Heads of Full powers in respect  
Departments. of non-gazetted  
Government employees  
and Class II gazetted  
officers.

49. 8.47 Power to extend Departments of Full powers.  
leave overstayed. Government.

The authority granting Upto 14 days out of  
the leave. India and 7 days in  
India.

Heads of Upto 90 days.  
Departments.

Chief Engineers Full powers in the case  
Buildings and Roads of Officers of the rank  
and Public Health. of S.D.O.s. Assistant  
Executive Engineers,  
other officers upto the  
rank of Executive  
Engineers up to the limit  
of powers delegated  
under serial No.21  
appendix 12 of Punjab  
Civil Services Rules,  
Volume I, Part II.

50. Paragraph Power to decide Departments of Full powers.  
2(ii) in case of doubt Government.  
annexure whether a  
to section particular  
1, Chapter Government  
VIII employee is  
serving in a

vacation  
Department.

51. Omitted.
52. 8.137 Extraordinary Departments of Upto two years.  
leave. Government,  
Upto one year.  
Heads of  
Departments.
53. 9.7 Power to permit Heads of Full powers.  
the calculation of Departments.  
joining time by a  
route other than  
that which  
travellers  
habitually use.
54. 9.19(a) Power to grant Departments of Full powers.  
extension of Government,  
joining time.
55. 10.2(b) Power to transfer Departments of  
a Government Government. Full powers subject to  
employee to the conditions in Serial  
foreign service in Heads of No.56.  
India. Departments.
- Director of Health Full powers to transfer  
Services Assistant Medical  
Officer to foreign  
service under local  
bodies.
56. 10.4 Power to fix pay (a) Departments of Full powers subject to  
in foreign Government. the conditions in  
service. Annexure A to Chapter  
X and provided that --

(a) the pay fixed --

(i) does not exceed  
Rs.1,000 per mensem.

(ii) does not exceed the  
pay, other than special  
pay, personal pay and  
emoluments classed as  
pay under rule 2.44(a).

(iii) which the  
Government employee  
would draw from time  
to time; if he were in  
Government service by  
more than 20 percent of  
that pay exclusive of  
overseas pay.

(b) Non concessions are  
sanctioned in addition to  
pay except --

(i) Payment by the  
foreign employer of  
leave and pension  
contributions and in the  
case of Government  
employees eligible to  
contribute towards the  
Punjab Contributory  
Provident Fund the  
payment by the foreign  
employer of  
Government share of  
contribution towards the  
fund.

ii) payment by the

foreign employer of such compensatory allowance as would be paid by Government at the station at which he is employed in foreign service were the Government employee in the service of Government.

Note. – The Medical Department can in addition sanction the grant of house-rent allowance to Assistant Medical Officer in foreign service upto the amount drawn by Assistant Medical Officer holding similar posts under Government.

(b) Heads of Departments. Full powers in the case of those Government employees whom they can appoint and subject to the conditions mentioned above.

(c) Director of Health Services Full powers in the case of Assistant Medical Officer transferred to foreign service under local bodies provided the pay fixed is not in excess and that drawn in government service ; and provided further

that no concessions are sanctioned in addition to pay except --

(1) Payment by the foreign employer of Government share of the contribution towards Contributory Provident Fund.

(2) Grant of free quarters or an allowance of Rs.15 per mensem in lieu thereof

- |     |                        |  |                               |  |
|-----|------------------------|--|-------------------------------|--|
| 57  | Rule, 10.18            | Power to decide the date of reversion of a Government employee returning after leave from foreign service. | Heads of Departments          | Full powers .  |
| 58. | Note 2 under rule 14.4 | Creation of permanent posts on the following scale:-   | All departments except P.W.D. | Full powers, except in regard to post in the Secretariat, Office of the Department concerned in respect of which assent is given only in regard to the creation of posts of Class IV Government employees other than Jamadar and Ushers and Orderlies attached to Gazetted Government employees. |

(i) (a) Clerks

Rs.400-10-450 /  
15-525/15-600.

(b) Mechanics:  
Rs.400-10-450/  
15-525-600/20 –  
660

(c) Orderlies:  
Rs.300-325/5–  
350/10-430, and

(d) Other posts provided that the maximum pay of the post does not exceed 600 and provided also that the pay of the post is the same as that sanctioned for the similar post already in existence.

(ii) (a), (b) and Public Works  
(c) As in the Department.  
entry No (i).

(d) other posts provided the maximum pay of the post s does not exceed Rs. 600 and provided also that the pay of the posts is the same as that sanctioned for similar posts

Ditto

already in  
existence.

Creation or Chief Engineers, Creation of posts.  
abolition of Irrigation Works.  
permanent posts  
on the following  
scale:-

(iii) (a), (b) and  
(c) As entry  
No.(i)(d)- other  
posts; provided  
the maximum  
pay of the posts  
does not exceed  
Rs.600 and  
provided also  
that the pay of  
the posts is the  
same as that  
sanctioned for  
similar posts in  
existence.

Full powers in respect  
of the posts in the  
subordinate offices of  
the Irrigation Branch.

Abolition of posts.

Full powers

59. Note 2 (a) Creation of (i) All departments Provided the pay of the  
under rule temporary posts except Public Works post does not exceed  
14.4 other than those Department that sanctioned for  
to the creation of similar permanent posts  
which Finance or Rs. 600 per mensem  
Department's (i) whichever is less and  
to rule 15.1 read that the appointment  
with serial No. does not extend for  
58 above. more than 6 months in  
one and the same  
financial year,

(ii) Public Works Provided—  
Department.

(i) the pay of the post

does not exceed that sanctioned for similar posts;

(ii) the pay of the posts does not exceed Rs. 800 per mensem in the Building and Roads Branch and Rs. 1250 per mensem in the case of irrigation branch;

(iii) the pay of the incumbent of the post is fixed in accordance with the provisions of the rules;

(iv) the appointment except in the case of workcharged establishment does not extend for more than six months within one and the same financial year.

(iii) Chief Engineer, Full rows provided—  
Irrigation Works.

(i) the scale of pay of the – posts is the same as sanctioned for similar posts;

(ii) the maximum of the scale does not exceed one thousand eight hundred and fifty rupees per mensem; and;

(iii) the appointment does not extend beyond the current financial year.

(iv) Chief Engineer, P.W.D. B & R and Chief Engineer, P.W.D. Public Health. Full powers provided--- (i) the scale of pay of the posts in the same as sanctioned for similar posts;

(ii) the maximum of the scale does not exceed Rs. 1080 ;and

(iii) the appointment does not extend beyond 6 months in the current financial year,

Director of Industries, Punjab. Full powers subject to the condition that the posts are not created for a period of more than 6 months.

(b) Creation of temporary posts of Inspectors of Police and officers below that rank in connection with the imposition of additional police posts under sections 13, 14 and 15 of Police Act, 1861. Home Department. Provided that the pay and allowance of the post created is according to the sanctioned scales as laid down in chapter X of Police Rules, Volume— I.

(c) Creation of training posts of temporary Engineers and Overseers.	Chief Engineers, Irrigation Works, Punjab.	Full powers subject to the rate of pay that is fixed by the Government by general or special orders and the duration of the posts does not exceed six months.
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Note – The Chief Engineer, Irrigation Works, Punjab, shall not create training posts of temporary Engineers and Overseers under Serial No. 59 (a) of rule 15.1 of the Punjab C.S. R. Volume –I, Part-I.

(d) Creation of Training posts of Temporary Assistant Engineers.	(i) Chief Engineer, Public Works Department, Building and Roads Branch.	Full powers subject to the rate of pay that is fixed by the Government by general or special orders and the duration of the posts does not exceed six months.
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(ii) Chief Engineer  
Public, P.W.D. Public  
Health Branch.

Note: - The Chief Engineer, Punjab Public Works Department, Building & Roads Branch and Chief Engineer, P.W.D., Public Health Branch shall not create training posts of Temporary Assistant Engineers under Serial No.59 (a) of rule 15.1 of the Punjab Civil Services Rules, Volume-I, Part I.

60.	Note 2 under rule 14.4	Creation of posts in connection with plan Schemes, as provided in the State Five- Year Plans.	All Departments.	Full powers for creating posts up to district level Officers or equivalent posts at the Headquarters, provided that:-
				(i) these are on the same scale of pay as for

similar existing posts;

(ii) the concurrence of the planning Department is obtained before creating such posts (in the event of difference of opinion between the Administrative Department the matter shall be referred to Finance Department).

(iii) the creation of post is in accordance with the norms regarding workload, if already prescribed.

Note:- Copy of the sanction order creating the post should be simultaneously endorsed to the Finance Department.

Director of Public Instruction, Punjab. Powers to create posts of Masters / Mistresses / Teachers (non gazetted ) for six months under the following plan Schemes :-

(1) Expansion of Educational facilities for the age group 11-14 (corresponding to Middle School for Boys and Girls).

(2) Expansion of Educational facilities for age group 14-17 (corresponding to High / Higher Secondary School for Boys and Girls);

Provided that :-

(a) these are on the same scale of pay as are attached to similar existing posts:

(b) the posts are created in accordance with accepted norm approved by the Administrative and Departments of Finance regarding allocation of work load;

(c) the total expenditure during the year should not exceed the relevant plan norm;

(d) to extend their life beyond six months recourse shall be taken to normal channel to obtain orders of the competent authority.

61. Note 2 under rule 14.4 Increase or reduction in the pay of permanent or temporary All Departments.

Provided that the maximum pay of the post is in conformity with the scales

posts.

prescribed in Serial Nos.  
58 and 59 after the  
creation or before the  
reduction as the case  
may be.

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## LAND REVENUE

62. Note 2 under rule 14.4.
- (a) To sanction payment to establishment sent to a new settlement at the expiry of an old one before the commencement of the new settlement is sanctioned. Financial Commissioner
- Full powers provided that the budget provision is not exceeded and no fresh posts are created.
- (b) To create temporary posts of Patwaris. Financial Commissioner.
- Full powers
- (c) To create temporary posts for Settlement and Colonization Operations. Commissioners of Divisions
- (i) Pay of the posts shall not exceed that sanctioned in similar permanent posts.
- (ii) Within a financial year.
- (d) To create temporary posts of Field Kanugos. Ditto
- (i) Pay to be in accordance with the sanctioned rates of pay for similar permanent posts;
- (ii) For 6 months within the financial year.
- (e) To create temporary posts of Patwaris doing work other than given in item (g) Ditto.

below.

(f) To create temporary posts of Patwaris for recopying revenue records	Director, Land Record.	Up to 6 months in each case for work already sanctioned by the Financial Commissioner or Government.
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(g) To create temporary posts of Field Kanungos and Patwaris to carry on the duties of Field Kanungos and Patwaris appointed as Teachers and Assistant Teachers in a Patwaris School.	Director Land Records.	For 5-1/2 months only subject to the condition that the pay of Field Kanungos and Patwaris should not exceed for similar permanent posts.
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(h) To create temporary posts for settlement and Colonization Operators except Settlement and Colony Patwaris.	Settlement Officers, Extra Assistant Commissioners Incharge of Settlement Operation and Colonization Officers.	(i) Pay of the posts shall not exceed the sanctioned for similar permanent posts. (ii) Within the financial year.
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(i) To create temporary posts for the destruction and re-arrangement of records in Sadar Kanungos Offices.	Deputy Commissioners.	(i) To be used only when there is abnormal pressure of work.
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(ii) pay to be in

accordance with sanctioned rates for similar permanent posts.

(iii) For six months within the financial year.

(j) To create Settlement Officers. temporary posts of one Reader and one Peon for each Assistant Commissioner and Extra Assistant Commissioner under Settlement training.

(i) Pay to be in accordance with that sanctioned for similar permanent posts.

(ii) The period of the appointment shall be for so long as the Assistant Commissioner or extra Assistant Commissioner remains under settlement training.

#### EXCISE AND TAXATION DEPARTMENT

63. Note 2 (a) To create Excise and Taxation under temporary posts Commissioner. in the Excise Department.

(i) At rates not exceeding permanent scales with a maximum of Rs.250 per mensem.

(ii) Within the financial year.

(iii) Subject to report to Government.

(b) To create Deputy Excise and

(i) Remuneration not to

temporary posts to carry on business of a shop for vend of opium and to sanction the remuneration therefore.

Taxation Commissioner.

exceed Rs.105 per mensem.

(ii) Within a financial year.

(iii) Subject to report to the Excise and Taxation Commissioner.

(c) To create temporary posts of Peons for Excise Sub-Inspectors II grade placed incharge of circles.

Deputy Excise and Taxation Commissioner.

(i) at the rate not exceeding the permanent scale.

(ii) Within one financial year.

(iii) Subject to report to the Excise and Taxation Commissioner.

#### FOREST DEPARTMENT

64. Note 2 under rule 14.4 To create temporary posts specified below on pay not exceeding that shown against each --

Principal Chief Conservator of Forests

Within a financial year subject to availability of budget provision and further subject to the following conditions:-

(1) Draftsman Scale of pay as that of permanent post

(2) Mechanics (Rs.140 – 300 Technicians category IV grade)

(i) On first appointment the starting pay will not exceed the minimum of the scale approved for similar posts.

(3) Carpenters Ditto

(4) Watchers Rs.110 – 180

Further annual increase, if any, in case of non

- (5) Fireman Rs.110 –180
- (6) Godown Assistant Rs.140 – 300
- (7) Surveyors Rs.120 – 250
- (8) Demarcation Daroghas Rs.110 – 250
- (9) Demarcation Supervisor Rs.110 - 250
- (10) Motor Driver Scale of pay as that of a permanent post.
- (11) Motor & Tractor Cleaners Ditto
- (12) Bull-dozers, Tractors and Water-pump Operators Rs.130 – 200 (Driver's special grade)
- (13) Fitter Rs.140 – 300
- (14) Tractor Driver Rs.130 – 200 (Driver's special grade)

scale posts will not be in excess of the increments due to corresponding posts on the permanent establishment.

(ii) Principal Chief Conservator of Forests will be the competent authority to declare the corresponding post on the permanent establishment.

#### REGISTRATION DEPARTMENT

65. Note 2 under rule 14.4 To create temporary posts of Clerks and Peons. Commissioners of Divisions.
- (a) Pay not to exceed Clerks, Rs.110 per mensem.
- Peons, Rs.70 per mensem.

(b) Within the financial year.

GENERAL ADMINISTRATION AND REVENUE DEPARTMENT

66. Note 2 under rule 14.4
- (a) To create temporary posts of Financial Commissioners of Clerks,
- (i) Only when there is an abnormal pressure of work.
- (ii) Pay not to exceed Rs.400 / per mensem.
- (iii) Within the financial year.
- (b) To create temporary posts of Naib-Tehsildars, their muharries in the scale of Rs.400-10-450/15-525/15-600 and their peons;
- Commissioners of Divisions.
- For three months. For six months in urgent cases : provided the approval of the Financial Commissioner is obtained in advance.
- (c) To create temporary posts - Divisions.
- (i) Pay to be in accordance with the sanctioned rates for similar permanent posts and subject to a maximum of Rs.400 per mensem.
- (ii) Within the financial year.
- (i) required for Commissioner's offices;
- (ii) required for Special Land Acquisition Officers;
- (iii) required in Deputy Commissioner's

offices to deal with the work arising out of land acquisition proceedings;

(iv) required in Deputy Commissioner's offices to help in work connected with Taccavi distribution;

(v) required for camps of Exercise and Military manoeuvres;

(e) To create Deputy temporary posts Commissioners

i) For Deputy Commissioners' office.

(i) Only when there is an abnormal pressure of work.

ii) For the Destruction of Records in District Record Room.

(ii) Pay to be in accordance with sanctioned scale for similar permanent posts and subject to maximum of Rs.400/-.

iii) Additional Chaprasis either on service of processes or on ordinary district work.

(f) To create Deputy temporary posts in the scales Commissioner s

Pay not to exceed

Reader : Rs. 400-10-

given in column No.5 for each Assistant and extra Assistant Commissioner who is appointed in excess of the recognised strength one of the district Reader One Ahlmad One Peon One

(g) To create temporary posts of Peons for Transport Registration Officers where a Peon can not be spared from the existing Tehsil establishment.

(h) To sanction the retention of the staff attached to Court of Stipendiary Magistrate proceeding on leave.

Deputy Commissioners

450/15-600-20-660.

Ahlmad : Rs. 400-10-450/15-600-20-660.

Peon : Rs.300-5-325/5-350-10-430.

(ii) The period of the posts shall be for so long as the posts of additional Assistant and extra Assistant Commissioner are created and shall in no case extend 10 days beyond the date on which the office relinquish their charge.

(i) Pay not to exceed Rs.300 per mensem.

(ii) For six months.

(i) Provided the period of leave does not exceed one month.

(ii) The Magistrate is to be reported in the district at the end of leave.

(iii) The staff is utilised by the Government employee or Government employees detailed to carry on the Magistrates

Court work during the period.

(iv) The pending cases are not transferred to other Courts.

(i) To create temporary posts of Secretary, Punjab Vidhan Sabha

(a) For the duration of Punjab Vidhan Sabha Session :-

(a) Watch and Ward Assistants upto 10.

(b) The pay and allowances shall not in any case exceed the rates admissible for similar posts in the Punjab Civil Secretariat or Punjab Vidhan Sabha Secretariat.

(b) Telephone Attendant upto 10

(c) Telephone Messengers upto 10.

(i) To sanction temporary posts of warders. Inspector-General of Prisons.

For 6 months within the financial year provided that the pay and allowances of the temporary appointments shall not exceed that sanctioned for similar permanent posts.

(j) To create temporary posts up to and including the rank of Clerk. Chairman, Punjab Public Service Commission.

(i) Up to 3 months in a financial year.

(ii) In approved scale of pay.

(k) To create temporary posts in the scale given below for the office of the Deputy Commissioner.

(i) Pay not to exceed in the case of Stenographer and Reader—Rs.570-15-600/ 20-700-25-850/30-1000-40-1080 and

Additional  
Deputy  
Commissioner:-  
  
One Stenographer  
  
One Reader  
  
One Ahlmad  
  
Two Peons

Rs.400-10-450/15-  
525/15-600 in the case  
of Ahlmad and Rs.300-  
5-325/5-350/10-430 in  
the case of Peon.

(ii) The period of  
appointment shall be for  
so long as the post of  
Additional Deputy  
Commissioners is  
created subject to the  
limit that sanction shall  
not be given to extend it  
beyond that last day of  
the financial year.

(1) To create a Deputy  
temporary post of Commissioner.  
Steno-typist for  
each 1st Class  
Magistrate  
appointed in  
excess of the  
recognised  
strength of a  
district.

(i) Pay not to exceed  
Rs.400-10-450/15-  
525/15-600 plus Rs.25 as  
stenography allowance.

(ii) The period of  
appointment shall be for  
so long as the post of Ist  
Class Magistrate is  
created subject to the  
limit that sanction shall  
not be given to extend it  
beyond the last day of  
the financial year.

#### ADMINISTRATION OF JUSTICE

- |     |                              |  |                                       |  |
|-----|------------------------------|--|---------------------------------------|--|
| 67. | Note 2<br>under rule<br>14.4 | (a) To create new permanent ministerial posts required for the High Court and courts subordinate | The Hon'ble Judges of the High Court. | The pay of the post shall not exceed –<br><br>(i) For the High Court, Rs.110-10-130/5-180/6-210/8-250. |
|-----|------------------------------|--|---------------------------------------|--|

thereto.

(ii) For subordinate Courts.  
Rs.110-4-130/5-180/6-  
210/8-250.

(b) To create new permanent posts in the process Serving Establishment required for the High Court and Courts Subordinate thereto.

Ditto

The pay of the posts shall not exceed the following limits –

(i) Civil Nazirs, Rs.160-400

(ii) Naib Nazirs - Rs. 110-250.

(iii) Assistant Naib-Nazirs, Rs.110-250.

(iv) Bailiffs, Rs.100-160.

(b) Process Servers, Rs75-105.

(c) To create new permanent posts in the class IV Establishment required for the High Court and Courts subordinate thereto.

Ditto

The pay shall be subject to the following limits –

(i) Ushers and Jamadars, Rs75-105.

(ii) Orderly/ Office Peon Rs.70-95.

(d) To create temporary ministerial and Class IV posts required for the High Court and Courts subordinate thereto.

The Hon'ble Judges of High Court

(i) the pay attached to such posts shall be in accordance with the sanctioned scales for the permanent posts.

(ii) Within the financial year unless the pay is according to the scales laid down in items (a) (b) and (c) above pay to be in the usual scale.

<p>(e) To create the post of messenger for each district Court when the amount of station dak to be dealt with appears to render this necessary.</p>	<p>Ditto</p>	<p>Pay to be in the usual scale.</p>
<p>(f) (i) To create new temporary posts of District Attorneys in emergent cases.</p>	<p>Administration Department</p>	<p>(i) The pay attached to the post of District Attorney shall not exceed Rs.1200/- per month.</p> <p>(ii) The period of appointment shall not exceed 3 months.</p>
<p>(ii) To create new temporary posts of Assistant District Attorneys Grade I and Assistant District Attorneys Grade II in emergent cases.</p>	<p>Director of Prosecution and Litigation and Joint Secretary to Government, Punjab, Prosecution and Litigation Department.</p>	<p>(i) The pay attached to the posts of Assistant District Attorney Grade I and Assistant District Attorney Grade II shall not exceed Rs.825 and 700 Rupees per month respectively.</p> <p>(ii) The creation of post of Assistant District Attorney Grade I shall be subject to the confirmation by the Government.</p> <p>(iii) The period of appointment to any of these posts shall not exceed three months.</p>
<p>(g) To create temporary posts on the scale given below for Courts</p>		<p>(i) Pay not to exceed to Rs.160-400. Stenographer Rs.160-400.</p>

of temporary  
Additional  
District & Session  
Judges

One Reader

One Stenographer

One Translator

One Ahlmad

One Copy Clerk

One Usher

Two Peons

Translator-Rs.160-400

Ahlmad-Rs.110-250.

Copy Clerk Rs.110-250.

Usher –Rs.75-105

Peon-.70-195.

(ii) The period of appointment shall be for so long as the posts of temporary Additional District & Session Judges are created subject to the limit that sanction shall not be given to extend it beyond that last day of the financial year.

(h) To create the following temporary posts required for courts of Additional Sub Judges on the following scale:-

District and Sessions  
Judges.

(i) Pay not to exceed -

Reader Rs.110-250.

Ahlmad- Rs.110-250.

Naib-Nazir - Rs.110-250.

Peon (Orderly)

Rs.70-95.

One Reader

One Ahlmad

One Naib-Nazir

and One Peon

(ii) The period of appointment shall be for so long as the post of Additional Sub Judge is created subject to the limit that sanction shall not be given to extend beyond the last day of the financial year.

(iii) Provided that the post of Copyist/ Naib-Nazir

<p>(i) To create the temporary post required for courts of Chief Judicial Magistrates and Judicial Magistrates.</p>	<p>District &amp; Session Judges</p>	<p>execution Clerk is kept in abeyance for the period for which a Steno-typist post is created.</p>
<p>(j) To create temporary posts of Bailiffs for execution work in connection with application made to Courts on behalf of Co-operative Societies.</p>	<p>Ditto</p>	<p>(i) Pay not to exceed Rs.110-250 with Rs.25 special pay.</p> <p>(ii) The period shall be for so long as the post of the Sub Judge-Cum-Judicial Magistrate exists, subject to the limit that sanction shall not be given to extend beyond the last day of the financial year.</p> <p>(iii) Provided that the post of Copyist/ Naib Nazir/ Execution Clerk is kept in abeyance for the period for which a Steno-typist's post is created.</p> <p>Provided :-</p> <p>(i) The pay attached to such post is in accordance with the sanctioned scale:</p> <p>(ii) The pay plus leave and pension contribution in accordance with the rate fixed for the Punjab Government are recovered from the Societies concerned.</p>
<p>(k) To create the following temporary posts required for</p>	<p>District and Sessions Judges.</p>	<p>(i) Pay not to exceed - Reader Rs110-4-130/5-180/6-210/8-250.</p>

courts of Chief  
Judicial  
Magistrates,  
Reader, Ahlmad  
Steno-typist ,  
Peon.

Ahlmad Rs.110-4-130/5-  
180/6-210/8-250.

Steno-typist Rs.110-4-  
130/5-180/6-210/8-250  
+Rs.25 special pay.

Peon (Orderly)  
Rs.70-2-80-3-95.

(ii) The period of  
appointment shall be for so  
long as the posts of  
temporary Judicial  
Magistrates are created,  
subject to the limit that  
sanction shall not be given  
beyond the last day of the  
financial year.

#### JAIL DEPARTMENT

68. Note 2 (a) To create Inspector General of Full powers provided  
under rule temporary posts Prisons. the initial pay does not  
14.4 of turnkeys on a exceed the minimum  
permanent of the time scale  
footing in sanctioned for this  
Judicial Lock-up class of posts.  
in the State.
- (b)To create Ditto (i)Provided that the  
temporary posts establishment is kept  
of Jail Warders within the sanctioned  
and other Class strength for the class to  
IV employees which the Jail is raised;  
chargeable to and  
both pay of  
Establishment  
and Contingen-  
cies required on
- (ii)for six months.

the occasion of the alteration in the status of a District Jail from a lower to a higher class.

(c) To create temporary posts in other cases of urgent necessity.

Inspector General of Prisons.

(i) Provided that the pay does not exceed Rs.105 or the pay drawn in similar posts in the Jail 'department whichever is less, and.

(iii) For six months.

(d) To create temporary posts of Warders to guard condemned prisoners and Civil prisoners in Civil wards outside main wards.

Superintendents, Jails

Provided—

(i) that the pay does not exceed that sanctioned for similar permanent posts; and

(ii) the appointment in the case of temporary wards to guard condemned prisoners is made in accordance with paragraphs 852 and 853 of the Punjab Jail Manual.

(e) To fix the classification of District Jails for the purpose of determining the allowance admissible to Medical Officer for their Administration

Inspector-General of Prisons

Provided the scale of prisoners as noted below is not exceeded :-

1<sup>st</sup> Class Jails..500 or more

Charge

2<sup>nd</sup> class Jails..300 and  
not more than 499

3<sup>rd</sup> Class Jails...150  
and not more than 299

4<sup>th</sup> Class Jails...More  
than 50 and less than  
150

The figures should be  
the average

The

The figures should be the average of the proceeding year but discretion may be used when owing to abnormal causes, the average number is greater or less than it may reasonably be expected to be in the year under consideration.

(f) To create Superintendents of Jails temporary posts of female warders in a jail when the female warder already attached to the jail is granted casual leave.

(i)The power shall be exercised in those jails only in which there is only one female warder.

(ii)The period of the temporary post shall be limited on each occasion to the period of casual leave taken and shall not exceed 20 days in a year for each female warder granted casual leave.

(iii)The pay shall not exceed the pay drawn in similar permanent posts.

(i) pay not to exceed --

Reader Rs.110-4-  
130/5-180/6-210/8-  
250.

Ahlmad Rs.110-4-  
130/5-180/6-210/8-  
200.

Peon Rs.70-2-80-3-95.

(ii) The period of the  
posts shall be for so

long as the posts of additional Assistant and Extra Assistant Commissioner are created and shall in no case extend 10 days beyond the date on which the officers relinquish their charge.

69 Note 2 (a)To create posts Director of Health  
under rule of Dispensers Services  
14.4 and Sewadars for  
Civil Assistant  
surgeios, Class II  
on plague duty  
when they are  
sent round with  
medical panniers.

(b)To create  
temporary posts  
of Attendants for  
nursing duties  
when a mental  
patient is  
admitted to any  
local hospital in  
Amritsar for  
treatment.

Medical  
Superintendent, Punjab  
Mental Hospital

Provided—

(i)The pay shall not exceed that sanctioned for similar posts on permanent Establishment.

(ii)Within the financial year.

(i)Pay not to exceed that sanctioned for corresponding permanent posts.

(ii)Within the financial year for a period not exceeding 30 days in each case.

(iii)The number of temporary Attendants not to exceed two for each mental patient.

(iv)With the sanction of the Director of Health Services more

than two but not more than four Attendants may be entertained in the case of those patients who require more than two Attendants.

(v)The Medical

(g) To create temporary posts of Peons for Transport Deputy Commissioners. Registration Officers where a Peon can not be spared from the existing Tehsil establishment.

(i) Pay not to exceed Rs.70 per mensem.

(ii) For 6 months.

More than two Attendants.

(v)The Medical

(c) To sanction the creation of temporary posts of special Attendants by the Medical Superintendent, Punjab Mental Hospital, to look after dangerous mental patients other than criminal patients admitted in the Punjab Mental Hospital

Director of Health Services

Superintendent to report to Director of Health Services when he exercise the power delegated to him.

(i) To be used in an emergency only and also when the cost of maintenance is to be recovered from a local Body or Cantonment Authority whether by way of fixed Annual Contribution or otherwise.

(ii) Pay not to exceed that sanctioned for a corresponding permanent post.

(iii) The number of temporary Special Attendants not to exceed 2 for each mental patient.

(h) To sanction the retention of the staff attached to the Court of Stipendiary Magistrate proceeding on leave.

<p>(d)To sanction the creation of the post of a temporary Special Nurse by the Medical Superintendent, Punjab Mental Hospital to look after the child of destitute female inmate.</p>	<p>Director of Health Service</p>	<p>(i)To be used in an emergency only.  (ii)Period of employment of such nurse in each case not to exceed 2 years subject to the condition that the services of the nurse shall be dispensed with when no longer required.  (iii)Pay not to exceed that sanctioned for a corresponding permanent post.  (iv)The number of temporary nurses should not exceed one for each such woman.</p>
<p>(e)To create temporary posts of Special Attendants for private mental patients</p>	<p>Medical Superintendent, Mental Hospital</p>	<p>(i)Pay not to exceed that sanctioned for a corresponding permanent post.  (ii)The number of temporary attendants not to exceed one for each mental patient and two in exceptional cases.  (iii)With the sanction of Director of Health Services more than two but not more than 4 attendants may be entertained in the case of an extremely dangerous or suicidal patient.</p>
<p>(f)To sanction the creation of temporary posts of Special Attendants by the Medical Superintendent, Punjab Mental Hospital to look after dangerous</p>	<p>Director Health Services, Punjab</p>	<p>(i)To be used in a emergency only.  (ii)Pay not to exceed that sanctioned for a corresponding permanent post.  (iii)The number of</p>

criminal lunatic  
condemned prisoner  
admitted to the Punjab  
Mental Hospital, Amritsar

temporary Special  
Attendants not to exceed 2  
for each mental patient.  
(iv)The period of the  
temporary posts shall be  
limited for a duration of the  
stay of a condemned  
prisoner, dangerous  
criminal, mental patient or  
for six months whichever  
is shorter.

(a)To create temporary  
posts for packing  
purposes in the Arts and  
Crafts

(i)On pay not exceeding  
Rs.105 per mensem, in  
each case or the sanctioned  
for similar permanent post  
whichever is less.

(ii)For 6 months within the  
financial year.

(b)To create temporary  
posts for packing  
purposes in the Arts and  
Crafts Depots.

(i)To be used only when  
there is abnormal pressure  
of works.

(ii)Pay of each post to be in  
accordance with sanctioned  
rates for similar posts.

(iii)Total expenditure on  
account of temporary  
establishment sanctioned  
should not exceed Rs.300  
in any financial year.

## STATIONARY AND PRINTING DEPARTMENT

71.	Note 2 under rule 14.4	To create temporary posts under the system of progressive rates of pay and to appoint trained workmen against	Controller of Printing and Stationary	Provided the scales of pay do not exceed those sanctioned for similar posts on the permanent establishment and subject to the sanctioned grant for the purpose
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such posts and to fix their pay in accordance with their individual qualifications after the usual test.

not being exceeded.

PUBLIC WORKS DEPARTMENT

72	Note 2 below rule 14.4	(a)To create temporary posts on the non-gazetted establishment	Superintending Engineers in the Public Works Department, Irrigation Branch and Superintendent, Central Workshop at Amritsar	Provided:- (i)The pay of the posts does not exceed that sanctioned for similar permanent posts. (ii)the pay of the post does not exceed one thousand and two hundred rupees. (iii)the appointment does not extend more than 3 months within one and the same financial year.
		(b)To create temporary posts of Seasonal Signallers in their Circles.	Superintending Engineer in the Public Works Department, Irrigation Branch	Provided :- (i)The pay of the post does not exceed Rs.75 per mensem. (ii)The appointment does not extend for more than 7 months within one and the same financial year
		(c)To create temporary posts of Seasonal Telephone Attendants in their Circles	Superintending Engineer in the Public Works Department, Irrigation Branch  Ditto	  Subject to the limit of 12 percent of the scale of permanent Signallers fixed for each Circle but ordinarily a limit of 10 percent should not be exceeded.
		(d)To create temporary posts of Apprentice Signallers	Ditto	Provided that :- (i)the pay of the post does not exceed that sanctioned for similar permanent post. (ii) The appointment does not

(e)To create temporary posts of Seasonal Gauge Readers in their Circles.	Superintending Engineers, Buildings and Roads Branch	extend for more than 7 months within one and the same financial year
(f)To create temporary posts of Sub-Divisional Clerks	Commissioners of Divisions	Subject to 6 months and provided the prescribed rates are not exceeded.  (i)Pay not to exceed that sanctioned for corresponding permanent posts (ii)For six months
(g)To create temporary posts of assist in their construction of minor Irrigation works the cost being met from the grant for such works	Provincial Transport Controller, Punjab	The period of appointment
(a)To create temporary graded posts of various categories subject to the condition that the pay of the post does not exceed the one sanctioned for similar permanent post or Rs.150 which ever is less		Full powers.
(b)Temporary establishment under daily wages with the maximum of Rs.6 per day.	Director, State Transport, Punjab	
(c)To create non-gazetted posts on regular basis, for which norm is		

fixed by the  
Government, subject to  
the condition that the  
pay of the post does not  
exceed Rs.800 per  
mensem.

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